



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

---

File #: 20-0716, Version: 1

---

### **REPORT TO COUNCIL**

#### **SUBJECT**

Adopt a Resolution to Summarily Vacate a Portion of a Slope Easement at 1390 Borregas Avenue

#### **BACKGROUND**

In 1964, an 18-foot wide slope easement along the eastern edge of Borregas Avenue was dedicated to the City of Sunnyvale as described in that Certain Easement Deed, Document No. 2720716, recorded October 9, 1964 in Book 6695 at Page 430, 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 October 16, 2019, the Zoning Administrator conditionally approved a special development permit (2019-7071) for the construction of a mechanical facility. It consists of two equipment storage buildings, four water storage tanks, and one 1,794 square foot building with a control room and office meeting space. It will provide heating and cooling services to nearby Google buildings (the "Project"). Per the Project Conditions of Approval (EP-6 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 the 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**

This development project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15332 (Class 32 Categorical Exemption (infill development)).

#### **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, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda

and report are available at the Office of the City Clerk and on the City's website.

**RECOMMENDATION**

Adopt the Resolution to summarily vacate a portion of the 18-foot wide slope easement at 1390 Borregas Avenue; and to authorize and direct the City Clerk to record a certified copy of the resolution, attested by the City Clerk under seal, with the Santa Clara County Recorder's Office.

Prepared by: Jason Jung, Civil Engineer

Reviewed by: Jennifer Ng, Assistant Director, Public Works

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. 2720716
2. Conditions of Approval EP-6
3. Resolution of Vacation