



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 22-0719, Version: 1

REPORT TO COUNCIL

SUBJECT

Adopt a Resolution to Summarily Vacate Slope Easement at 1100 North Mathilda Avenue

BACKGROUND

In 1964, a 15-foot wide slope easement along the eastern edge of Mathilda Avenue and the northern edge of Moffett Park Drive was dedicated to the City of Sunnyvale as described in that Certain Easement Deed, Document No. 2720717, recorded September 8, 1964 in Book 6695 at Page 441, Official Records with the Santa Clara County Recorder's Office (Attachment 1).

During the review of the proposed site redevelopment at 1100 North Mathilda Avenue, staff identified that the existing slope easement is not needed for roadway purposes and is not consistent with the current streetscape configuration. On August 24, 2021, the Zoning Administrator conditionally approved a special development permit (PLN 2020-7592) for the construction of a Sheraton Hotel as a modification to previously approved special development permit (PLN 2017-7945). Pursuant to the Project Conditions of Approval (PLN 2020-7592, EP-4 in Attachment 2), implementation of this Project requires the 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

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Additionally, the development project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 (Class 32 - Infill Development Projects).

DISCUSSION

Pursuant to California Streets and Highways Code Section 8333, 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 Public Library, Senior Center, Community Center and in the Department of Public Safety Lobby. In addition, the agenda and report are available at the Sunnyvale Public Library, Office of the City Clerk, and on the City's website.

RECOMMENDATION

Adopt the Resolution to summarily vacate the 15-foot wide slope easement at 1100 North Mathilda Avenue; and 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: Elle Lowe, Engineering Assistant I
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, Document No. 2720717
2. 1100 North Mathilda Avenue Conditions of Approval EP-4
3. Resolution of Vacation