



# City of Santa Clara

1500 Warburton Avenue  
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## Agenda Report

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19-555

Agenda Date: 6/25/2019

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### REPORT TO COUNCIL

#### **SUBJECT**

Action on Resolution Ordering the Vacation of a Portion of a Public Utility Easement at 500 El Camino Real

#### **BACKGROUND**

The President and Board of Trustees of Santa Clara College (“Owner”) is currently in the process of constructing a 47,894 square-foot two-story student athletics building (Project) within the Santa Clara University Campus (Property) at 500 El Camino Real (main address). The Owner has proposed constructing the building within a portion of an existing public utility easement and requested that a portion of the public utility easement be vacated by the City. Staff has reviewed this proposal and did not find any concerns with the requested vacation provided that all applicable utility companies expressly consent to the vacation of the public utility easement and that the City Council approves the vacation. On March 6, 2019, the City’s Architectural Committee approved the Owner’s Project.

#### **DISCUSSION**

To clear the specific encumbrance on the Property, the Owner now requests that the City vacate a specific portion of the public utility easement. Silicon Valley Power, the Water & Sewer Utilities Department and AT&T, several of the agencies having an interest in the easement, have agreed to the vacation. The Owner is in the process of obtaining the final consent letter from PG&E, agreeing to the vacation.

During regular Project coordination meetings, the Owner has expressed a concern about the timing of the PG&E final consent letter and the Owner’s ability to obtain building permits and commence construction as soon as possible. Until the public utility easement is vacated, construction of the building is not allowed within the subject easement area. This Project is currently being reviewed by the City for issuance of building permits, and due to delays from PG&E regarding obtaining the final consent letter staff is moving this forward in an effort to facilitate the Project and support the Project schedule. Staff is recommending that the City Council approve the vacation of a portion of the existing public utility easement and instruct the City Manager to record the Resolution (Attachment 1) after the City receives the final consent letter from PG&E, agreeing to the vacation. While it is likely that PG&E will issue their consent letter soon, if PG&E does not issue the letter, then construction within the public utility easement will not move forward and the Owner and staff will meet to discuss alternative solutions.

Staff has reviewed this proposal and provided that a final consent letter from PG&E is obtained, found that this portion of easement is no longer necessary for public purposes and may be vacated according to subsection C of California Street and Highways Code Section 8333 as said portion of the public utility easement has been relocated or determined to be excess.

**ENVIRONMENTAL REVIEW**

The potential environmental impacts of the Project were addressed in the Certified EIR (CEQ2014-01184) prepared for the approved Santa Clara University Five-Year Master Plan and Use Permit approved by the Planning Commission on July 27, 2016, and Addendum to Certified EIR approved by the Director of Community Development on March 6, 2019.

**FISCAL IMPACT**

There is no additional cost to the City other than staff time and expense.

**COORDINATION**

This report has been coordinated with the City Attorney's Office, Silicon Valley Power and Water & Sewer Utilities Department.

**PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

1. Adopt a Resolution ordering the vacation of a Portion of a Public Utility Easement at 500 El Camino Real [APN 230-10-003 (2018-19); SC 19,124]; and
2. Authorize the recordation of the Resolution after the City receives the final consent letter from PG&E, agreeing to the vacation.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Resolution