



Agenda Report

20-1051

Agenda Date: 11/17/2020

REPORT TO COUNCIL

SUBJECT

Amendment to the Covenants, Conditions and Restrictions for the Marriott Center Owners Association

COUNCIL PILLAR

Promote and Enhance Economic, Housing and Transportation Development

BACKGROUND

The City's subdivision ordinance, Santa Clara City Code (SCCC) Chapter 17.05, provides that the City shall review draft declarations of covenants, conditions and restrictions (CC&Rs) for proposed subdivisions. One common provision in such CC&Rs provides that if an owner's association subsequently proposes to amend its CC&Rs, the association must first file the amendment with the City Council, which then has an opportunity to veto the proposed amendment. If the Council takes no action, the amendment automatically becomes effective, 60 days after filing.

In 1982 the City Council approved a subdivision for an industrial condominium development at 4701 Patrick Henry Drive known as the Great America Technology Park. The approved condominium subdivision included CC&Rs to govern specific activities of the future condominium owners, including use restrictions, architectural regulations, and membership voting rights.

DISCUSSION

City's subdivision ordinance, Santa Clara City Code (SCCC) Chapter 17.05, provides that the City shall review draft declarations of covenants, conditions and restrictions (CC&Rs) for proposed subdivisions. One common provision in such CC&Rs provides that if an owner's association subsequently proposes to amend its CC&Rs, the association must first file the amendment with the City Council, which then has an opportunity to veto the proposed amendment. If the Council takes no action, the amendment automatically becomes effective, 60 days after filing.

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FISCAL IMPACT

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

COORDINATION

This report has been coordinated with the Finance Department and City Attorney's Office.

ENVIRONMENTAL REVIEW

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

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>>.

RECOMMENDATION

Note and file the proposed amendment to the covenants, conditions and restrictions ("CC&Rs") for the Marriott Center Owners Association regarding the industrial development at 4701 Patrick Henry Boulevard.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Letter from Trainor Fairbrook
2. First Amendment to Declaration of CC&Rs for Marriott Center
3. Declaration of CC&Rs for Marriott Center