



Agenda Report

18-405

Agenda Date: 5/15/2018

REPORT TO COUNCIL

SUBJECT

Amendment to the Covenants, Conditions and Restrictions for the Woodsborough Homes Association

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 a homeowners association (HOA) subsequently proposes to amend its CC&Rs, the HOA 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 1980 the City Council approved a subdivision for a residential development at 990 Kiely Boulevard known as the Woodsborough townhouse development. The approved condominium subdivision included CC&Rs to govern specific activities of the future residents, including use restrictions, architectural regulations, and membership voting rights.

DISCUSSION

On February 8, 2018, the HOA for that subdivision, the "Woodsborough Homes Association," notified the City that they were proposing a minor amendment to their CC&Rs, which would authorize the HOA to amend the CC&Rs by affirmative vote of not less than sixty-six percent (66%) of the quorum. As currently written, the CC&Rs outline several different scenarios for voting based on class membership (A or B) and the type of provision being amended. The current provisions are outlined in Article XV. The amendment would make no other change to the HOA CC&Rs. The City Attorney's Office has no objection to the proposed amendment.

If the Council takes no action, the Homeowners Association can amend its CC&Rs to allow for a simpler approval process by the HOA to amend its CC&Rs. If the Council chooses to exercise its authority to veto the proposed amendment, staff could work with the HOA to come up with an amendment that would be satisfactory to the Council.

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>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Note and file the proposed amendment to the covenants, conditions and restrictions ("CC&Rs") for the Woodsborough Homeowners Association regarding the residential development at 990 Kiely Boulevard.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Letter from James P. Hillman at White & MacDonald, LLP
2. Declaration of Covenants, Conditions and Restrictions Establishing a Plan of Condominium Ownership for Woodsborough Homes Association