City of Santa Clara

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Agenda Report

19-228 | **Agenda Date: 5/21/2019**

REPORT TO COUNCIL

SUBJECT

Action on Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 3511 El Camino Real

BACKGROUND

Lawrence Square Shopping Center, LLC, the property owner of the Lawrence Square Shopping Center located at 3511 El Camino Real, is requesting permission to install three (3) dual-phase soil vapor and groundwater monitoring wells within the public right-of-way. The property owner proposes installing the monitoring wells at the following locations: 1. Northside of 3500 Flora Vista Avenue (Warburton Avenue frontage parking lane), 2. Eastside of 3450 San Marcos Way (St. Lawrence Avenue frontage parking lane), and 3. 3418 Bella Vista Avenue parking lane.

DISCUSSION

The monitoring wells are needed to monitor soil vapor and groundwater conditions downgradient of the project site and are required to comply with the Regional Water Quality Control Board (RWQCB) Case number 43S1201 for the Lawrence Square Shopping Center. The monitoring wells may be in place for several years until the case receives closure from the RWQCB, and at which time, the monitoring wells will be properly destroyed by the property owner under permits with the City of Santa Clara and the Santa Clara Valley Water District.

Staff has reviewed the proposal to install the subject monitoring wells in the City's public right-of-way and did not find any concerns with the proposal. As the monitoring wells are private improvements proposed to be constructed in the public right-of-way, the attached agreement is required for the property owner to install, operate and maintain the improvements to the satisfaction of the City. In the event the City requires destruction of the monitoring wells before the Owner otherwise proposes to destroy them, the attached agreement obligates the Owner to destroy the monitoring wells and restore the public right-of-way at the Owner's sole cost within sixty (60) days after written notification from the City. The Owner has already executed the agreement.

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(s) 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.

FISCAL IMPACT

There is no additional cost to the City other than staff time and expense. The owner is responsible for all construction, maintenance and destruction costs.

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. Additionally, the applicant has provided written notification to the property owners directly adjacent to the subject monitoring wells informing of the proposed work adjacent to their properties. 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. Approve and authorize the City Manager to execute the Agreement and Covenant Running with the Land with Lawrence Square Shopping Center, LLC to install and maintain three monitoring wells within the public right-of-way [APN 220-03-010 (2018-19); SC 19,136]; and
2. Authorize the recordation thereof.

Reviewed by: Craig Mobeck, Director of Public Works
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS
1. Agreement