



## Agenda Report

19-839

Agenda Date: 10/29/2019

### REPORT TO COUNCIL

#### **SUBJECT**

Action on the Agreement and Covenant Running with the Land Deferring Public Improvements at 2041 Mission College Boulevard and 1900-2000 Wyatt Drive

#### **BACKGROUND**

On July 27, 2016, the Planning Commission approved a Use Permit for Koll/Intereal Bay Area, Mission Park Retail LP, and Mission Park Hotel LP (Owners) to construct the Mission Park - MP Market Place Project (Project), which includes a 24,000 square-foot retail center and a 175-room hotel at 2041 Mission College Boulevard and 1900-2000 Wyatt Drive (see location map, Attachment 1). On October 11, 2016, the City Council approved the Tentative Map for the Project and the subsequent Parcel Map was filed for record on October 25, 2018. Due to the future Montague Expressway widening by County of Santa Clara (County), the Project was conditioned to execute an Agreement and Covenant Running with the Land (Agreement, Attachment 2) to defer construction of the required Montague Expressway sidewalk improvements along the project frontage.

#### **DISCUSSION**

The sidewalk improvements are being deferred for two reasons: 1) construction of the sidewalk along the project's Montague Expressway frontage now would result in public sidewalk that would terminate at the Montague Expressway overcrossing above Lafayette Street due to the limited width of the overcrossing, and 2) portions of the sidewalk would need to be removed and replaced when the adjacent sidewalk is constructed by the County.

The Agreement provides the City the legal mechanism to require that the Owners complete the Montague Expressway sidewalk improvements at a future time when the adjacent sidewalk is completed by the County. Specifically, the Agreement stipulates that upon written notice from the City, the Owners shall provide the County with public sidewalk improvement plans for the County's approval and that construction shall commence within 90 days after the County approves said plans. Additionally, the Project has dedicated the necessary rights of way to the County to support future sidewalk construction. This deferral of sidewalk improvements has been coordinated with the County and the Owners.

#### **ENVIRONMENTAL REVIEW**

The potential environmental impacts of the project were addressed in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and adopted by the Planning Commission on July 27, 2016.

#### **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.

**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) <<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 deferring the construction of public improvements along the Montague Expressway frontages of the properties [APN 104-38-005 and 006 (2018-19); SC 19,159]; and
2. Authorize the recordation thereof.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Location Map
2. Agreement and Covenant Running with the Land [Deferment of Public Improvements (Public Sidewalk)]