



Agenda Report

19-1163

Agenda Date: 11/19/2019

REPORT TO COUNCIL

SUBJECT

Action on the Agreement and Covenant Running with the Land to Allow Private Improvements within the Public Right-of-Way at 3505 Kifer Road

BACKGROUND

On November 29, 2016, City Council approved the SummerHill development proposal (Project) to construct 994 dwelling units, 39,225 square feet of retail and amenity space, associated parking, landscaping, and site improvements, including parks and recreation space, on a 29.4-acre parcel on the property located at 3505 Kifer Road, which is located within the Lawrence Station Area Plan. Included within the Project was a proposal by Summerhill to install and maintain private improvements including private street lights, wood chaises, wood and metal benches, and private irrigation facilities within the public right-of-way fronting their property. Staff reviewed this proposal, did not find any concerns with the improvements and tentatively agreed to the proposal with a condition that the property owner execute an agreement with the City for the long-term operations and maintenance of these private improvements that SummerHill is requesting to retain and maintain.

DISCUSSION

The private improvements were reviewed, permitted and are being constructed as part of the encroachment permit issued for the project and the attached agreement and covenant running with the land (Agreement) is required for the property owner to properly operate and maintain the private improvements. In the event the improvements are ever required to be removed in the future, per the agreement, the property owner must remove them (or portions thereof) at their sole cost within 60 days of written notification from the City. The improvements will beautify the City's right-of-way at no cost for construction or maintenance.

ENVIRONMENTAL REVIEW

The Environmental Impact Report prepared for the Lawrence Station Area Plan, which included the SummerHill development, was approved by the City Council on November 29, 2016.

FISCAL IMPACT

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

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>> 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 allowing the installation and maintenance of private improvements within the public right-of-way at 3505 Kifer Road [APN 216-59-001 thru 003, 016 thru 041, and 043, 216-60-001 thru 043, and 045, 216-61-001 thru 048, and 216-62-001 thru 058 (2019-20); SC 19,015];
2. Authorize the City Manager to make minor, non-substantive modifications to the Agreement, if necessary; and
3. Authorize the recordation thereof.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Agreement