



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: April 16, 2019

Subject

Summary Vacation of a Portion of an Emergency Access Easement within The Forum at Rancho San Antonio Property at 23500 Cristo Rey Drive

Recommended Action

Adopt Resolution No. 19-XXX, summarily vacating a portion of an emergency access easement within The Forum at Rancho San Antonio Property at 23500 Cristo Rey Drive.

Discussion

On April 17, 2018, the City Council approved the Development Permit DP-2017-01 and certified a Final Environmental Impact Report (EIR) to allow additions and renovations to the existing facilities at 23500 Cristo Rey Drive, including a new memory care building, and twenty-three new independent living units, (the Forum project) submitted by The Forum at Rancho San Antonio (Applicant).

During the building permit review process, staff determined that the proposed location of one of the twenty-three new independent living units (Villa 63) is currently encumbered by an unused portion of an existing emergency access easement held by the City. The existing easement spans over the private streets and undeveloped land within the subject property and grants to the City the right of emergency ingress and egress over these areas. The unused portion of the easement is located approximately 40-feet east of Sereno Court (refer to Attachment A & B) in an area where no streets exist.

The Applicant submitted a request to vacate the unused portion of the existing emergency access easement. "Vacation" of the easement means that the City would terminate the public emergency access rights over this portion of the property. A "summary" vacation is a more simplified process than is otherwise required for terminating public access rights.

The Santa Clara County Fire Department was contacted to verify if there are any current or proposed plans to utilize the easement, and if the Fire Department has any objections to the City vacating the easement. An approval letter was received from the

Fire Department (refer to Attachment D) determining that the easement is not required and there are no objections to the vacation.

The easement may be summarily vacated under the Streets and Highway Code, Section 8333(a) if “the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation” and Section 8333(c) if “the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.” Staff has determined that the easement has not been used for five consecutive years preceding this action and that there are currently no public facilities within the easement (refer to Attachment E), and that the Emergency Access Easement is not needed for public purposes and is thus an excess easement.

Adoption of this resolution will allow the City to summarily vacate the existing Emergency Access Easement on the subject property, as described and shown in Attachment A & B. Upon recordation of this vacation, the Emergency Access Easement will be removed from the property and no further action regarding the vacation will need to be taken by the City Council.

This vacation will facilitate construction that is within the scope of the approved Forum project. The vacation constitutes a minor modification to the project and none of the conditions requiring a subsequent or supplemental EIR as described in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 and Section 15163 have occurred. Accordingly, no further environmental review is required to approve this vacation.

Sustainability Impact

No sustainability impact incurred by approving the summary vacation of the Emergency Access Easement.

Fiscal Impact

No fiscal impact incurred by approving the summary vacation of the Emergency Access Easement.

Prepared by: Jennifer Chu, Associate Civil Engineer

Reviewed by: Roger Lee, Acting Director of Public Works

Approved for Submission by: Timm Borden, Interim City Manager

Attachments:

A – Legal Description for Vacation of Emergency Access Easement

B – Plat Map for Vacation of Emergency Access Easement

C – Draft Resolution

D – Fire Department Approval Letter

E – Aerial Photography of Easement Area

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