



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333
CUPERTINO.ORG

CITY COUNCIL STAFF REPORT

Meeting: May 20, 2025

Subject

Summary Vacation of a Portion of Street Along 21831 Hermosa Avenue

Recommended Action

Adopt Resolution No. 25-XXX summarily vacating a portion of street along 21831 Hermosa Avenue (APN 357-16-107)

Background

The owners of the subject property are proposing an addition and remodel to their existing house. During the initial design stage, the owners discovered the first 10' of their property frontage was dedicated to the County of Santa Clara in 1983, prior to the property being annexed to the City of Cupertino in 2004. Staff verified the previous dedication and informed the owners that the City's Monta Vista Specific Plan requires a 50' wide right-of-way along Hermosa Avenue to facilitate future street improvements, including the installation of new curb, gutter, and sidewalk. The City only requires 25' of right-of-way from the centerline of the street (50' wide right-of-way total). The previous 10' dedication results in 30' of right-of-way from the centerline (would result in 60' wide right-of-way total). Therefore, the City currently holds 5' more than is necessary to comply with the Monta Vista Specific Plan. The 5' can be summarily vacated.

The owners submitted an application to the City to vacate 5' of right-of-way along their property frontage to comply with the City's dedication requirements along Hermosa Avenue. The proposed street vacation area is described in Attachment A and shown in Attachment B ("Street Vacation Area").

Reasons for Recommendation and Available Options

"Vacation" of a street means that the City would terminate the public rights over this portion of right-of-way. A "summary" vacation is a more simplified process than is otherwise required for terminating public rights.

A street may be summarily vacated under the Streets and Highways Code, Section 8334(a) if it is determined to be "an excess right-of-way of a street not required for street

purposes". Additionally, the Streets and Highways Code, Section 8334.5 requires there are no public utility facilities located within the street.

As part of the vacation application process, the applicant was required to obtain approval letters from AT&T, Comcast, Cupertino Sanitary District, PG&E, and San Jose Water Company. An approval letter was received from each public utility company stating they have no objections to the vacation (Attachments C through G). Additionally, AT&T required the recordation of a new 5' public utility easement over the Street Vacation Area. The City intends to record both the street vacation and the new public utility easement in subsequent order to ensure ongoing public utility rights.

Based on careful review of the submitted application material, staff has determined that the Street Vacation Area is not needed for street purposes and is thus an excess right-of-way and that there are no public utility facilities located within the Street Vacation Area.

Based on the findings outlined above, staff recommends City Council adopt the proposed Resolution (Attachment H). Adoption of the Resolution will allow the City to summarily vacate the Street Vacation Area to the property owner, and to allow the property owner to proceed with their proposed development project as desired. From and after the date of recordation of the Resolution, this portion of street will no longer constitute a street. Should City Council choose not to adopt the proposed Resolution, the Hermosa Avenue right-of-way would remain as-is and the property owners would be required to proceed with their proposed development project without the addition of this 5' strip of land.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

City Work Program (CWP) Item/Description

None

Council Goal

Quality of Life

California Environmental Quality Act

No California Environmental Quality Act impact.

Prepared by: Jennifer Chu, Senior Civil Engineer

Reviewed by: Chad Mosley, Director of Public Works

Floy Andrews, City Attorney

Approved for Submission by: Tina Kapoor, Acting City Manager

Attachments:

- A – Legal Description of Street Vacation Area
- B – Plat Map of Street Vacation Area
- C – AT&T Approval Letter
- D – Comcast Approval Letter
- E – Cupertino Sanitary District Approval Letter
- F – PG&E Approval Letter
- G – San Jose Water Company Approval Letter
- H – Draft Resolution
- I – Vicinity Map