

RESOLUTION NO. _____

**A RESOLUTION OF THE CUPERTINO CITY COUNCIL DECLARING
CERTAIN CITY-OWNED REAL PROPERTY LOCATED AT MARY AVENUE,
IN THE CITY OF CUPERTINO (APN: 326-27-053) TO BE EXEMPT SURPLUS
LAND UNDER THE SURPLUS LAND ACT**

WHEREAS, the City of Cupertino ("City") owns, administers and manages various properties throughout the City for public agency purposes, in accordance with state law and local policies; and

WHEREAS, Assessor Parcel No. 326-27-053 ("Property") is located within the Mary Avenue Right-of-Way and is owned by the City; and

WHEREAS, the City Council finds that the Property is not required for the City's current or foreseeable operational needs and that there is no present or contemplated use of the Property that would preclude the Property from being declared surplus or exempt surplus land pursuant to the Surplus Land Act and offered for disposition for the development of affordable housing ; and

WHEREAS, the Surplus Land Act (California Government Code Section 54220 *et seq.*)("Act") governs the disposition of surplus land by local authorities, including the City; and

WHEREAS, pursuant to California Government Code Section 54220(f)(1)(A), the Property qualifies as "exempt surplus land", as it is being conveyed in fee to a nonprofit developer for the development of affordable housing in accordance with Government Code Section 25539.4.

WHEREAS, the City now desires to declare the Property as exempt surplus land and to offer and initiate the sale of the Property.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby find, determine and resolve as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Surplus Land Act. The Property is surplus land and is exempt from the requirements of the Surplus Land Act pursuant to California Government Code

Section 54220(f)(1)(A), as to be conveyed in fee to a nonprofit developer for the development of affordable housing in accordance with Government Code Section 25539.4 pursuant to the DDA.

3. CEQA. The City Council has reviewed and considered the environmental determination adopted in connection with the Architectural Site Approval for the Project and finds that approval of the Disposition and Development Agreement is within the scope of that determination. The Project is categorically exempt from environmental review pursuant to CEQA Guidelines section 15332 (Class 32, Infill Development Projects).

4. Authority. The City Manager or her designee is authorized to do all things which she may deem necessary or proper to effectuate the purposes of this Resolution. Such actions include, but are not limited to filing appropriate information with the California Department of Housing and Community Development in accordance with the Act.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 3rd day of February, 2026 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED:	
Kitty Moore, Mayor City of Cupertino	Date
ATTEST:	
Lauren Sapudar, Acting City Clerk	Date