

**PUBLIC WORKS DEPARTMENT**

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CITY COUNCIL STAFF REPORT

Meeting: March 1, 2022

Subject

Consideration of Vacation of a Public Pedestrian Walkway Easement through Tract 9405, which runs through Campo De Lozano subdivision, located near 20138 Rodrigues Avenue.

Recommended Action

Consider conducting a public hearing, adopting Resolution No. 22-xxx (Attachment A) to vacate a public pedestrian walkway easement through Tract 9405.

Discussion

The Campo De Lozano subdivision, located near 20138 Rodrigues Avenue, was subdivided, and developed around 2002. During the entitlement process, the City requested that the original developer grant the City a 10-foot-wide pedestrian pathway easement through the property, from Rodrigues Avenue to Regnart Creek Trail, to facilitate connectivity from the public right of way to the trail (Attachment B.) When the property was developed, Regnart Creek Trail was situated along the southerly boundary line of the Campo De Lozano subdivision and stretched from the westerly property line of the subdivision, eastward, to the westerly boundary of De Palma Lane, where it connected to publicly accessible sidewalks. The 10-foot-wide pedestrian pathway easement provided this section of trail with a second point of connectivity to the public right of way, ensuring that pedestrian access did not simply end at the westerly end of the trail.

In 2020, the City approved construction of new segments of the Regnart Creek Trail, including an extension of the trail westerly from the Campo De Lozano subdivision to Rodrigues Avenue and the Civic Center property. This extension creates an additional point of connectivity to Rodrigues Avenue, approximately 600-feet west of the Campo De Lozano subdivision.

The Campo De Lozano Homeowner's Association (HOA) requested that the City now vacate the existing 10-foot-wide pedestrian pathway easement that runs through their subdivision, since the extension of the Regnart Creek trail will provide other connectivity options to the west. Further, the residents of the subdivision have concerns

regarding the security of their property related to the existing pedestrian walkway and the expansion of public use of the Regnart Creek Trail. If the City vacates the pedestrian pathway easement, the HOA intends to restrict public access to the pedestrian pathway that runs through their property.

Staff is requesting that the City Council consider adopting a resolution vacating the easement under the California Streets and Highways Code.

Sustainability Impact

Goal two in the Cupertino Climate Action Plan is to encourage alternative transportation. Supporting measure C-T-1 is to continue to encourage multi-modal transportation, including walking and biking, through safety and comfort enhancements in the bicycle and pedestrian environment.

The General Plan includes policies that promote connectivity and mobility:

- POLICY M-2.3: CONNECTIVITY: Promote pedestrian and bicycle improvements that improve connectivity between planning areas, neighborhoods, and services, and foster a sense of community.
- POLICY M-3.2: DEVELOPMENT: Require new development and redevelopment to increase connectivity through direct and safe pedestrian connections to public amenities, neighborhoods, shopping, and employment destinations throughout the city.

Fiscal Impact

The permit application fee for an easement vacation of this type is \$4,368, but the fee is being waived for this application per City Council direction at the February 1, 2022, City Council meeting. City staff time and materials will be absorbed by the City.

Prepared by: Chad Mosley, Assistant Director of Public Works, and City Engineer

Reviewed by: Jimmy Tan, Acting Director of Public Works

Reviewed by: Dianne Thompson, Assistant City Manager

Approved for Submission by: Jim Throop, City Manager

Attachments:

A – Draft Resolution

B – Aerial Exhibit