



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: May 2, 2023

Subject

Consider approval of a Semi-Rural Designation, eliminating the requirement for sidewalks on the east side of Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard, pursuant to Ordinance No. 1925.

Recommended Action

Adopt Resolution No. 23-XXX designating the east side of Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard, as semi-rural.

Reasons for Recommendation

Background

On October 20, 2003, the City Council enacted Ordinance No. 1925, which amended Chapter 14.04.040 of the Cupertino Municipal Code by establishing criteria to be used for designating certain streets or neighborhoods as rural or semi-rural in nature. Such a designation allows modified street improvement standards for local streets that are not covered under the Hillside Development Provisions of the Code.

The 2003 Ordinance was in response to residential property owners who voiced objections to the City of Cupertino Municipal Code requirement that City standard street improvements be installed along their property frontages as a condition of their residential building permits. In general, the objecting property owners felt their neighborhoods were of a rural or semi-rural character, which would be compromised with the installation of street improvements.

When a property owner in the City builds a new home or increases the square footage of an existing residence by 25 percent or more, the City requires the property owner to install street improvements along the property frontage at his or her expense to bring the property into compliance with the Cupertino Standard Details, which may include construction of new curb, gutter, sidewalk and/or streetlights.

Per Ordinance No. 1925, the following are the findings for a semi-rural street designation:

1. Conventional improvements are not appropriate due to the character of development in the area, and surrounding developed properties lack such improvements.
2. If sidewalk is not to be provided, the street is not on a recognized route to school.
3. If sidewalk is not to be provided, traffic conditions on the street are such that pedestrians may travel safely along the street without a separate pedestrian pathway.
4. There are no significant accessibility issues that will arise from lack of sidewalk or the use of alternative sidewalk.
5. Waiver of streetlights or alternate streetlights would not contribute to an unsafe condition for traffic, pedestrian travel, or the security of the surrounding neighborhood. There are no maintenance or replacement issues with any alternate proposed.
6. Adequate drainage along the street and in the surrounding area exists, or can be achieved, with alternate curb and gutter or a dike.
7. At least two-thirds of the property owners along the affected street have signed a petition to the City requesting a semi-rural designation for their street.

Proposal

The proposed semi-rural designation request applies to the 11 properties on the east side of Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard. Quinterno Court intersects this eastern segment; however, because it is a private dead-end street, these properties are not required to install sidewalks and were not included in the proposed semi-rural designation area. Please refer to Attachment A.

This proposal was previously presented to City Council on April 20, 2021, for approval. Council did not accept the proposal at that time and requested additional information regarding the item. The original applicant has requested the same proposal return to Council. The additional information requested by Council on April 20, 2021, as well as the findings per Ordinance No. 1925, are discussed in the following sections.

Additional Information Requested by Council

City Council requested the following information at the April 20, 2021 meeting:

1. Petition property owners on both sides of Carmen Road along this section of road.
 - The City sent an updated petition to the neighborhood, which included the 11 properties on the east side of Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard (the proposed semi-rural designation area), as well as the six properties on the west side of Carmen Road, between Janice Avenue and Stevens Creek Boulevard – a total of 17 properties. The properties on the west side of Carmen Road between Janice Avenue and Stevens Creek Boulevard are not included in the proposed semi-rural designation area. These properties either

already have sidewalk installed or would be required to install sidewalk at the time of development. Please refer to Attachment A.

The applicant was provided a petition form and Attachment A to circulate for signatures among the 17 property owners. Additionally, letters were prepared and mailed by City staff to these property owners informing them of the proposed semi-rural designation request and providing them with an enclosed voting form if they preferred to cast their vote by mail instead of signing the circulated petition. If a property owner signed the petition and mailed a voting form, this was counted as one vote. See Item #7 under Findings Per Ordinance No. 1925 for the voting results.

2. Confirm whether the City has the necessary right of way to allow the City to construct sidewalk in the future.
 - Typically for residential streets, the City requires a 30' width from roadway centerline to property line on each side. This allows for a 60' right-of-way, consisting of a standard 40' curb-to-curb width with a 5' sidewalk and 5' parkstrip on each side.

The east side of Carmen Road between Scenic Boulevard and Stevens Creek Boulevard has an existing roadway centerline width of 20'-25'; therefore, the City does not have the necessary right of way to construct a sidewalk in the future as additional property dedication would be required to allow for the construction of City standard street improvements, including sidewalk. The semi-rural designation does not waive the requirement for property dedications. The City would still require property dedications with future proposed development, where appropriate.

3. Confirm whether there is adequate drainage along Carmen Road, as specified in the Code.
 - Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard, generally drains north to south. Storm drain facilities, such as catch basins and drop inlets, exist along this roadway segment, and are properly located at the street's low points to effectively collect stormwater runoff and to provide adequate drainage. These storm drain facilities are connected to the City's storm drain system.

The existing curb and gutter along improved frontages help to convey stormwater runoff from the street to these existing storm drain facilities. Additional curb and gutter installed with future proposed developments will continue to improve stormwater runoff conveyance along Carmen Road. The semi-rural designation would only waive the requirement to install sidewalk and would not waive the requirement for installation of curb and gutter along the property frontage.

4. Confirm whether there are concerns regarding Americans with Disabilities Act (ADA) compliance.

- There are no significant concerns regarding ADA compliance. With no sidewalks along the proposed semi-rural designation area, pedestrians may choose to travel along existing surrounding sidewalks, where available, or within the roadway. The sidewalks that exist in this area, such as along the north side of Janice Avenue and portions of the west side of Carmen Road between Janice Avenue and Bellevue Avenue, are constructed per City Standard Details to comply with ADA cross-slope requirements. Additionally, curb ramps with detectable warning surfaces have either been installed or would be installed at street corners with future developments to comply with ADA requirements.

Due to the existing terrain of the area, segments of Carmen Road exceed ADA longitudinal-slope requirements for the sidewalk and roadway. However, Section R202.3.1 of the U.S Access Board's Public Rights-of-Way Accessibility Guidelines only requires ADA compliance to the extent practicable taking into consideration existing physical constraints, such as underlying terrain. Furthermore, Section 35.150 of the ADA (Code of Regulations Title 28, Chapter I, Part 35) does not require a public entity to make each of its existing facilities accessible to and usable by individuals with disabilities. This application is similarly seen in other jurisdictions where the existing hilly terrain make it impracticable to fully comply with ADA requirements.

5. Impact from a Potential Carmen Road Bridge Project

- Should the Carmen Road Bridge project move forward with design and construction, the City reserves the right to revoke the semi-rural designation at its sole discretion as necessary to facilitate future City projects and/or to preserve public interest, health, and safety. Additionally, sidewalks are still required along the west side of Carmen Road between Janice Avenue and Stevens Creek Boulevard and would provide pedestrian access to the bridge. Therefore, a semi-rural designation exempting sidewalk requirements along the east side of Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard, could still move forward.

Findings Per Ordinance No. 1925

1. Conventional improvements are not appropriate due to the character of development in the area, and surrounding developed properties lack such improvements.

- The proposed semi-rural area is similar in character to the surrounding neighborhood. The adjacent streets of Scenic Boulevard and Mira Vista Road have already been designated as semi-rural with no sidewalks required. Additionally, areas to the north, across Steven Creek Boulevard, have also been designated as semi-rural areas that exempt sidewalk requirements.

2. If sidewalk is not to be provided, the street is not on a recognized route to school.
 - The proposed semi-rural designation is not on a recognized route to school. Should the Carmen Road bridge be constructed, and the route is designated as a route to school, the City could rescind the semi-rural designation if it deemed the revocation appropriate.
3. If sidewalk is not to be provided, traffic conditions on the street are such that pedestrians may travel safely along the street without a separate pedestrian pathway.
 - The portion of Carmen Road proposed for semi-rural designation is on a residential street segment that has no outlet and generally has low traffic volumes. Furthermore, based on the recorded accident history, there have been no pedestrian related accidents reported along this segment of Carmen Road in the past five years.
4. There are no significant accessibility issues that will arise from lack of sidewalk or the use of alternative sidewalk.
 - See Item #4 under Additional Information Requested by Council.
5. Waiver of streetlights or alternate streetlights would not contribute to an unsafe condition for traffic, pedestrian travel, or the security of the surrounding neighborhood. There are no maintenance or replacement issues with any alternate proposed.
 - The semi-rural designation does not waive the requirement for street light installation.
6. Adequate drainage along the street and in the surrounding area exists, or can be achieved, with alternate curb and gutter or a dike.
 - See Item #3 under Additional Information Requested by Council. Additionally, the semi-rural designation does not waive the requirement for curb and gutter.
7. At least two-thirds of the property owners along the affected street have signed a petition to the City requesting a semi-rural designation for their street.
 - The circulated petition and voting forms were received with 15 out of 17 property owners within the petition area signing in support of the proposed semi-rural designation area. Two property owners did not support the proposal. A subsequent letter was mailed to these property owners informing them of the petition results and the scheduled City Council meeting.

Conclusion

With the findings presented above and the petitioned property owners having shown their support for the proposed semi-rural designation, City staff recommends approval to forego the future installation of sidewalks along the east side of Carmen Road, between

Scenic Boulevard and Stevens Creek Boulevard. This semi-rural designation does not waive the requirement for curb, gutter, and street light installation.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

California Environmental Quality Act (CEQA)

This project is exempt from the CEQA under 14 C.C.R. Section 15061(b)(3) (“common sense” exemption) and 15301 (minor alterations to existing facilities).

Prepared by: Jennifer Chu, Senior Civil Engineer

Reviewed by: Chad Mosley, Interim Director of Public Works

Reviewed by: Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Petition Area & Proposed Semi-Rural Designation Areas

B – Draft Resolution