CC 2-03-2026

#8

Mary Ave Villas Project

Supplemental Report

CITY OF CUPERTINO

COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308
CUPERTINO.GOV

CITY COUNCIL STAFF REPORT
SUPPLEMENTAL
Meeting: February 3, 2026

Agenda Item #8

Subject
Consideration of (i) an Architectural and Site Approval permit, (ii) adoption of a Notice of Exempt Surplus Land Act Declaration, and (iii) a Disposition and Development Agreement by and between the City of Cupertino, a municipal corporation and Mary Avenue, L.P., a California limited partnership in connection with the development of a 40-unit below market rate development (Mary Avenue Villas Project) on a Housing Element Site, of which 19 units are dedicated to the Intellectually Developmentally Disabled and 21 units reserved for extremely low, very low, and low income residents of the community, located on public property. (Application No(s): ASA-2025-006; Applicant(s): Charities Housing; Location: (APN: 326-27-053, Mary Avenue Right-of-Way).

Recommended Action
1. Find the project exempt from the California Environmental Quality Act (CEQA)
2. Adopt Resolution No. 26-___ approving Architectural & Site Approval Permit (ASA-2025-006) (Attachment A);
3. Adopt Resolution No. 26-___ declaring the Property Exempt Surplus Land pursuant to the Surplus Land Act (Attachment B)
4. Adopt Resolution No. 26-___ approving the Disposition and Development Agreement (Attachment C)

Staff's responses to questions received from councilmember are shown in italics.

Q1: Mary Ave project would be below-market-rate for only 55 years. But the city donated the land and some funding. What happens after 55 years? Who profits from the full market value?

Staff response: The Mary Ave project will be restricted for a term of 99 years per the latest negotiations. A 99 year restriction is also known as "as good as forever" since this typically outlasts the lifetime of the building. After 99 years, the City would have the ability to either re-acquire the property at a significantly

discounted rate (for the current fair-market-value of the capital improvements, excluding the value of the land), negotiate the extension of affordability covenants with an additional contribution, typically to rehabilitate units, in order to ensure continued affordability of the project, or simply walk-away from the land and project.

Q2: What happens to the tenants in 55 years? Say, someone moved in when they are 20 years old now. In 55 years, when they are 75 years old, they would be kicked out since the units would become market rate?

Staff response: Upon affordability covenants nearing expiration after 99 years, the City would have the opportunity to either re-acquire the project or negotiate for extensions as mentioned above. Should the City not exercise either option, the developer would be required to do required noticing to the tenant in 3 year, 12 month, and 6 month notifications as deemed necessary by state law under Government Code Section 65863.10. At 12 months prior to restriction expiration, tenants would also be given the option to reapply to the City of Cupertino BMR program to be rehoused with priority replacement due to the latest BMR Anti-Displacement policy passed by City Council (Resolution 25-0051). Should they remain in those units until final expiration, they would not be immediately evicted, but they would be presented with rental rates comparable to market-rate units. The City continues to explore more tenant protections policies and anti-displacement programs for low-income households through the Housing Commission to be brought to the City Council for consideration.

Q3 I heard that some cities have been able to have forever BMR housing. Why is it not possible for Mary Ave project?

Staff response: The City of Cupertino, and other cities, have been able to approve 99 year restrictions (also known as "as good as forever" BMR housing) through inclusionary units within market-rate developments as the rent collected on the market-rate units essentially subsidize the affordable units in the same project. Furthermore, because they do not use public subsidies, they do not have to consider requirements regarding repayment of loans as part of being awarded tax credit financing. Thus, it is more challenging for the Mary Ave project, which is a 100% affordable project. However, the City was able to achieve restricting the units for a term of 99 years during the latest negotiations.

Q4: What exactly would be reconfiguration of the Mary Avenue? Please provide clear images for before and after.

Staff response: The Plan Set provided with the Staff Report (Attachemnt F) showed the existing conditions as well as the proposed layout of the Mary Avenue Right-of-Way. Supplemental Attachment G shows sheets C000.0 (Existing Conditions and Demolition Plan), C001.0 (Preliminary Site Plan), and C005.0 (Sections), which had been included in the Plan Set that had been provided with the Staff Report.

Q5: What exactly are the existing parking spots and what exactly are the new ones? Please provide clear images for before and after.

Staff response: Please refer to the answer for Q4.

Q6: What exactly would be vacated from the Public Right of Ways? There was no map included in this agenda and no map of the Public Right of Ways on to be vacated the 1/27 Planning Commission agenda. It's unclear what exactly is the dimension of the Public Right of Way to be vacated.

Staff response: Sheet C000.0 shows the property line of the parcel to be vacated (Supplemental Attachment G). Further, Supplemental Attachment H (Parcel Map) shows a clean dimensioned parcel without the proposed development and/or existing conditions overlaying onto the sheet.

Q7: Can the City approve this agenda item without vacating the Public Right of Ways first?

Staff response: Yes. The City may approve the Disposition and Development Agreement (DDA) before the public right-of-way is vacated. The public right-of-way must be vacated before the title to the property is actually transferred to the developer, but that transfer does not happen when the DDA is approved. The transfer occurs later, at the project's "closing," which takes place after the developer has secured financing and met other requirements. The DDA specifically requires that the right-of-way be vacated before closing can occur. Closing is currently estimated to occur around January 2027.

Q8: The agenda packet does not include the traffic analysis. Could you include those?

Staff response: Please refer to Attachment I, Transportation Study for Proposed Affordable Housing Project on Mary Avenue in Cupertino, California, *dated November 13, 2025.*

Q9: The agenda packet does not include fiscal impact analysis. Could you include those?

Staff response: A fiscal impact analysis is only required if converting office and/or commercial uses to residential or residential mixed-use (General Plan Strategy LU-8.2.1.) As this is not currently an office or commercial development, a fiscal impact analysis was not required.

Q10: What's the criteria for applicants to get a unit in the BMR and the IDD units? Who decides them? Can we prioritize long-time Cupertino residents so that people who grew up in Cupertino get the priority, for example?

Staff response: The Distribution and Development Agreement requires that the City's BMR waitlist for the BMR units be used, allowing the City to centralize the application process while also using the City's current priorities for lease-up, including Cupertino displaced rental tenants, Cupertino residents, and Cupertino workers getting higher priority for placement. In order to use this method however, the lease up priorities of Mary Ave must match the priorities of the City BMR waitlist to prevent the need to keep a waitlist just for the Mary Ave. project, so we will not be able to specifically prioritize "people who grew up in Cupertino". For the IDD units, a special referral will be needed through non-profit organizations such as Housing Choices who work with individuals with disabilities. Once referred the City's BMR

administrator would conduct a separate lottery utilizing the City's preference system of Cupertino displaced rental tenants, Cupertino residents, and Cupertino workers. In short, we can implement a Cupertino preference policy, and it would need to match the preference policy of the BMR waitlist.

Q11. How many IDD units at the Mary Avenue Project will be reserved for Intellectually or Developmentally Disabled (IDD) residents?

The Disposition and Development Agreement (DDA) provides that 19 of the units will be reserved for IDD residents.

Q12. Can the City adopt the DDA before the Planning Commission finds that vacation of the right-of-way and the disposition of City property are consistent with the General Plan?

Yes, the City may adopt the DDA before the Planning Commission finds that the vacation of the right-of-way and the disposition of City property are consistent with the General Plan because the DDA is contingent upon the Planning Commission finding that both the vacation of the right-of-way and the disposition of City property are consistent with the General Plan. In other words, that determination is required to occur prior to the closing of the transaction. By adopting the DDA now, the City and the Developer are not closing the transaction. Rather the DDA provides a roadmap with numerous items that must occur before the deal is finalized. The actual closing, including recording the vacation of the right-of-way or transferring the City property, cannot occur unless the Planning Commission finds that the vacation of the right-of-way and the disposition of the City property are consistent with the general plan. We will bring those items to the Planning Commission later this month once the DDA is executed.

Q13. Shouldn't the term of the affordability covenants be 99 years?

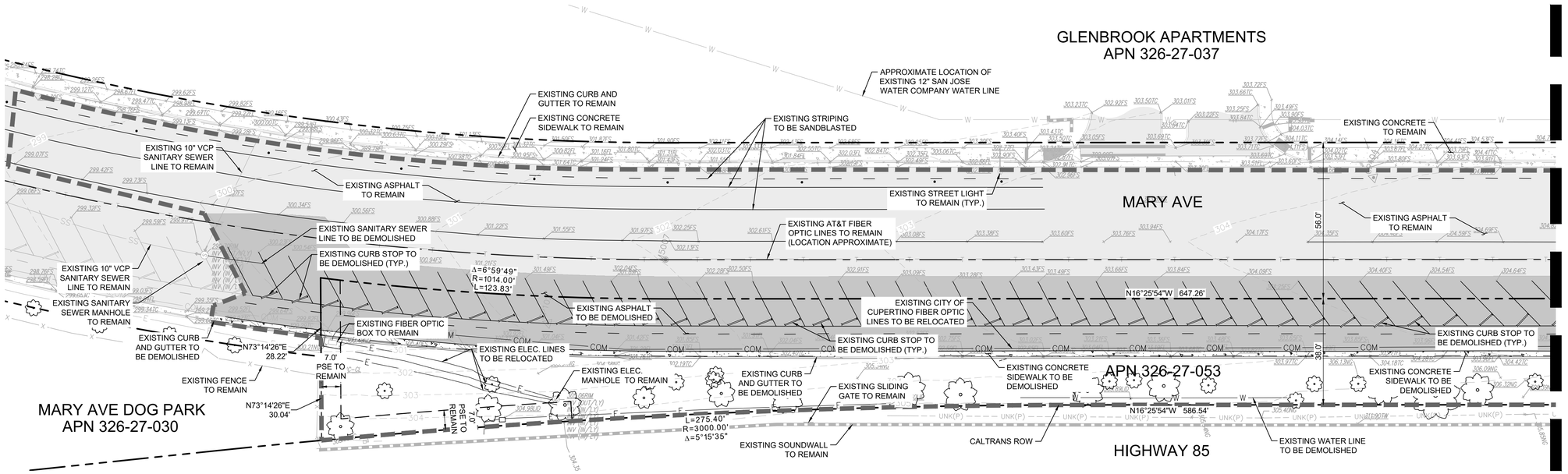
Yes. We will be recommending Council adopt the DDA with direction to extend the term of the affordability covenants to 99 years, and to extend the date when the City may re-acquire the project to 99 years to track the date the affordability covenants expire.

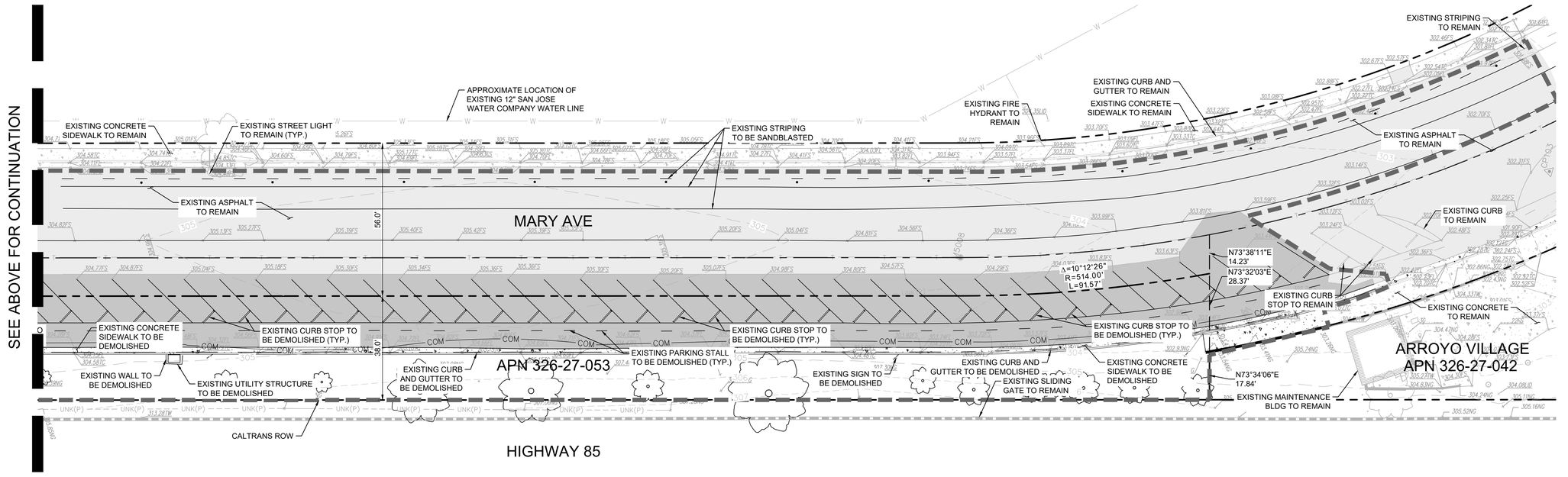
Attachments Provided with Original Staff Report:

A. Draft Resolution for ASA-2024-016
B. Draft Resolution Declaring Exempt Surplus Land
C. Draft Resolution Approving the Disposition and Development Agreement
D. CEQA Exemption Memorandum
E. Public Comment
F. Project Plan Set

Attachments Provided with Supplemental 1:

G. Plan Sheets C000.0 (Existing Conditions and Demolition Plan), C001.0 (Preliminary Site Plan), and C005.0 (Sections).
H. Parcel Map





LEGEND

- PROPERTY LINE/ CALTRANS ROW
- CENTERLINE
- EASEMENT
- APPROXIMATE CIVIL LIMIT OF WORK
- EXISTING ASPHALT TO REMAIN
- EXISTING ASPHALT TO BE DEMOLISHED

SURVEY NOTES

BASIS OF BEARING:
THE BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF MARY AVENUE, BEING N89°11'55"W PER PARCEL MAP RECORDED IN BOOK 838 OF MAPS, PAGES 24 & 25, IN THE OFFICE OF THE COUNTY RECORDER.

BENCHMARK:
NORTHING: 1943739
EASTING: 6110141
ELEVATION: 326.97

BM1071 SCVWD BRASS DISK (R180); ON TOP OF THE SOUTHERLY CURB OF STEVENS CREEK BOULEVARD AT APPROXIMATELY 200 FEET WESTERLY OF PENINSULA/BUBB ROAD AND NEAR RAILROAD CROSSING POLE #22118. ALSO, 2.5 FEET NORTH OF THE RAILROAD CROSSING LIGHTS, AND 20 FEET WEST FROM THE CENTER OF THE TRACKS. CITY OF CUPERTINO.

SURVEY DATE: AUGUST 02, 2024

DEMOLITION NOTES

1. CONTRACTOR TO CLEAR THE SITE WITHIN THE DEMOLITION LIMITS, THE CONTRACTOR SHALL DEMOLISH AND REMOVE FROM THE SITE ALL CURB, SIDEWALK, PAVEMENT, PLANTERS AND TREE ROOTS. CONTRACTOR TO REMOVE ALL UTILITIES AND APPURTENANCES UNLESS OTHERWISE NOTED.
2. ALL MATERIAL REMOVED FROM THIS SITE SHALL BE DISPOSED OF BY THE CONTRACTOR IN A LEGAL MANNER.
3. REMOVAL OF LANDSCAPING SHALL INCLUDE ROOTS AND ORGANIC MATERIAL.
4. DUST CONTROL MEASURES SHALL BE USED DURING DEMOLITION. CONTRACTOR SHALL PROVIDE A DUST CONTROL AND MITIGATION MEASURES PLAN.
5. CONTRACTOR TO CAP ALL EXISTING WET UTILITIES AT LIMIT OF DEMOLITION UNLESS OTHERWISE NOTED. SEWER LATERALS SHALL BE CAPPED AT THE MAIN. WATER LATERALS SHALL BE REMOVED BACK TO EXISTING METER BOXES.
6. CONTRACTOR SHALL ADJUST THE GRADE OF ANY EXISTING UTILITIES TO REMAIN.
7. THE CONTRACTOR SHALL REFER TO THE DEMOLITION PLAN, TREE PROTECTION PLAN AND ARBORIST REPORT FOR THE DEMOLITION/PRESERVATION OF EXISTING TREES. ALL TREES NOT SPECIFICALLY SHOWN TO BE PRESERVED OR RELOCATED WITHIN THE LIMITS OF DEMOLITION SHALL BE REMOVED AS PART OF THIS CONTRACT. TREE PROTECTION FENCING SHALL BE INSTALLED AS NECESSARY PRIOR TO ANY DEMOLITION.
8. REFER TO THE TOPOGRAPHIC SURVEY FOR ADDITIONAL DETAILS OF EXISTING STRUCTURES, ETC., LOCATED WITHIN THE PROJECT SITE. UNLESS OTHERWISE NOTED, ALL EXISTING IMPROVEMENTS MARKED AS "REMOVE" INCLUDING UTILITIES, BUILDINGS, STRUCTURES, SLABS, CONCRETE, ASPHALT, DEBRIS PILES, SIGNS, AND ALL APPURTENANCES ARE TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND PROPERLY DISPOSED OF IN A LEGAL MANNER AS PART OF THIS CONTRACT. SOME ITEMS TO BE REMOVED MAY NOT BE DEPICTED ON THE TOPOGRAPHIC SURVEY, SUCH AS UNDERGROUND UTILITIES THAT TIE ABOVEGROUND UTILITY STRUCTURES MARKED AS "REMOVE". REFER TO THE DEMOLITION PLAN FOR THE LIMITS OF REMOVAL OF EXISTING IMPROVEMENTS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VISIT THE SITE AND DETERMINE THE FULL EXTENT OF THE ITEMS TO BE REMOVED. CONTRACTOR SHALL VERIFY THAT ALL IMPROVEMENTS BEING REMOVED ARE FULLY CONTAINED WITHIN THE LIMITS OF DEMOLITION, AND THAT THEY DO NOT SERVE ANY FUNCTION FOR IMPROVEMENTS BEYOND LIMITS OF DEMOLITION. IF ANY ITEMS ARE IN QUESTION, THE CONTRACTOR SHALL CONTACT THE OWNER PRIOR TO REMOVAL OF SAID ITEMS.
9. THE LOCATION OF EXISTING UTILITIES IS APPROXIMATE AND MAY OR MAY NOT BE INCLUSIVE FOR THIS SITE. ANY UTILITIES ENCOUNTERED DURING DEMOLITION THAT ARE NOT DELINEATED HEREON SHOULD BE BROUGHT TO THE ATTENTION OF THE OWNER AND PROJECT ENGINEER IMMEDIATELY.
10. EXISTING FENCING MAY BE USED AS CONSTRUCTION FENCING ONLY IF APPROVED BY THE ENGINEER. THE CONTRACTOR SHALL SUBMIT A SPECIFIC LAYOUT FOR CONSIDERATION BY THE ENGINEER. IF APPROVED, CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONDITION OF ANY SUCH FENCE SEGMENT POST CONSTRUCTION.
11. RELOCATION OR REMOVAL OF ELECTRICAL AND GAS UTILITIES SHALL BE COORDINATED WITH PACIFIC GAS AND ELECTRIC COMPANY.
12. DEMOLITION OF SITE ELEMENTS, INCLUDING BUT NOT LIMITED TO, BUILDINGS, LIGHT POLES, AND BOLLARDS SHALL INCLUDE THE REMOVAL, AND BACKFILL, OF ASSOCIATED FOOTINGS AND FOUNDATIONS.
13. LIMIT OF SITE DEMOLITION SHALL NOT EXTEND OUTSIDE THE EXISTING R/W AND PROPERTY LIMITS.
14. APPLICANT/CONTRACTOR SHALL APPLY FOR AN ENCROACHMENT PERMIT FOR STREET TREE REMOVAL. PRIOR TO REMOVAL, THE OWNER AND/OR THE CONTRACTOR SHALL POST A TREE REMOVAL NOTICE FOR A MINIMUM TWO WEEKS PRIOR TO REMOVAL. DOCUMENT AND PROVIDE PROOF OF NOTICING TO THE CITY, SUCH AS TIME STAMPED PHOTOS OF THE NOTICE POSTED TO THE TREES AT THE BEGINNING AND THE END OF TWO WEEK NOTICING PERIOD.
15. ANY INACTIVE SANITARY SEWER LINES DISCOVERED DURING DEMOLITION OR CONSTRUCTION SHALL BE ABANDONED, AND IF NEEDED, REMOVED.

NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

MARY AVENUE AFFORDABLE HOUSING

CITY OF CUPERTINO

MARY AVENUE
CUPERTINO, CA

Ko Architects, Inc.
900 High Street, Suite 1
Palo Alto, CA 94301
p: 650.853.1908

Kimley»Horn
10 S ALMADEN BLVD, SUITE 1250, SAN JOSE, CA 95113
PHONE: 669-800-4130
WWW.KIMLEY-HORN.COM

PRELIMINARY, NOT FOR CONSTRUCTION

STAMP HERE

REVISION

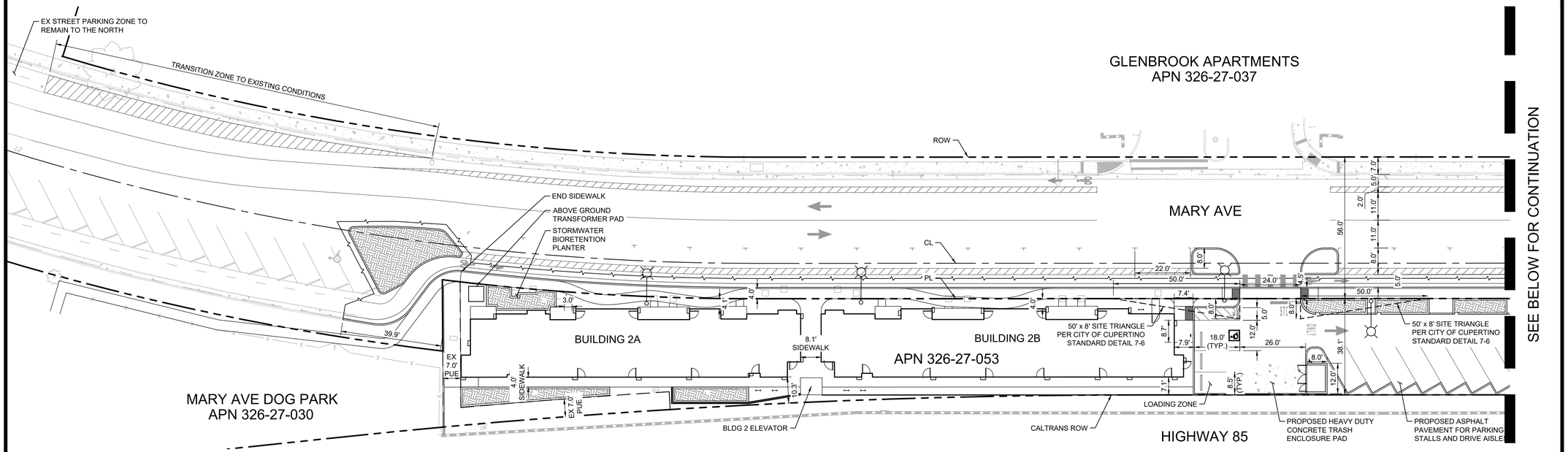
REF. NORTH

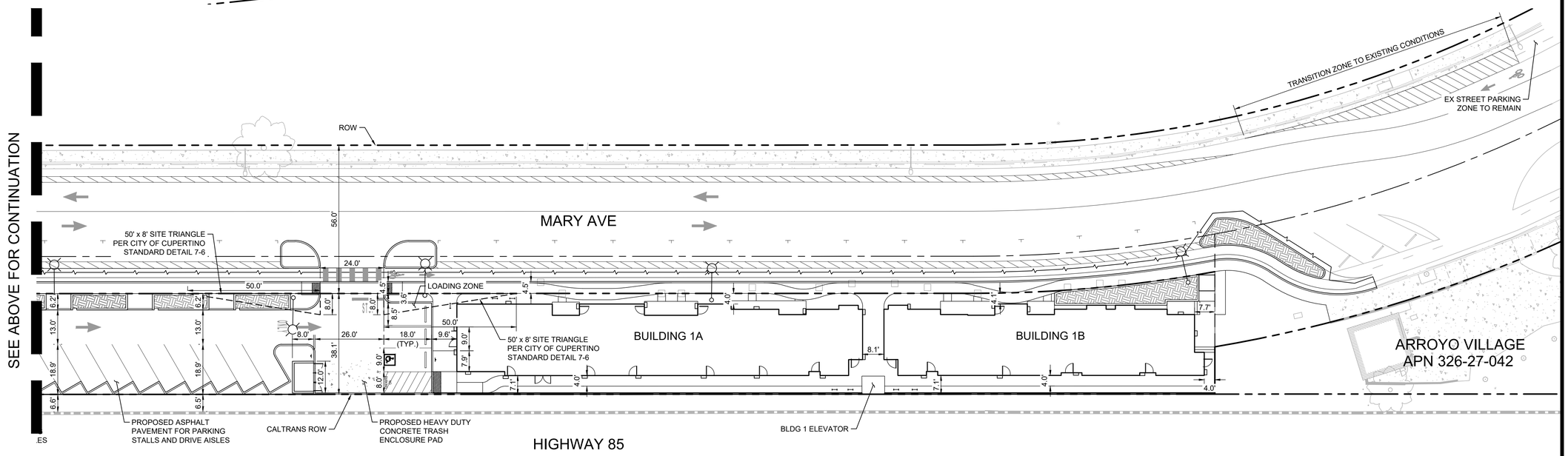
PROJECT NO.	197381002
DATE	OCTOBER 2025
DRAWN BY	
SCALE	SEE SHEET

SHEET

EXISTING CONDITIONS & DEMO PLAN

C000.0





LEGEND

- PROPERTY LINE/ CALTRANS ROW
- CENTERLINE
- EASEMENT
- SAWCUT LINE
- LADDER PAD LOCATIONS, TYP. SEE ARCHITECTURAL PLANS

NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

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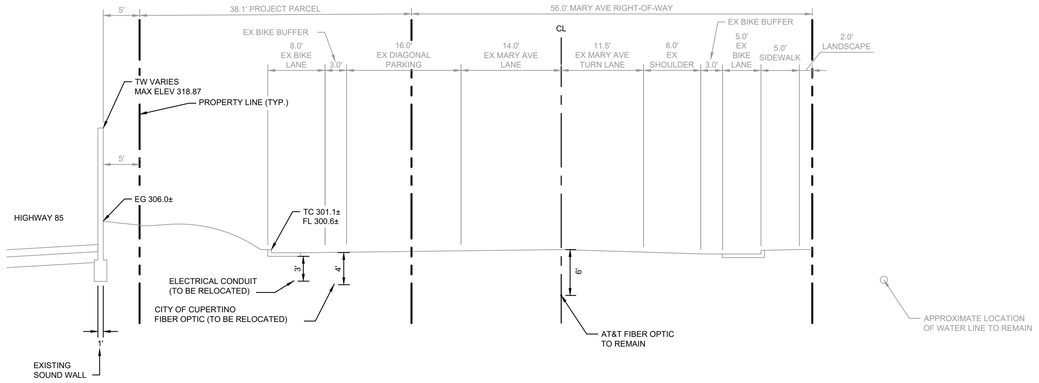
PROJECT NO.	197381002
DATE	OCTOBER 2025
DRAWN BY	
SCALE	SEE SHEET

SHEET

PRELIMINARY SITE PLAN

C001.0



EXISTING SECTION A

1"=10'

GRAPHIC SCALE IN FEET
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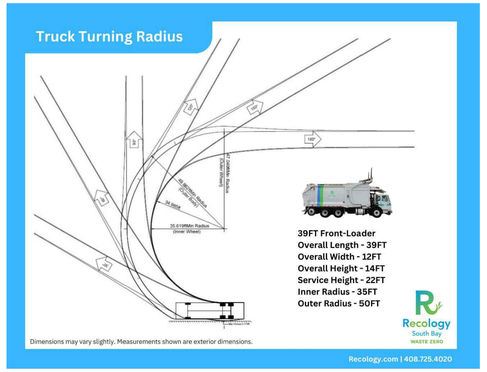
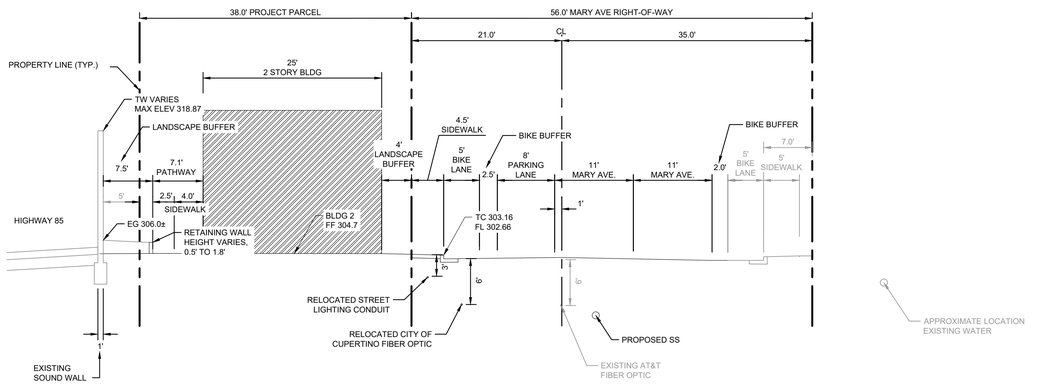


39FT FRONT-LOADER TRUCK TURNING RADIUS

NOT TO SCALE



PROPOSED SECTION A, BUILDING 2

1"=10'

GRAPHIC SCALE IN FEET
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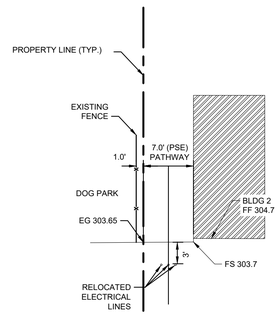

PROPOSED SECTION C AT NORTH PROPERTY LINE

1"=10'

GRAPHIC SCALE IN FEET
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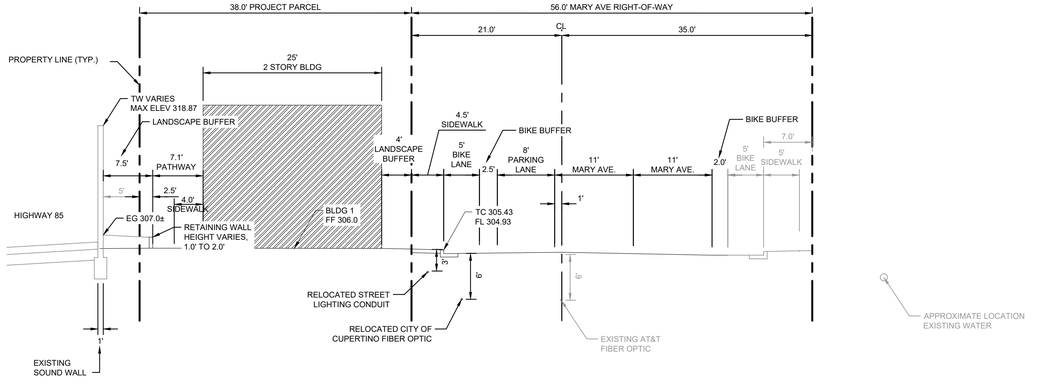

PROPOSED SECTION B, BUILDING 1

1"=10'

GRAPHIC SCALE IN FEET
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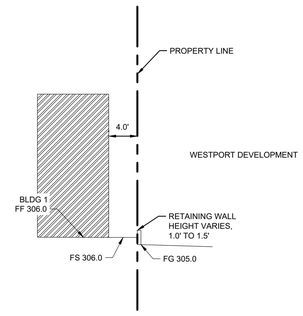

PROPOSED SECTION D AT SOUTH PROPERTY LINE

1"=10'

GRAPHIC SCALE IN FEET
0 5 10 20

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DATE	OCTOBER 2025
DRAWN BY	
SCALE	SEE SHEET

SHEET

SECTIONS C005.0

I. *Transportation Study for Proposed Affordable Housing Project on Mary Avenue in Cupertino, California, dated November 13, 2025.*

PARCEL MAP

CONSISTING OF TWO (2) SHEETS
BEING A PORTION OF THE WEST ½
OF THE NORTHEAST ¼ OF SECTION
14 T 7 S., R 2 W., M.D.B.&M.
SANTA CLARA COUNTY RECORDS.
CITY OF CUPERTINO
SANTA CLARA COUNTY, CALIFORNIA
NOVEMBER 2021

Giuliani & Kull - San Jose, Inc.
Engineers • Planners • Surveyors
4880 Stevens Creek Blvd. Suite 100
San Jose, California 95129
(408) 615-4000

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THE MAP; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; AND THAT WE HEREBY CONSENT TO THE MAKING OF SAID MAP AND SUBDIVISION AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE AND ALL DEDICATIONS AND OFFERS OF DEDICATION THEREIN.

WE ALSO HEREBY DEDICATE TO PUBLIC USE EASEMENTS FOR ANY AND ALL PUBLIC SERVICE FACILITIES INCLUDING POLES, WIRES, CONDUITS, GAS, WATER, HEAT MAINS AND ALL APPURTENANCES TO THE ABOVE, UNDER, UPON, OR OVER THOSE CERTAIN STRIPS OF LAND LYING BETWEEN THE FRONT AND/OR SIDE LINES OF LOTS AND THE DASHED LINES AND/OR THOSE CERTAIN AREAS LYING BETWEEN DASHED LINES EACH DESIGNATED AS "PSE" (PUBLIC SERVICE EASEMENT). THE ABOVE MENTIONED PUBLIC SERVICE EASEMENTS TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED ROOF OVERHANGS.

AS OWNERS: CITY OF CUPERTINO. A MUNICIPAL CORPORATION

BY: _____ 4-26-2023
PAMELA WU — DATE
CITY MANAGER

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA) SS.

ON April 26 *, 2023 BEFORE ME,* Lauren Sapudar *, A NOTARY PUBLIC*
PERSONALLY APPEARED Pamela Wu *,*
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE (PERSON(S) WHOSE (NAME(S) (IS)/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/(SHE)/THEY EXECUTED THE SAME IN HIS/(HER)/THEIR AUTHORIZED (CAPACITY(IES), AND THAT BY HIS/(HER)/THEIR (SIGNATURE(S) ON THE INSTRUMENT THE (PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE (PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.
NOTARY'S SIGNATURE: _____
PRINTED NOTARY'S NAME: Lauren Sapudar
NOTARY'S PRINCIPAL PLACE OF BUSINESS: City of Cupertino 10300 Torre Ave. Cupertino CA 95014
NOTARY'S COMMISSION NO. 2409321
EXPIRATION OF NOTARY'S COMMISSION June 28, 2026

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CHAD MOSLEY ON NOVEMBER 1, 2021. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE DECEMBER 31, 2022, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP.

DATE: 4-20-23 BY: _____
RODD A. ROWALT
PLS # 7999
PLS EXPIRES 12-31-24

LICENSED LAND SURVEYOR
RODD A. ROWALT
NO. L7999
EXP. 12-31-24
STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON PARCEL MAP; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT, AS AMENDED, AND OF ANY LOCAL ORDINANCE APPLICABLE AT THE TIME OF APPROVAL OF THIS PARCEL MAP HAVE BEEN COMPLIED WITH. I HEREBY APPROVE THE HEREON PARCEL MAP AS SHOWN AND ACCEPT ON BEHALF OF THE PUBLIC, PURSUANT TO CITY OF CUPERTINO RESOLUTION 11-175, ALL PARCELS OF LAND AND EASEMENTS OFFERED FOR DEDICATION OR GRANTED ON THIS MAP FOR THE PURPOSES SET FORTH IN THE OFFER OF DEDICATION OR GRANT.

DATE: 4/25/2023
CHAD MOSLEY
CITY OF CUPERTINO, CALIFORNIA
RCE # 66077

REGISTERED PROFESSIONAL ENGINEER
CHAD E. MOSLEY
NO. C-066077
EXP. 6-30-24
CIVIL
STATE OF CALIFORNIA

CITY LAND SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE HEREON PARCEL MAP AND THAT I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

DATE: 4-21-23 BY: _____
MARK A. HELTON, PLS # 7078
EXPIRES 12-31-2024
GIULIANI & KULL-SAN JOSE, INC.

LICENSED LAND SURVEYOR
MARK A. HELTON
NO. L7078
EXP. 12-31-24
STATE OF CALIFORNIA

COUNTY RECORDER'S STATEMENT

FILE NO. 25469222 FEE $ 87 PAID. ACCEPTED FOR RECORD AND FILE THIS 2ND DAY OF MAY, 2023, AT 9:52 AM. IN BOOK 853 OF MAPS AT PAGE(S) 53-54, SANTA CLARA COUNTY RECORDERS, AT THE REQUEST OF CITY OF CUPERTINO.

REGINA ALCOMENDRAS, COUNTY RECORDER
SANTA CLARA COUNTY, CALIFORNIA

BY: _____
DEPUTY

F:\2020\20117\20117PM.dwg

#25469222

153.

PARCEL MAP

CONSISTING OF TWO (2) SHEETS
BEING A PORTION OF THE WEST ½
OF THE NORTHEAST ¼ OF SECTION
14 T 7 S., R 2 W., M.D.B.&M.
SANTA CLARA COUNTY RECORDS.
CITY OF CUPERTINO
SANTA CLARA COUNTY, CALIFORNIA
NOVEMBER 2021

Giuliani & Kull - San Jose, Inc.
Engineers • Planners • Surveyors
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San Jose, California 95129
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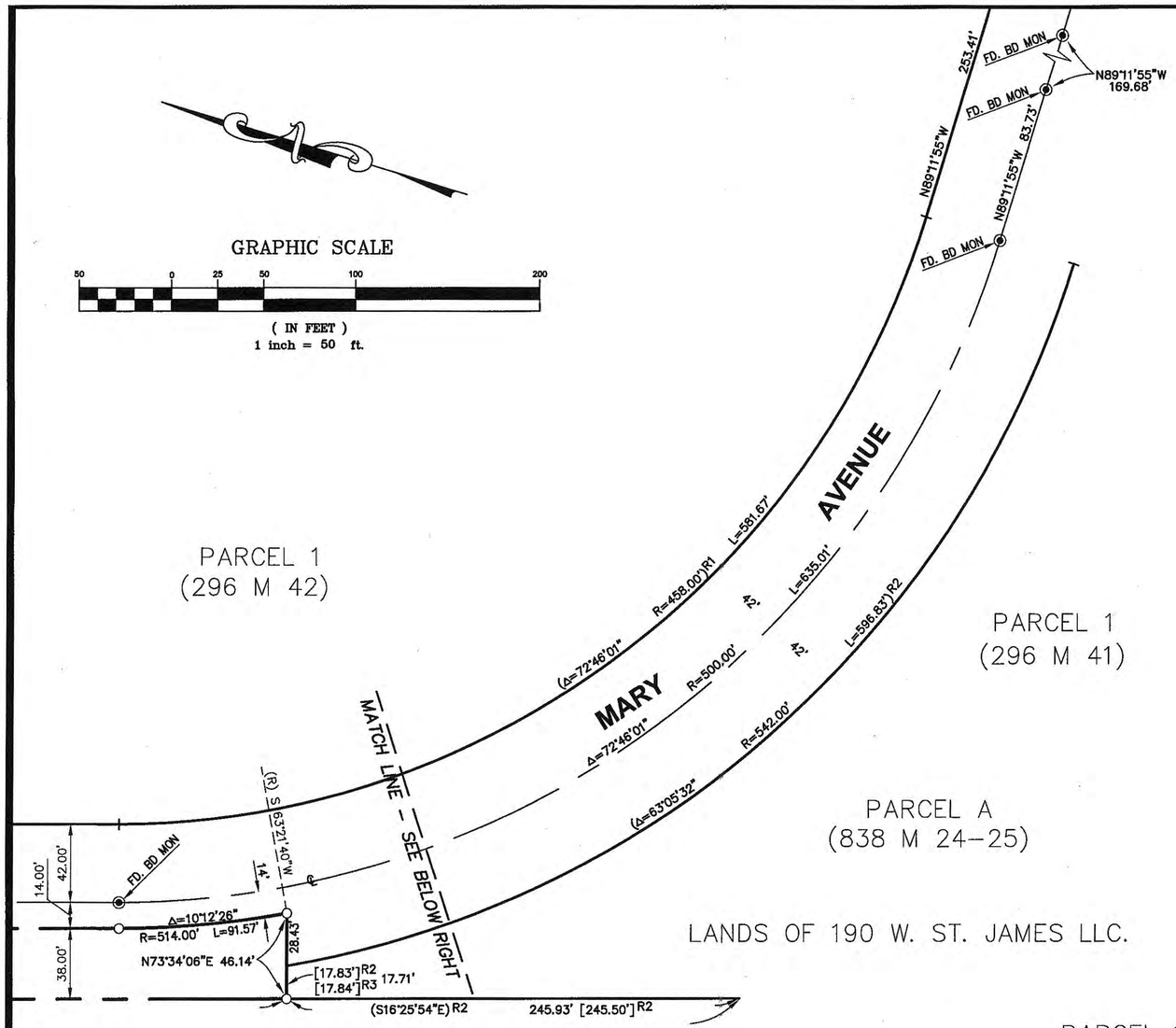
GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.



LEGEND

————	*DISTINCTIVE BORDER*
——℄——	*CENTERLINE OF RIGHT-OF-WAY*
————	*EXISTING LOT LINE*
○	*SET 3/4" IRON PIPE, TAGGED L.S. 7999*
⊙	*MONUMENT IN MONUMENT BOX, AS DESCRIBED*
O.R.	*OFFICIAL RECORDS*
DOC. NO.	*DOCUMENT NUMBER*
MON.	*MONUMENT*
( )	*RECORD DATA HELD*
[ ]	*RECORD DATA IN CONFLICT WITH HELD DATA*
BD	*BRASS DISC*
FD.	*FOUND*

REFERENCES

R1 P.M. (296 M 42)
R2 P.M. (296 M 41)
R3 P.M. (838 M 24–25)

BASIS OF BEARINGS

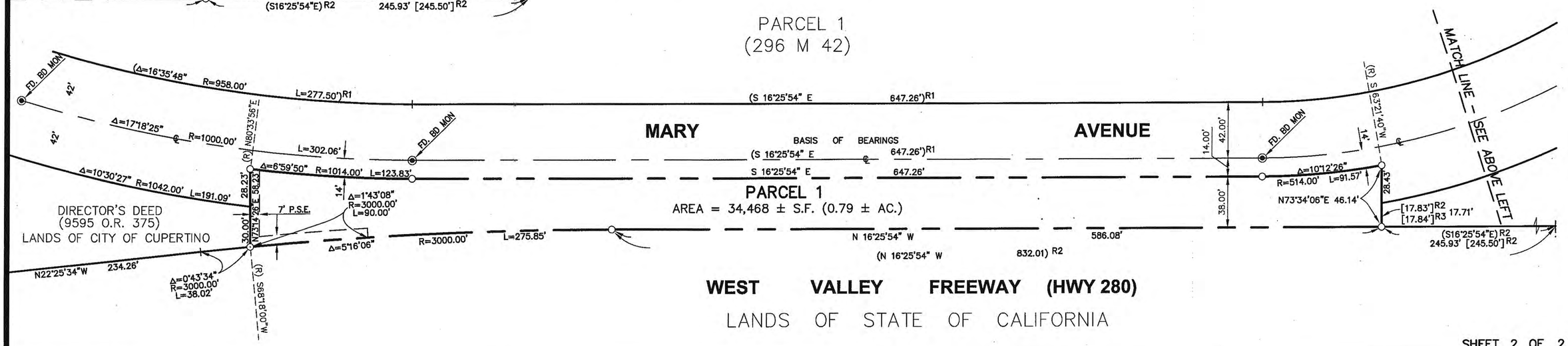
THE BEARING SOUTH 16°25'54" EAST FOR THE CENTERLINE OF MARY AVENUE AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED FOR RECORD IN BOOK 296 OF MAPS AT PAGE 42, IN SANTA CLARA COUNTY RECORDS, WAS TAKEN AS BASIS OF BEARINGS FOR THIS MAP.

NOTES:

1. ALL DISTANCES AND DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

2. THE AREA WITHIN THE DISTINCTIVE BORDER IS 0.81± ACRES, (35,081± SQUARE FEET), MORE OR LESS.

3. THE DISTINCTIVE BORDER DENOTES THE BOUNDARY OF THE SUBDIVISION.



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154.

Hexagon Transportation Consultants, Inc.

Memorandum

Date: November 13, 2025

To: Mr. Andy Lief, Charities Housing

From: Kai-Ling Kuo, Andrea Lin

Subject: Transportation Study for Proposed Affordable Housing Project on Mary Avenue in Cupertino, California

Hexagon Transportation Consultants, Inc. has completed a transportation study for the proposed affordable housing project on Mary Avenue in Cupertino, California. The project proposes affordable housing between the SR 85 soundwall and Mary Avenue. The project proposes constructing 2 two-story buildings with a total of 40 dwelling units (19 affordable disabled housing units and 21 affordable housing units) and 20 on-site parking spaces (18 regular spaces and 2 accessible spaces) on a 0.8-acre site. Access to the buildings would be provided via 2 two-way driveways on Mary Avenue. The project site location and site plan are shown in Figure 1 and Figure 2, respectively.

Scope of Study

This study was conducted for the purpose of identifying the potential transportation impacts and operational issues related to the proposed development. The transportation impacts of the project were evaluated following the standards and methodologies established in the City of Cupertino's Transportation Study (TS) Guidelines (January 2025). This study consists of a California Environmental Quality Act (CEQA) vehicle miles traveled (VMT) analysis and a transportation analysis per the TS Guidelines.

As discussed below, the project would result in an increase in net vehicle trip generation of 163 daily trips, which is within the definition of a Tier 2 project (projects with trip generation between 110 and 1,000 daily vehicle trips and less than 100 peak hour trips). Based on the City's TS Guidelines, a Tier 2 transportation analysis requires an off-site intersection operations analysis, review of General Plan consistency, a parking supply evaluation, a site access and circulation assessment, and a safety assessment. The intersection operations analysis includes an analysis of weekday AM and PM peak-hour traffic conditions at the intersection of Mary Avenue and Stevens Creek Boulevard.

VMT Analysis

Transportation impacts under CEQA are measured using VMT. The City of Cupertino TS Guidelines provide VMT exemption screening criteria for development projects. If a project meets the City's screening criteria, the project is expected to result in a less-than-significant VMT impact and a detailed CEQA VMT analysis is not required.

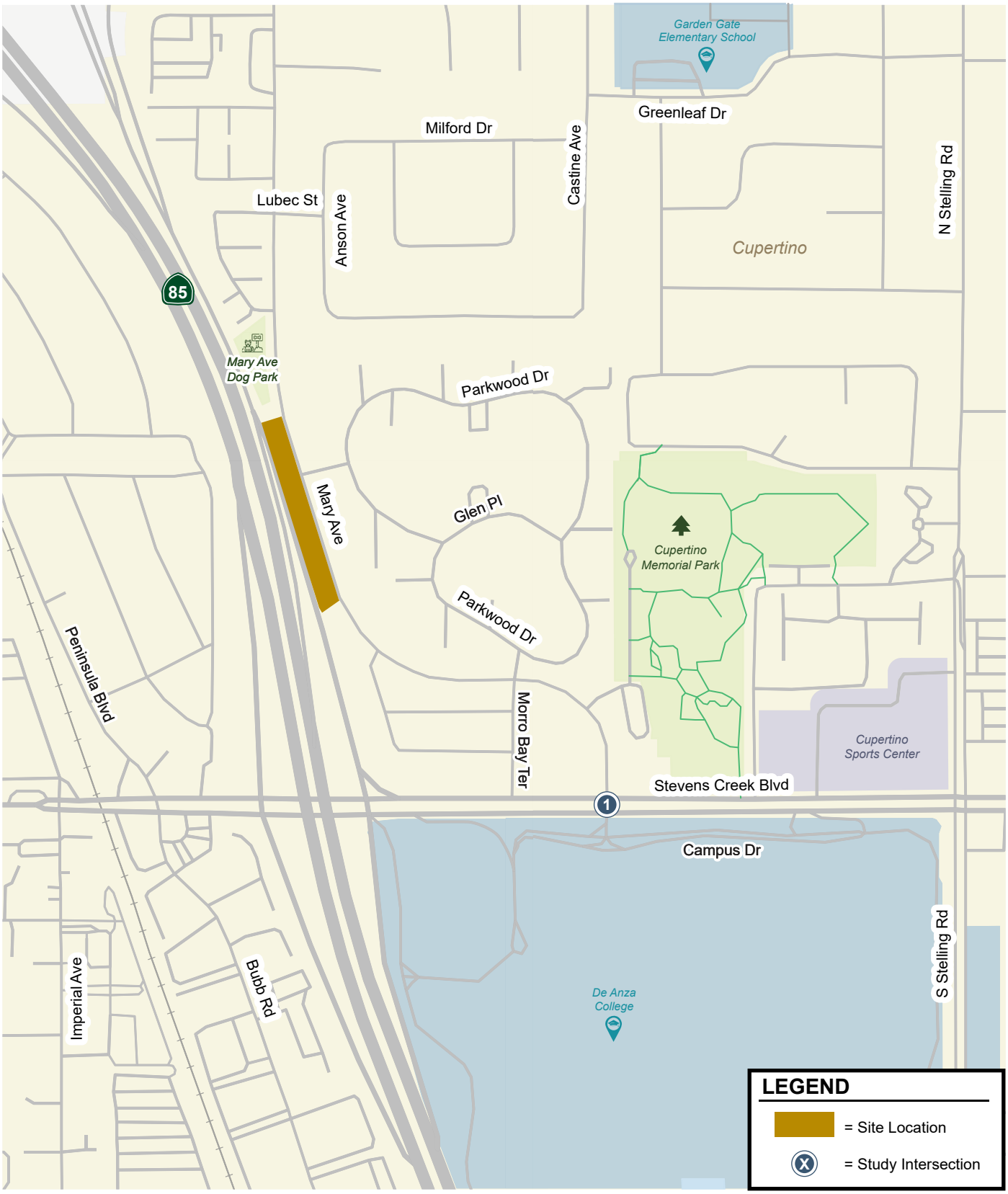


Figure 1
Site Location and Study Intersection

NORTH
Not to Scale

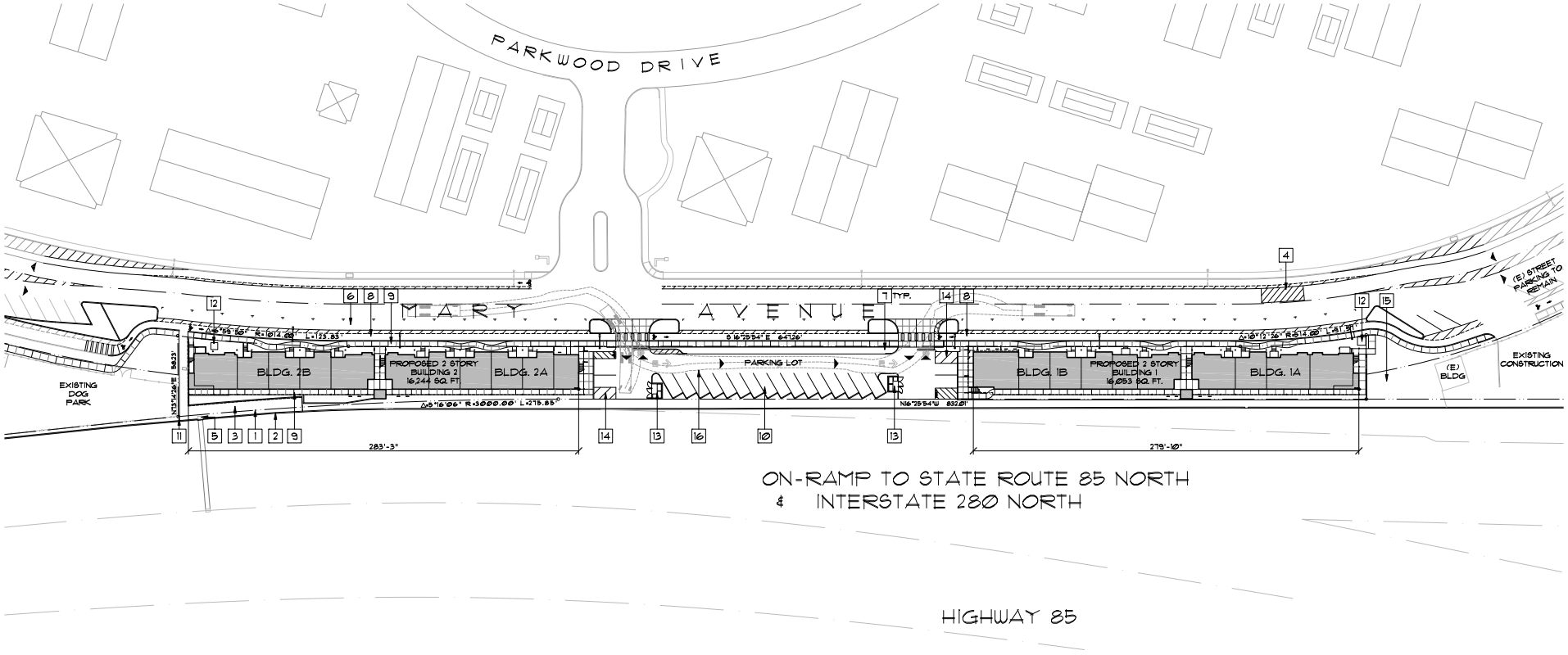


Figure 2
Site Circulation Plan

NORTH
Not to Scale

Per the TS Guidelines, a project may be screened out if it meets one or more of the following criteria: (1) a project located within one-quarter mile of a High-Quality Transit Corridor or transit stop as defined by CEQA; (2) local-serving retail of 50,000 square feet or less; or (3) land-use projects consisting of 100% affordable housing. The project would provide 100% affordable housing; thus, it is expected to result in a less-than-significant VMT impact and would not require detailed VMT analysis.

Existing Transportation System

The existing transportation system in the project study area is described below. Included are descriptions of the existing roadway network, pedestrian and bicycle facilities, and transit services.

Existing Roadway Network

Regional access to the project site is provided via SR 85. Local access to the site is provided via Stevens Creek Boulevard, Stelling Road, and Mary Avenue. These facilities are described below.

SR 85 is a six-lane freeway with two mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction in the vicinity of the project site. SR 85 extends north through Mountain View, connecting with US 101, and south through San Jose, connecting again with US 101. Access to the project site is provided via its interchange with Stevens Creek Boulevard.

Stevens Creek Boulevard is an east-west roadway classified as a boulevard (arterial) in the City's General Plan. It extends from Ridgeway Drive in the west to Bascom Avenue in the east. In the vicinity of the project site, Stevens Creek Boulevard has 6 lanes with left turn/U-turn pockets at intersections, a landscaped median, buffered bike lanes in each direction, and sidewalks along both sides of the roadway. On-street parking is prohibited on both sides of the roadway, and the posted speed limit is 35 miles per hour (mph). Access to the project site is provided via its intersection with Mary Avenue/Campus Drive.

Stelling Road is a north-south roadway classified as an avenue (major collector) in the City's General Plan. It extends past Homestead Road in the north and past Prospect Road to the south. In the vicinity of the project site, Stelling Road has 4 lanes with left turn/U-turn pockets at intersections, a landscaped median, sidewalks along both sides of the roadway, and striped bike lanes in each direction. On-street parking is prohibited on both sides of the street. The posted speed limit is 35 mph. Access to the project site is provided via its intersection with Stevens Creek Boulevard.

Mary Avenue is a two-lane north-south local street classified as a neighborhood connector in the City's General Plan. It extends from Meteor Drive in the north to Campus Drive in the south. Mary Avenue has sidewalks on the east side of the street and on the west side of the street for the most part, except along the project frontage. It has buffered and protected (Class IV) bike lanes on both sides of the roadway. On-street parking is allowed on both sides of the street north of Morro Bay Terrace. The parking is diagonal on the west side and parallel on the east side. The project would remove parking on the east side and change the west side to parallel parking. The posted speed limit is 30 mph. Mary Avenue provides direct access to the project site.

Existing Transit Services

Existing transit service to the City of Cupertino is provided by the Santa Clara Valley Transportation Authority (VTA). The VTA bus routes in the project vicinity and the bus stops near the project site are summarized in Table 1 and shown in Figure 3.

The closest bus stop is located about 2,100 feet away near the intersection of Mary Avenue and Stevens Creek Boulevard. The nearby bus stop located at De Anza College is about 2,600 feet from the project site. The bus stops on Stevens Creek Boulevard at Stelling Road are more than a half mile from the project site.

Table 1
Existing Transit Services

Route	Route Description	Weekday Hours of Operation	Headways[1] (minutes)	Nearby Bus Stops	Walking Distance from Nearest Stop to Project Site (feet)
Local Routes					
Route 51	Moffett Field/Ames Research Center - West Valley College	5:50 AM to 8:00 PM	30	Mary Ave at Stevens Creek Boulevard	2,100
Route 55	Old Ironsides Station - De Anza College	5:20 AM to 10:50 PM	30	Stelling Road at Stevens Creek Boulevard	3,600
Route 25[2]	De Anza College - Alum Rock via Valley Medical Center	5:45 AM to 10:30 PM	30	Stelling Road at Stevens Creek Boulevard	3,700
Frequent Routes					
Route 23	De Anza College - Alum Rock via Stevens Creek Boulevard	4:50 AM to 1:30 AM	15	De Anza College (Campus Road)	2,600
Rapid 523	San Jose State University - Lockheed Martin via De Anza Boulevard	5:20 AM to 11:30 PM	20	Stelling Road at Stevens Creek Boulevard	3,700

Notes:

1. Headways during weekday peak periods as of October 2025.

2. Route 25 provides frequent service between Alum Rock Station and Santa Clara Valley Medical Center and less frequent service between Alum Rock Station and De Anza College.

Existing Bicycle Facilities

The bicycle facilities that exist in the project vicinity (see Figure 4) include bike lanes and bike routes. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes are signed bike routes where bicyclists share a travel lane with motorists.

Bike lanes are present on Mary Avenue (Class IV parking-protected on a portion of the west side between Lubec Street and Morro Bay Terrace and on a portion of the east side between the north end of Mary Avenue Dog Park and the Cupertino Memorial Park parking lot entrance, and Class IIB buffered lanes on the rest of the street), Stevens Creek Boulevard (Class II), Bubb Road (Class IV), and Stelling Road (Class II). A bike route in the area connects the project to local schools like Garden Gate Elementary school. In the project vicinity, the route is present along Lubec Street (east of Mary Avenue), Anson Avenue (north of Lubec Street) Milford Drive, Castine Avenue (north of Milford Drive) and Greenleaf Drive.

Existing Pedestrian Facilities

Pedestrian facilities consist of sidewalks, ADA compliant curb ramps, and crosswalks at many of the nearby intersections. In the vicinity of the project site, continuous sidewalks exist along the east side of Mary Avenue and both sides of Stevens Creek Boulevard, Campus Drive, and Stelling Road. There is no sidewalk on the west side of Mary Avenue along the project frontage and the Dog Park. There are two high-visibility crosswalks across Mary Avenue at unsignalized intersections along the street: one at Lubec Street north of the site and the other at the driveway for the Cupertino Memorial Park parking lot, south of the site, with rapid rectangular flashing beacons (RRFB). At the signalized intersection of Mary Avenue and Stevens Creek Boulevard, high-visibility crosswalks are provided across the north, south, east and west legs of the intersection.

Figure 3
Existing Transit Services

Figure 4
Existing Bicycle Facilities

Project Trip Estimates

The magnitude of traffic produced by a new development and the locations where that traffic would appear were estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic traveling to and from the proposed residential development was estimated for the AM and PM peak hours. As part of the project trip distribution and assignment, directions to and from which the project trips would travel were estimated and project trips generated were assigned to specific streets and intersections. These procedures are described below:

Trip Generation

Through empirical research, data have been collected that show trip generation rates for many types of land uses. The data are published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual,* 12th Edition. ITE does not have a category for developmentally disabled housing. The closest category for estimating trips generated by this land use is "Senior Adult Housing" as most residents of the project would likely not own cars and care takers or assistants would generate most of the trips. Using this category to represent the developmentally disabled housing units is likely a slight over-estimate of generated traffic because residents would not have cars.

Thus, trips that would be generated by the project were estimated using the ITE average trip rates for "Senior Adult Housing - Multifamily" (ITE Land Use 252) for the developmentally disabled units and "Affordable Housing" (ITE Land Use 223) for the proposed affordable housing units.

The proposed project is estimated to generate 163 daily vehicle trips, with 12 trips (3 inbound and 9 outbound) during the AM peak hour and 15 trips (9 inbound and 6 outbound) during the PM peak hour (see Table 2).

Table 2
Project Trip Generation Estimates

Land Use	Size	Daily Rate[1]	Daily Trips	AM Peak Hour				PM Peak Hour			
				Rate	In	Out	Total	Rate	In	Out	Total
Proposed											
Disabled Housing [1]	19 d.u.	3.25	62	0.19	1	3	4	0.25	3	2	5
Affordable Housing [2]	21 d.u.	4.81	101	0.36	2	6	8	0.46	6	4	10
Total Project Trips			***163***		***3***	***9***	***12***		***9***	***6***	***15***

Notes
d.u. = dwelling units
[1] Trip generation rate for the proposed housing for the developmentally disabled is based on the ITE's *Trip Generation Manual, 12th Edition* rates for Land Use Code 252 "Senior Adult Housing - Multifamily."
[2] Trip generation rate for the proposed affordable are based on the ITE's *Trip Generation Manual, 12th Edition* rates for Land Use Code 223 "Affordable Housing."

Trip Distribution and Assignment

The trip distribution pattern for the project was estimated based on the existing travel patterns on the surrounding roadway network and the locations of complementary land uses. The peak-hour trips generated by the project were assigned to the roadway system based on the trip distribution pattern, directions of approach and departure, and the roadway network connections. Project trip distribution and trip assignment are shown in Figure 5. For a conservative analysis, it is assumed that all trips from the project site would pass through the study intersection at Mary Avenue and Stevens Creek Boulevard.

Figure 5
Project Trip Distribution and Assignment

Intersection Traffic Operations

This section presents the methods used to determine traffic conditions at the study intersection and the traffic effects of the project.

Scope of Analysis

This study analyzes the traffic effects of the project at the Mary Avenue/Campus Drive and Stevens Creek Boulevard intersection during the weekday AM and PM peak hours of commute traffic. Traffic conditions at the study location were analyzed for the weekday AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak hours of commute traffic. These periods represent the most congested traffic conditions on the surrounding street network during a typical weekday.

Intersection traffic conditions were evaluated for the following scenarios:

- ***Existing Conditions.*** Existing AM and PM peak-hour traffic volumes were obtained from new turning movement counts conducted on a typical weekday, October 7, 2025 (see Appendix A).
- ***Existing Plus Project Conditions.*** Existing plus project traffic volumes were estimated by adding to the existing traffic volumes the additional traffic generated by the project (see Figure 5). Existing plus project conditions were evaluated relative to existing conditions to determine potential project adverse effects.

Intersection Level of Service Analysis Methodology

Traffic conditions at the study intersection were evaluated using level of service (LOS). Level of service is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays.

The City of Cupertino evaluates level of service at signalized intersections based on the latest *Highway Capacity Manual (HCM)* level of service methodology. For the study, the intersection levels of service were analyzed using Synchro software in accordance with the *HCM 7th Edition* methodology. The HCM method evaluates signalized intersection operations based on average control delay time for all vehicles at an intersection. The correlation between average control delay and level of service is shown in Table 3.

Signalized study intersections are typically subject to the local municipalities' level of service standards. The City's TS Guidelines (2025) do not provide level of service standards for signalized intersections. For this study, an LOS D standard was applied to the study intersection based on the 2021 TS Guidelines.

Definition of Adverse Intersection Operational Effects

For most major intersections, a development is said to create an adverse effect on traffic conditions at a study intersection if for either hour, any of the following conditions occur:

1. The level of service at signalized intersections degrades from an acceptable level (LOS D or better) under no-project conditions to an unacceptable LOS E or F under project conditions.
2. The project would deteriorate already unacceptable operations at a signalized intersection by increasing the average critical delay by four or more seconds and increasing the critical volume-to-capacity (v/c) ratio by 0.01 or more; **or** increase the v/c ratio by 0.01 or more at an intersection with unacceptable operations when the change in critical delay is negative (i.e. decreases). This can occur if the critical movements change.

Table 3
Signalized Intersection Level of Service Definitions Based on Average Control Delay

Level of Service	Description	Average Control Delay per Vehicle (sec.)
A	Signal progression is extremely favorable. Most vehicles arrive during the green phase and do not stop at all. Short cycle lengths may also contribute to the very low vehicle delay.	10.0 or less
B	Operations characterized by good signal progression and/or short cycle lengths. More vehicles stop than with LOS A, causing higher levels of average vehicle delay.	10.1 to 20.0
C	Higher delays may result from fair signal progression and/or longer cycle lengths. Individual failures may begin to appear at this level. The number of vehicles stopping is significant, though some vehicles may still pass through the intersection without stopping.	20.1 to 35.0
D	The influence of congestion becomes more noticeable. Longer delays may result from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 55.0
E	This is considered to be the limit of acceptable delay. These high delay values generally indicate poor signal progression, long cycle lengths, and high volume-to-capacity (V/C) ratios. Individual cycle failures occur frequently.	55.1 to 80.0
F	This level of delay is considered unacceptable by most drivers. This condition often occurs with oversaturation, that is, when arrival flow rates exceed the capacity of the intersection. Poor progression and long cycle lengths may also be major contributing causes of such delay.	greater than 80.0

Source: Transportation Research Board, *Highway Capacity Manual, 7th Edition* (Washington, D.C.,2022)

The 2025 TS Guidelines also provide a deficiency criterion for intersection vehicle queuing as part of evaluating the project's effect on traffic operations. An adverse effect on signalized intersection operations would occur if for either peak hour:

1. The project traffic would cause 95th percentile vehicle queues to exceed the existing or planned length of a turn pocket, or
2. Where a queue exceeds the available storage without the project, project traffic would increase the queue by more than 50 feet.

Lane Configurations and Traffic Volumes

The existing lane configurations at the study intersections are shown on Figure 6.

The traffic volumes for the existing conditions and existing plus project conditions are shown in Figure 6 and described above for the analysis scenarios.

Figure 6
Existing Lane Configuration and Study Traffic Volumes

NORTH
Not to Scale

Intersection Levels of Service

The results of the intersection level of service analysis (see Table 4) show that the study intersection would operate at an acceptable level of service under existing and existing plus project conditions. The intersection level of service calculation report is included in Appendix B.

Table 4
Intersection Level of Service Summary

#	Intersection	LOS Standard	Control	Peak Hour	Existing Delay[1] (sec)	Existing LOS	Existing plus Project Delay[1] (sec)	Existing plus Project LOS	Change in Delay
1	Mary Ave/Campus Dr & Stevens Creek Blvd	D	Signal	AM	31.6	C	31.6	C	0.0
				PM	27.0	C	27.2	C	0.2

Notes:
1. Average delay (seconds per vehicle) is reported for signalized intersections.

Intersection Queuing Analysis

Typically, vehicle queuing analysis is done for high-demand movements at intersections where the project would add a substantial number of trips to the left-turn movements (10 or more peak hour vehicle trips per lane). The project would not be adding 10 or more peak hour vehicle trips per lane to any turning movement (see Figure 5). Thus, it is not expected that the addition of the project would negatively affect the existing queuing conditions.

General Plan Consistency

The project is located on Mary Avenue, which is a local street. This street is not identified on the City's High Injury Network. The project would not conflict with the General Plan policies because the project would not affect access to roadways, transit, bicycle, or pedestrian facilities.

Pedestrian Facilities

The existing pedestrian facilities in the project vicinity provide good connectivity with continuous sidewalks from the project site to nearby points of interest, including bus stops, schools, and parks. High-visibility crosswalks across Mary Avenue are provided at the unsignalized intersections at Lubec Street to the north and at Cupertino Memorial Park driveway to the south.

There is currently no sidewalk along the project frontage. The project would construct a new 4.5-foot-wide sidewalk along its frontage on Mary Avenue to connect to the existing sidewalk to the south and the dog park to the north. The new sidewalk is consistent with the existing sidewalk configuration within the adjacent neighborhood. The sidewalk would be buffered from traffic by a 5-foot-wide bike lane, 2.5-foot buffer, and parallel street parking. Walkways from the street frontage would provide direct access to the buildings.

The project would not affect the existing pedestrian access in the area. The project would provide adequate pedestrian facilities on site connecting pedestrians to the rest of the City's pedestrian facilities.

Bicycle Facilities

The project proposes re-aligning the existing bike lane along the project frontage and converting the angled street-parking spaces to parallel street-parking spaces. The proposed bike lane would be 5 feet wide, which meets the minimum recommendation of 5 feet for lateral clearance of bike lanes listed in the VTA bicycle technical guidelines. The bike lane would be protected from vehicular traffic by 8-foot-wide parallel parking spaces and a 2.5 foot striped buffer between the bike lane and the

parking spaces. The project would introduce two driveways along the west side of Mary Avenue that would cross the bike lane. The project proposes using a different paving material to signal to drivers to slow down and look out for cyclists and pedestrians. The landscaping planters and curb islands next to the driveways would also provide adequate line of sights for cyclists and pedestrians.

The project proposes two pairs of reverse curves to create a lateral shift of the bike lane at the north and south ends of the project site to connect the proposed bike lane to the existing bike lane. The National Association of City Transportation Officials (NACTO) design guidelines for Bike Transitions, which are adapted from the *Urban Bikeway Design Guide, Third Edition,* was used to evaluate the proposed reverse curves. For an urban street, a design speed of 10 mph could be assumed for protected bike lanes. For an approach speed of 10 mph, NACTO recommends a minimum edge radius of 18 feet. At the north end of the site, the curve radii are less than 18 feet, which cannot accommodate a travel speed of 10 mph. At the south end of the site, the curve radii are greater than 18 feet.

Recommendation: To accommodate a design speed of 10 mph for the bike lane per NACTO's guidelines, the turn radii of the reserve curves on the north end of the project site should be a minimum of 18 feet and signage should be added ahead of the curves to inform cyclists to slow down to 10 mph.

The proposed bicycle lane would connect to the existing bicycle lane on Mary Avenue; thus the proposed project would not conflict with any planned facilities identified in the City of Cupertino 2016 Bicycle Transportation Plan.

Transit Services

As previously stated, the closest bus stop serves Local Route 51 and is located about 2,100 feet away at the intersection of Mary Avenue and Stevens Creek Boulevard. The nearby bus stop for Frequent Route 23 is located at De Anza College and is about 2,600 feet from the project site. The bus stops in both directions can be accessed via the existing pedestrian network. Any small increase in transit trips is expected to be accommodated by the existing transit capacity.

Parking

Vehicle Parking

The City of Cupertino minimum parking requirement for medium density multi-family housing per the City's Zoning Code (Table 19.124.040(A)) is two parking spaces per dwelling unit. Because the project would provide 100% affordable housing, the project can qualify for the State Density Bonus Law. Per public Resources Code Section 65915(p)(2), the City may not impose minimum vehicular parking ratios for developments that include at least 20% low-income units that exceed 0.5 spaces per unit.

Therefore, for the proposed 40 dwelling units, the project would be required to provide 20 parking spaces per the State Density Bonus Law. Additionally, approximately half of the dwelling units provided by the project would be for developmentally disabled residents that would not own cars or drive. The project proposes a total of 20 parking spaces in an on-site parking lot. Thus, the project meets the State Density Bonus Law parking requirements.

Bicycle Parking

The City's zoning code requires medium density multi-family developments to provide one long-term (Class I Facility) bicycle parking space per 2 residential units and one short-term (Class II Facility) bicycle parking space per 10 residential units. For the proposed 40 units, the project would be required to provide 20 long-term and 4 short-term bicycle parking spaces. The project proposes 16 inverted-U bike racks (which provide 2 bicycle parking spaces per inverted-U bike rack): 4 bike racks

in front of Building 1 near the community room, 3 bike racks north of Building 1, 1 rack in front of Building 2 near the manager's office, 4 bike racks behind Building 1 near the elevators, and 4 bike racks behind Building 2 near the elevators. The 8 proposed bike racks in front of buildings would provide 16 short-term parking spaces for public use, which would meet the short-term bicycle parking requirement. The 8 bike racks behind the buildings near the elevators could provide 16 parking spaces for residents. However, these spaces are not protected. Thus, the project does not meet the minimum requirements for long-term bicycle parking spaces.

Recommendation: To meet the city's requirements, the project should provide 20 long-term bicycle parking spaces. These long-term bicycle parking spaces should be provided in bicycle lockers (fully enclosed space accessible only by the owner of the bicycle), restricted access rooms (locked room or enclosure accessible only to the owners), or enclosed cages (chain link enclosures with a lock).

Removal of On-Street Parking

The project would convert the angled street-parking spaces to parallel street-parking spaces on its frontage along Mary Avenue and remove the parallel street-parking spaces on the east side of the street across from the project frontage. This would remove 84 angled street-parking spaces on the west side and 38 parallel street-parking spaces on the east side (approximately 950 feet) and add 33 parallel parking spaces to the west side of Mary Avenue, which would result in a net loss of 89 street-parking spaces.

Hexagon previously conducted a parking study (see Appendix C) to identify the current parking supply and demand of the on-street parking on Mary Avenue between Lubec Street and Stevens Creek Boulevard. There are currently 171 diagonal parking spaces provided along the west side and 70 parallel parking spaces provided on the east side, for a total of 241 on-street parking spaces. The parking study found the existing peak parking demand was 37 parking spaces (26 spaces on the west side of Mary Avenue and 11 spaces on the east side of Mary Avenue) with 7 occupied spaces along the project frontage.

As stated previously, the project meets the vehicular parking requirements per the State Density Bonus Law with the proposed parking on site. Additionally, approximately half of the dwelling units provided by the project would be for developmentally disabled residents that would not own cars or drive. Therefore, the project is not expected to increase parking demand for on street parking.

With the project, there would be 152 on-street parking spaces (with 33 parallel parking spaces along the project frontage), which would still provide enough spaces to meet the anticipated parking demand (37 total spaces and 7 spaces along the project frontage).

Site Access and Circulation

A review of the project site plan was performed to identify the adequacy of site access and on-site circulation. This review is based on the site plan dated May 9, 2025 (see Figure 2 and Figure 7). Vehicle access to the site would be provided via two driveways along Mary Avenue.

Driveway Design and Operations

The project proposes two driveways on Mary Avenue: one located opposite Parkwood Drive and the other about 180 feet south of that driveway. Two driveways are necessary because the project proposes angled on-site parking. The site is not wide enough to provide 90-degree parking.

Per the City's Standard Details 1-20, driveway width for commercial/high density residential should be between 24 and 32 feet. The driveway to the north (near Building 2) would be 24 feet wide and the driveway to the south (near Building 1) would be 26 feet wide, which meets the City's requirements for driveway width.

The project-generated trips that are estimated to access both driveways are 12 trips during the AM peak hour (3 inbound and 9 outbound) and 15 trips during the PM peak hour (9 inbound and 6 outbound). Due to the low number of AM and PM peak hour project-generated trips, operational issues related to vehicle queuing or delays, or with potential pedestrian or bicycle traffic would be minimal at the project driveways.

The distance between the first 90-degree parking stall and the street edge for both of the driveways is 24 feet. Thus, there is enough room for one inbound vehicle to queue in the driveway without blocking the traffic on Mary Avenue. The maximum number of vehicles that would enter a driveway is 9 inbound vehicles during the PM peak hour, which is equivalent to approximately one vehicle every 6 minutes. Thus, no inbound queuing issues are expected at the project driveways.

Driveway Sight Distance

The project driveways should be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling along Mary Avenue. Any landscaping and signage should be located in such a way to ensure an unobstructed view for drivers exiting the site and turning onto Mary Avenue. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway and provides drivers with the ability to locate sufficient gaps in traffic.

The project proposes trees that would be planted along the Mary Avenue frontage near the driveways. Per the City's Standard Details 7-2, the canopies of the trees should be at least 8.5 feet in height so that they do not impede the view of exiting drivers. If additional frontage improvements, such as signage or additional landscaping, are proposed, they should be located so that the view of exiting drivers is not impeded or not exceed 3.5 feet in height, per the City's Standard Details 7-2.

The minimum acceptable sight distance is considered the Caltrans stopping sight distance. Sight distance requirements vary depending on roadway speeds. Mary Avenue has a speed limit of 30 mph, so the Caltrans stopping sight distance is 250 feet (based on a design speed of 35 mph). Accordingly, a driver must be able to see 250 feet along Mary Avenue to stop and avoid a collision. Based on the site plan and narrow travel lanes on Mary Avenue, on-street parking next to the project driveways would potentially block the line of sight of exiting drivers (see Figure 8).

Recommendation: To ensure drivers exiting the project driveways have adequate lines of sight, it is recommended that two parallel parking spaces on the north side of each driveway and one parking space on the south side of the project driveways be removed. If the driveways are changed to one-way as recommended below, only the parking spaces next to the outbound driveway (south driveway) need to be removed. The on-street parking supply would still be adequate with the reduction of these six parallel parking spaces.

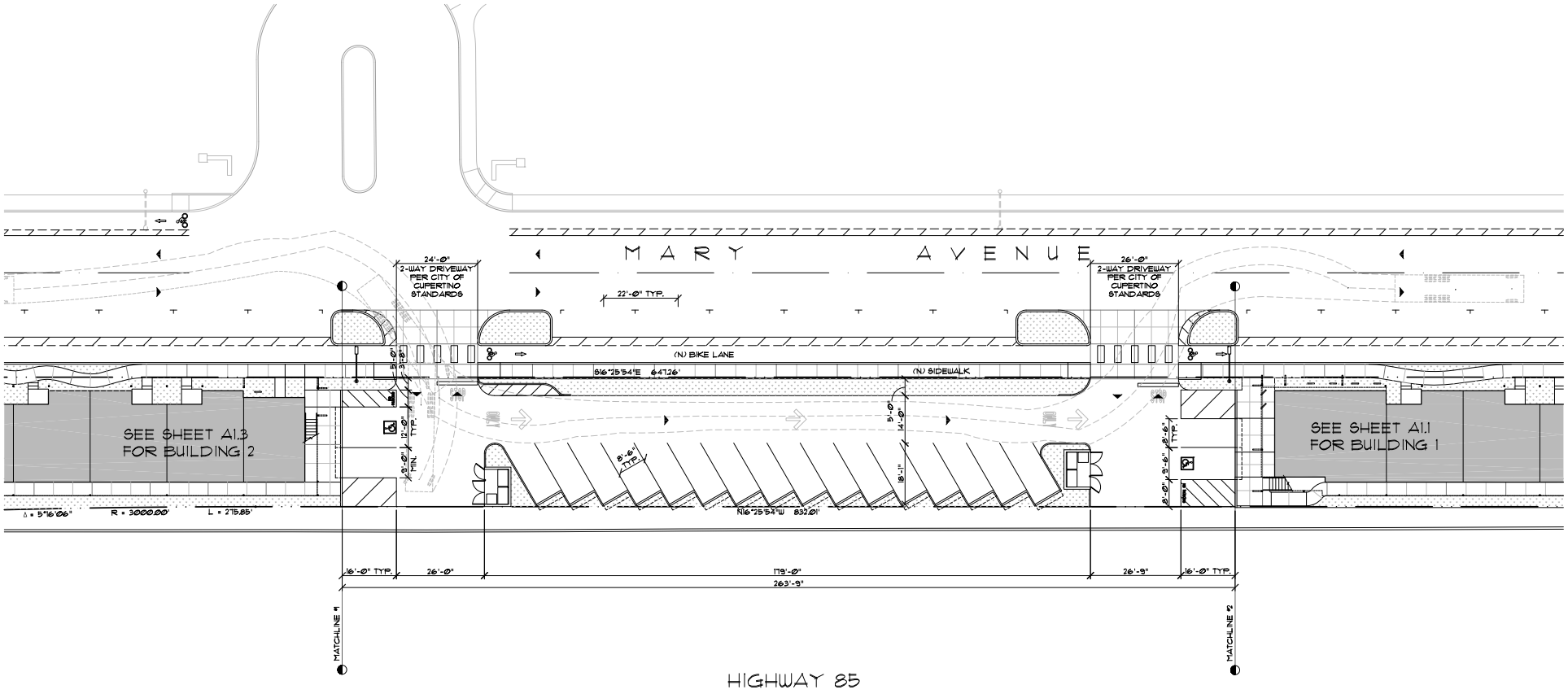
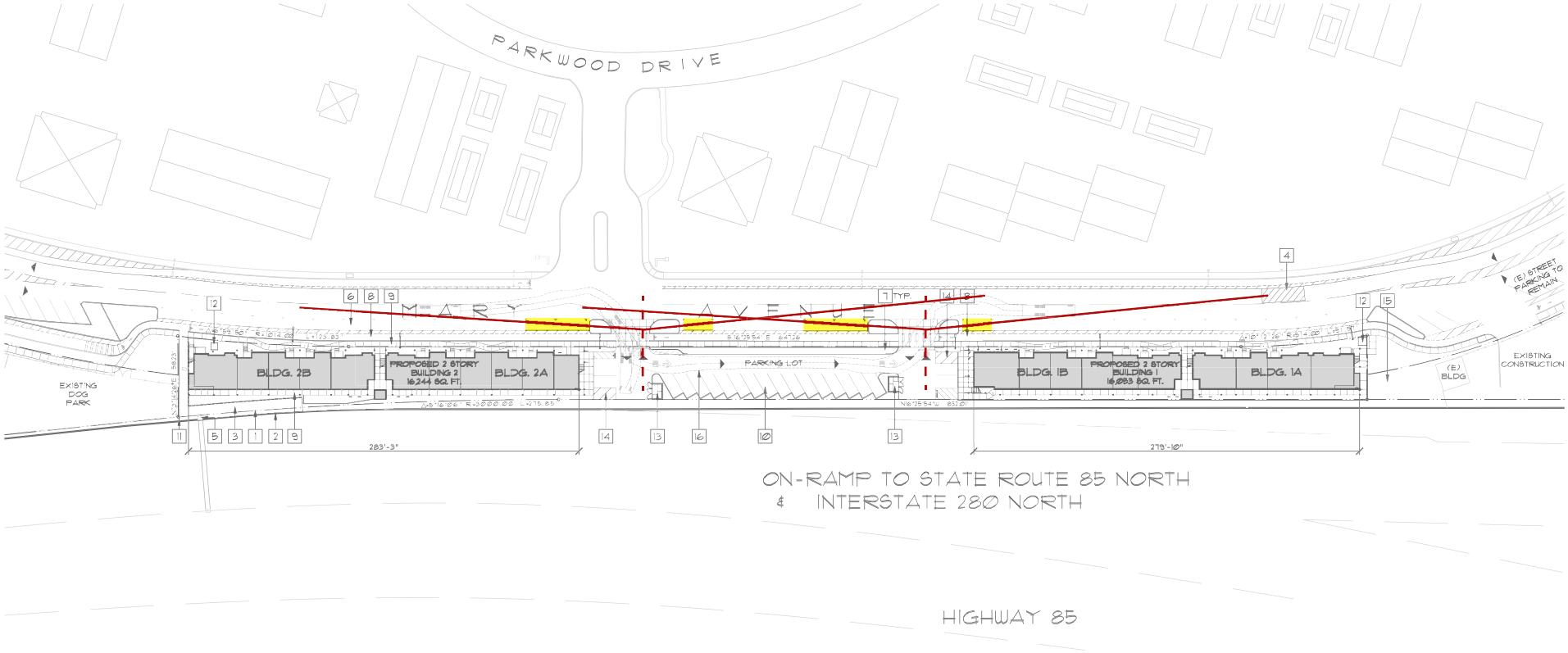


Figure 7
Proposed Parking Lot Plan

NORTH
Not to Scale



LEGEND

= Recommended Parallel Parking Spaces to be Removed

Figure 8
Sight Distance

NORTH
Not to Scale

On-Site Circulation and Stall Dimensions

On-site vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards. The project would provide an on-site surface parking lot (20 parking spaces) with a one-way aisle. In the parking lot, there would be two 90-degree parking spaces on the north end, two 90-degree parking spaces on the south end, and 16 angled parking spaces (60 degrees) along the west side of the parking lot (see Figure 7).

The driveways to access the parking lot would be two-way driveways that are 24 feet wide and 26 feet wide with a 26-foot-wide drive aisle to access the 90-degree parking spaces. The drive aisle to access the 60-degree angled parking spaces would be a one-way aisle that is 14 feet wide.

Recommendation: For improved circulation, it is recommended that the driveways are one-way, with the north driveway for inbound only and the south driveway for outbound only.

Per the City of Cupertino's Zoning Code Table 19.124.040(B), the minimum parking stall dimensions should be 8.5 feet wide and 18 feet long. Two-way drive aisles to access 90-degree parking spaces should be a minimum of 22 feet wide. The 90-degree parking spaces on the north and south ends of the parking lot would be a minimum of 8.5 feet wide and 16 feet long and would be accessed by a drive aisle that is 26 feet wide. The parking spaces include a 2-foot overhang into the walkway in front of the spaces, which effectively would provide a 6-foot walkway (sufficient for pedestrians to travel through). Based on the site plan, the proposed 90-degree parking spaces would meet the City's minimum stall dimensions.

Per Table 19.124.040(B), a one-way aisle to access 60-degree angle parking spaces should be a minimum of 13 feet wide. Based on the proposed parking lot plan, the 60-degree angle parking spaces would be 8.5 feet wide, 18 feet long, and have a one-way aisle that is 14 feet wide. Thus, the project's angled parking spaces would meet the City's minimum requirements.

Emergency Vehicle Access and Circulation

The City of Cupertino Fire Department requires a minimum driveway width of 20 feet, requires turnarounds for driveways more than 150 feet in length, and requires a minimum of 13.5 feet of vertical clearance. The project site has a maximum depth of 42 feet from Mary Avenue. Therefore, Mary Avenue would serve as the project's fire access road.

Garbage Truck Access and Circulation

Concrete trash pads/enclosures are shown in the parking lot. All garbage collection activities would occur on-site. Garbage trucks would need to pull into one of the driveways, perform garbage collection activities, back out onto Mary Avenue, and pull into the other driveway to perform the rest of the garbage collection activities. The truck would encroach onto the opposite travel lane when turning into and out of the driveways. However, because of the relatively low volumes on Mary Avenue, it is not expected that this would cause any operational issues. Figure 7 shows site access and circulation for garbage trucks.

Safety Assessment

The project would not alter any streets in the area. The project driveways and the internal aisles on site are designed in accordance with city standards. The project would generate mostly passenger vehicles, and the surrounding roadway system is designed to accommodate these vehicles. Therefore, the project would not worsen existing geometric hazards or create new geometric hazards.

Conclusions

The transportation analysis for the Mary Avenue Affordable Housing Project resulted in the following conclusions:

- **Trip Generation.** The proposed project is estimated to generate 163 new daily vehicle trips, with 12 trips (3 inbound and 9 outbound) during the AM peak hour and 15 trips (9 inbound and 6 outbound) during the PM peak hour.
- **Intersection Operation.** The Mary Avenue and Stevens Creek Boulevard intersection would operate at an acceptable level of service under existing and existing plus project conditions.
- **Site Access and Circulation.** The site access and circulation review resulted in the following recommendations:
    - Long-term Bicycle Parking. To meet the city's requirements, the project should provide 20 long-term bicycle parking spaces. These long-term bicycle parking spaces should be provided in bicycle lockers (fully enclosed space accessible only by the owner of the bicycle), restricted access rooms (locked room or enclosure accessible only to the owners, or enclosed cages (chain link enclosures with a lock).
    - Sight Distance. To ensure drivers exiting the project driveways have adequate lines of sight, it is recommended that two parallel parking spaces on the north side of each driveway and one parking space on the south side of the project driveways be removed. If the driveways are changed to one-way as recommended below, only parking spaces next to the outbound driveway need to be removed.
    - Site Circulation. It is recommended that the driveways be one-way access, with the north driveway for inbound only and the south driveway for outbound only.
    - Bike Lane. To accommodate a design speed of 10 mph for the bike lane, the turn radii of the reserve curves on the north end of the project site should be a minimum of 18 feet and signage should be added ahead of the curves to inform cyclists to slow down to 10 mph.

ATTACHMENTS

Appendix A – Traffic Counts
Appendix B – Intersection Level of Service Calculations
Appendix C – Parking Study

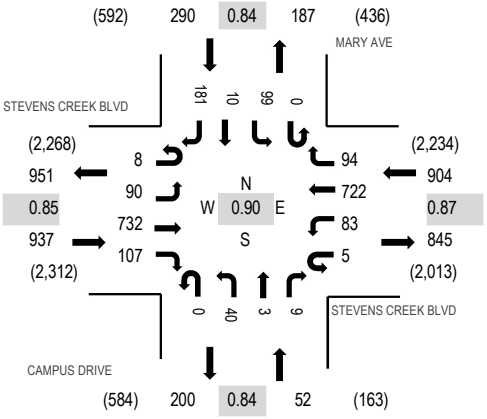
Appendix A

Traffic Counts

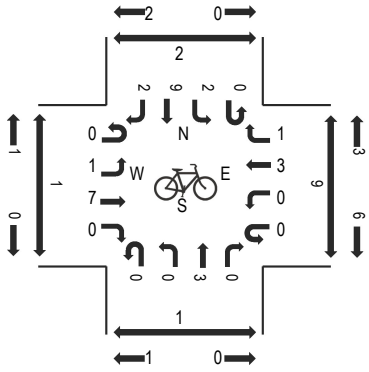
ALL TRAFFIC DATA SERVICES
(303) 216-2439
www.alltrafficdata.net

Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD AM
Date: Tuesday, October 7, 2025
Peak Hour: 08:00 AM - 09:00 AM
Peak 15-Minutes: 08:15 AM - 08:30 AM

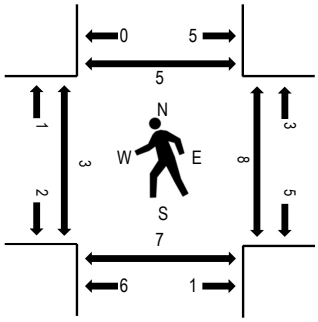
Peak Hour - Motorized Vehicles



Peak Hour - Bicycles



Peak Hour - Pedestrians



Note: Total study counts contained in parentheses.

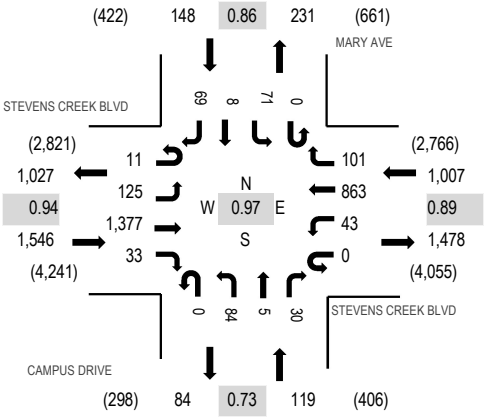
Traffic Counts - Motorized Vehicles

Interval Start Time	STEVENS CREEK BLVD Eastbound				STEVENS CREEK BLVD Westbound				CAMPUS DRIVE Northbound				MARY AVE Southbound					Rolling Hour	Pedestrian Crossings			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	Total		West	East	South	North
7:00 AM	1	13	67	10	0	5	88	12	0	3	0	0	0	3	0	16	218	1,098	0	1	2	1
7:15 AM	1	15	66	3	1	3	115	7	0	1	0	1	0	5	1	15	234	1,403	0	3	0	0
7:30 AM	0	10	82	6	2	4	130	6	0	4	0	2	0	30	0	20	296	1,773	0	0	1	1
7:45 AM	4	24	94	14	1	7	129	22	0	3	0	0	0	22	1	29	350	1,975	0	2	0	1
8:00 AM	1	17	129	19	1	16	208	34	0	10	0	3	0	27	2	56	523	2,183	0	0	1	1
8:15 AM	0	25	202	25	1	28	196	19	0	14	2	4	0	27	4	57	604	2,090	2	5	3	0
8:30 AM	4	28	155	27	2	17	167	18	0	7	1	1	0	34	3	34	498	2,034	0	0	3	2
8:45 AM	3	20	246	36	1	22	151	23	0	9	0	1	0	11	1	34	558	2,069	1	3	0	2
9:00 AM	0	13	142	39	1	44	116	21	0	12	1	6	0	9	3	23	430	2,020	0	5	0	1
9:15 AM	0	10	190	58	0	46	160	20	0	17	1	7	0	8	1	30	548		2	5	0	1
9:30 AM	0	16	220	45	0	21	152	11	0	17	2	10	0	8	1	30	533		1	4	0	2
9:45 AM	0	20	167	45	1	24	157	24	0	18	1	5	0	18	3	26	509		0	3	0	3
Count Total	14	211	1,760	327	11	237	1,769	217	0	115	8	40	0	202	20	370	5,301		6	31	10	15
Peak Hour	8	90	732	107	5	83	722	94	0	40	3	9	0	99	10	181	2,183		3	8	7	5

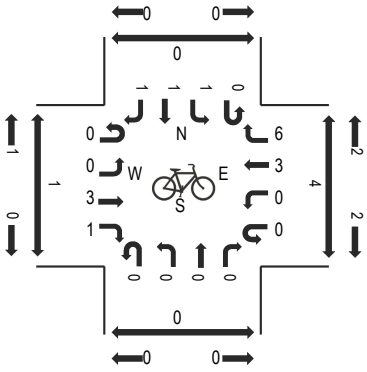
ALL TRAFFIC DATA SERVICES
(303) 216-2439
www.alltrafficdata.net

Location: 1 CAMPUS DRIVE & STEVENS CREEK BLVD PM
Date: Tuesday, October 7, 2025
Peak Hour: 05:00 PM - 06:00 PM
Peak 15-Minutes: 05:15 PM - 05:30 PM

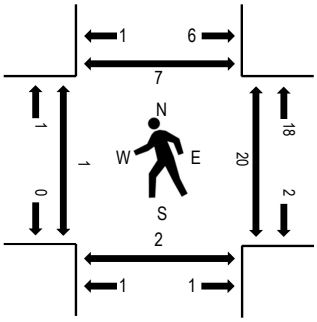
Peak Hour - Motorized Vehicles



Peak Hour - Bicycles



Peak Hour - Pedestrians



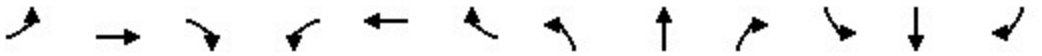
Note: Total study counts contained in parentheses.

Traffic Counts - Motorized Vehicles

Interval Start Time	STEVENS CREEK BLVD Eastbound				STEVENS CREEK BLVD Westbound				CAMPUS DRIVE Northbound				MARY AVE Southbound					Rolling Hour	Pedestrian Crossings			
	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	U-Turn	Left	Thru	Right	Total		West	East	South	North
4:00 PM	5	34	370	18	0	17	200	20	0	16	3	21	0	12	0	23	739	2,666	0	9	2	1
4:15 PM	0	23	247	16	0	9	197	22	0	29	2	11	0	16	2	16	590	2,637	2	3	1	0
4:30 PM	1	19	340	18	0	9	186	17	0	20	0	14	0	17	1	17	659	2,773	1	6	0	1
4:45 PM	1	20	394	16	0	7	165	16	0	9	0	12	0	25	0	13	678	2,781	0	1	0	1
5:00 PM	4	40	383	4	0	8	188	28	0	20	1	6	0	9	5	14	710	2,820	0	2	0	0
5:15 PM	3	26	345	14	0	9	235	26	0	19	2	6	0	21	1	19	726	2,728	0	1	1	5
5:30 PM	1	29	297	7	0	12	221	17	0	25	1	12	0	20	1	24	667	2,757	1	13	0	2
5:45 PM	3	30	352	8	0	14	219	30	0	20	1	6	0	21	1	12	717	2,667	0	4	1	0
6:00 PM	7	26	268	16	1	14	163	42	0	28	1	17	0	16	3	16	618	2,349	1	12	0	0
6:15 PM	4	44	305	20	2	15	229	39	0	39	3	16	0	16	3	20	755		1	6	0	2
6:30 PM	4	31	248	14	2	6	183	29	0	18	2	9	0	18	1	12	577		1	5	1	0
6:45 PM	2	23	159	2	1	6	149	13	0	11	1	5	0	15	1	11	399		1	2	1	3
Count Total	35	345	3,708	153	6	126	2,335	299	0	254	17	135	0	206	19	197	7,835		8	64	7	15
Peak Hour	11	125	1,377	33	0	43	863	101	0	84	5	30	0	71	8	69	2,820		1	20	2	7

Appendix B

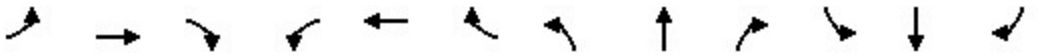
Intersection Level of Service Calculations



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	98	732	107	88	722	94	40	3	9	99	10	181
Future Volume (veh/h)	98	732	107	88	722	94	40	3	9	99	10	181
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	109	813	119	98	802	104	44	3	10	110	11	201
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	141	1207	176	128	1193	154	129	143	478	143	787	793
Arrive On Green	0.08	0.27	0.27	0.07	0.26	0.26	0.04	0.38	0.38	0.08	0.42	0.42
Sat Flow, veh/h	1781	4502	655	1781	4578	590	3456	379	1264	1781	1870	1585
Grp Volume(v), veh/h	109	614	318	98	595	311	44	0	13	110	11	201
Grp Sat Flow(s),veh/h/ln	1781	1702	1752	1781	1702	1764	1728	0	1643	1781	1870	1585
Q Serve(g_s), s	5.3	14.3	14.5	4.8	14.0	14.1	1.1	0.0	0.4	5.4	0.3	6.5
Cycle Q Clear(g_c), s	5.3	14.3	14.5	4.8	14.0	14.1	1.1	0.0	0.4	5.4	0.3	6.5
Prop In Lane	1.00		0.37	1.00		0.33	1.00		0.77	1.00		1.00
Lane Grp Cap(c), veh/h	141	913	470	128	887	460	129	0	621	143	787	793
V/C Ratio(X)	0.77	0.67	0.68	0.77	0.67	0.68	0.34	0.00	0.02	0.77	0.01	0.25
Avail Cap(c_a), veh/h	510	1929	993	490	1891	980	368	0	621	510	787	793
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.2	29.1	29.2	40.6	29.5	29.6	41.8	0.0	17.4	40.2	15.0	12.7
Incr Delay (d2), s/veh	8.6	0.9	1.7	9.2	0.9	1.7	1.6	0.0	0.1	8.5	0.0	0.8
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.6	5.8	6.2	2.4	5.7	6.0	0.5	0.0	0.2	2.7	0.1	2.3
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	48.8	30.0	30.9	49.8	30.4	31.3	43.4	0.0	17.4	48.7	15.1	13.5
LnGrp LOS	D	C	C	D	C	C	D		B	D	B	B
Approach Vol, veh/h		1041			1004			57			322	
Approach Delay, s/veh		32.2			32.6			37.5			25.6	
Approach LOS		C			C			D			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	11.6	38.2	10.9	28.4	7.8	42.0	11.6	27.7
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s	25.5	21.5	24.5	50.5	9.5	37.5	25.5	49.5
Max Q Clear Time (g_c+I1), s	7.4	2.4	6.8	16.5	3.1	8.5	7.3	16.1
Green Ext Time (p_c), s	0.2	0.0	0.2	7.4	0.0	0.7	0.2	7.1

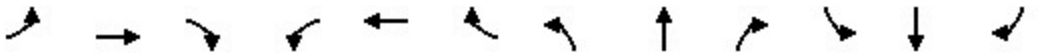
Intersection Summary	
HCM 7th Control Delay, s/veh	31.6
HCM 7th LOS	C



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	136	1377	33	43	863	101	84	5	30	71	8	69
Future Volume (veh/h)	136	1377	33	43	863	101	84	5	30	71	8	69
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	151	1530	37	48	959	112	93	6	33	79	9	77
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	188	2210	53	67	1684	196	165	72	393	103	555	637
Arrive On Green	0.11	0.43	0.43	0.04	0.36	0.36	0.05	0.29	0.29	0.06	0.30	0.30
Sat Flow, veh/h	1781	5128	124	1781	4637	540	3456	250	1373	1781	1870	1585
Grp Volume(v), veh/h	151	1016	551	48	703	368	93	0	39	79	9	77
Grp Sat Flow(s),veh/h/ln	1781	1702	1848	1781	1702	1773	1728	0	1623	1781	1870	1585
Q Serve(g_s), s	8.0	23.3	23.3	2.6	15.9	16.0	2.5	0.0	1.7	4.2	0.3	2.9
Cycle Q Clear(g_c), s	8.0	23.3	23.3	2.6	15.9	16.0	2.5	0.0	1.7	4.2	0.3	2.9
Prop In Lane	1.00		0.07	1.00		0.30	1.00		0.85	1.00		1.00
Lane Grp Cap(c), veh/h	188	1467	797	67	1236	644	165	0	465	103	555	637
V/C Ratio(X)	0.80	0.69	0.69	0.72	0.57	0.57	0.56	0.00	0.08	0.77	0.02	0.12
Avail Cap(c_a), veh/h	510	2426	1317	250	1930	1005	413	0	465	324	555	637
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	42.0	22.2	22.2	45.8	24.6	24.6	44.8	0.0	25.1	44.7	23.9	18.1
Incr Delay (d2), s/veh	7.8	0.6	1.1	13.3	0.4	0.8	3.0	0.0	0.4	11.3	0.1	0.4
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.9	9.0	9.9	1.4	6.3	6.7	1.1	0.0	0.7	2.2	0.2	1.1
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	49.8	22.8	23.3	59.1	25.0	25.4	47.8	0.0	25.4	56.0	24.0	18.5
LnGrp LOS	D	C	C	E	C	C	D		C	E	C	B
Approach Vol, veh/h		1718			1119			132			165	
Approach Delay, s/veh		25.3			26.6			41.2			36.7	
Approach LOS		C			C			D			D	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	10.0	32.0	8.1	45.9	9.1	33.0	14.6	39.4
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s	17.5	22.5	13.5	68.5	11.5	28.5	27.5	54.5
Max Q Clear Time (g_c+I1), s	6.2	3.7	4.6	25.3	4.5	4.9	10.0	18.0
Green Ext Time (p_c), s	0.1	0.1	0.0	16.2	0.1	0.2	0.4	9.0

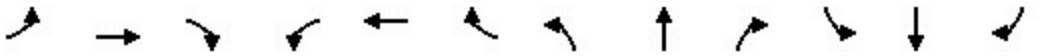
Intersection Summary	
HCM 7th Control Delay, s/veh	27.0
HCM 7th LOS	C



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	100	732	107	88	722	95	40	3	9	103	10	186
Future Volume (veh/h)	100	732	107	88	722	95	40	3	9	103	10	186
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	111	813	119	98	802	106	44	3	10	114	11	207
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	144	1206	175	131	1191	156	129	142	473	147	785	793
Arrive On Green	0.08	0.27	0.27	0.07	0.26	0.26	0.04	0.37	0.37	0.08	0.42	0.42
Sat Flow, veh/h	1781	4502	655	1781	4567	600	3456	379	1264	1781	1870	1585
Grp Volume(v), veh/h	111	614	318	98	597	311	44	0	13	114	11	207
Grp Sat Flow(s),veh/h/ln	1781	1702	1752	1781	1702	1762	1728	0	1643	1781	1870	1585
Q Serve(g_s), s	5.5	14.4	14.5	4.8	14.0	14.2	1.1	0.0	0.4	5.6	0.3	6.7
Cycle Q Clear(g_c), s	5.5	14.4	14.5	4.8	14.0	14.2	1.1	0.0	0.4	5.6	0.3	6.7
Prop In Lane	1.00		0.37	1.00		0.34	1.00		0.77	1.00		1.00
Lane Grp Cap(c), veh/h	144	912	469	131	888	460	129	0	615	147	785	793
V/C Ratio(X)	0.77	0.67	0.68	0.75	0.67	0.68	0.34	0.00	0.02	0.77	0.01	0.26
Avail Cap(c_a), veh/h	509	1925	991	489	1886	977	368	0	615	509	785	793
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	40.3	29.2	29.3	40.6	29.6	29.6	41.9	0.0	17.6	40.2	15.1	12.8
Incr Delay (d2), s/veh	8.5	0.9	1.7	8.2	0.9	1.8	1.6	0.0	0.1	8.4	0.0	0.8
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.7	5.8	6.2	2.4	5.7	6.1	0.5	0.0	0.2	2.8	0.1	2.4
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	48.7	30.1	31.0	48.8	30.5	31.4	43.5	0.0	17.7	48.5	15.2	13.6
LnGrp LOS	D	C	C	D	C	C	D		B	D	B	B
Approach Vol, veh/h		1043			1006			57			332	
Approach Delay, s/veh		32.3			32.5			37.6			25.6	
Approach LOS		C			C			D			C	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	11.9	37.9	11.1	28.4	7.8	42.0	11.7	27.8
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s	25.5	21.5	24.5	50.5	9.5	37.5	25.5	49.5
Max Q Clear Time (g_c+I1), s	7.6	2.4	6.8	16.5	3.1	8.7	7.5	16.2
Green Ext Time (p_c), s	0.2	0.0	0.2	7.4	0.0	0.7	0.2	7.1

Intersection Summary	
HCM 7th Control Delay, s/veh	31.6
HCM 7th LOS	C



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	141	1377	33	43	863	105	84	5	30	73	8	73
Future Volume (veh/h)	141	1377	33	43	863	105	84	5	30	73	8	73
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Lane Width Adj.	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	157	1530	37	48	959	117	93	6	33	81	9	81
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	194	2210	53	67	1658	202	165	71	391	105	555	643
Arrive On Green	0.11	0.43	0.43	0.04	0.36	0.36	0.05	0.29	0.29	0.06	0.30	0.30
Sat Flow, veh/h	1781	5128	124	1781	4612	561	3456	250	1373	1781	1870	1585
Grp Volume(v), veh/h	157	1016	551	48	707	369	93	0	39	81	9	81
Grp Sat Flow(s),veh/h/ln	1781	1702	1848	1781	1702	1769	1728	0	1623	1781	1870	1585
Q Serve(g_s), s	8.3	23.3	23.3	2.6	16.1	16.2	2.5	0.0	1.7	4.3	0.3	3.1
Cycle Q Clear(g_c), s	8.3	23.3	23.3	2.6	16.1	16.2	2.5	0.0	1.7	4.3	0.3	3.1
Prop In Lane	1.00		0.07	1.00		0.32	1.00		0.85	1.00		1.00
Lane Grp Cap(c), veh/h	194	1467	797	67	1224	636	165	0	463	105	555	643
V/C Ratio(X)	0.81	0.69	0.69	0.72	0.58	0.58	0.56	0.00	0.08	0.77	0.02	0.13
Avail Cap(c_a), veh/h	510	2426	1317	250	1930	1003	413	0	463	324	555	643
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	41.8	22.2	22.2	45.8	24.9	24.9	44.8	0.0	25.2	44.6	23.9	17.9
Incr Delay (d2), s/veh	7.7	0.6	1.1	13.3	0.4	0.8	3.0	0.0	0.4	11.1	0.1	0.4
Initial Q Delay(d3), s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	4.0	9.0	9.9	1.4	6.4	6.8	1.1	0.0	0.7	2.2	0.2	1.2
Unsig. Movement Delay, s/veh												
LnGrp Delay(d), s/veh	49.6	22.8	23.3	59.1	25.3	25.7	47.8	0.0	25.5	55.7	24.0	18.3
LnGrp LOS	D	C	C	E	C	C	D		C	E	C	B
Approach Vol, veh/h		1724			1124			132			171	
Approach Delay, s/veh		25.4			26.9			41.2			36.3	
Approach LOS		C			C			D			D	

Timer - Assigned Phs	1	2	3	4	5	6	7	8
Phs Duration (G+Y+Rc), s	10.2	31.9	8.1	45.9	9.1	33.0	15.0	39.1
Change Period (Y+Rc), s	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Max Green Setting (Gmax), s	17.5	22.5	13.5	68.5	11.5	28.5	27.5	54.5
Max Q Clear Time (g_c+I1), s	6.3	3.7	4.6	25.3	4.5	5.1	10.3	18.2
Green Ext Time (p_c), s	0.1	0.1	0.0	16.2	0.1	0.2	0.4	9.0

Intersection Summary	
HCM 7th Control Delay, s/veh	27.2
HCM 7th LOS	C

Appendix C

Parking Study

Hexagon Transportation Consultants, Inc.

Memorandum

Date: September 8, 2025

To: Mr. Andy Lief, Charities Housing

From: Gary K. Black
Nivedha Baskarapandian

Subject: Parking Study and Trip Generation Estimate for the Proposed Affordable Housing Project on Mary Avenue in Cupertino, California

Hexagon Transportation Consultants, Inc. has completed a parking study and trip generation estimate for the proposed affordable housing project on Mary Avenue in Cupertino, California. The project proposes affordable housing between the CA-85 soundwall and Mary Avenue and would provide 19 units for the developmentally disabled and 21 affordable units. Between Lubec Street and Stevens Creek Boulevard, 171 diagonal parking spaces are provided along the west side, and 70 parallel parking spaces are provided on the east side of Mary Avenue.

First Parking Counts

Parking counts were completed to determine the current maximum occupied parking spaces on Mary Avenue between Lubec Street and Stevens Creek Boulevard

Vehicle parking counts were conducted along Mary Avenue on the following dates and times to determine the parking demand of the existing parking spaces (see Attachment 1). These times were chosen based on predicted usage of the existing parking spaces from the neighboring park and other surrounding uses.

- Saturday April 12, 2025, from 12:00-1:00 PM
- Tuesday April 15, 2025, from 12:00-1:00 AM, 2:00-3:00 PM, and 7:00-8:00 PM
- Thursday April 17, 2025, from 12:00-1:00 AM, 2:00-3:00 PM, and 7:00-8:00 PM

The peak parking demand was found to be 24 spaces on the west side of Mary Avenue and six spaces on the east side of Mary Avenue between 2:00-3:00 PM on Thursday April 17, for a total of 30 occupied spaces.

Additional Parking Counts

The first set of parking counts did not denote where the cars were parked along the street. Therefore, additional counts were conducted. Counts were counted along Mary Avenue from Lubec Street and Stevens Creek Boulevard on Thursday April 24, 2025, from 2:00-3:00 PM which was determined to be the time most parking spaces were occupied (see Attachment 1). Figure 1 shows the summary of the additional parking counts.

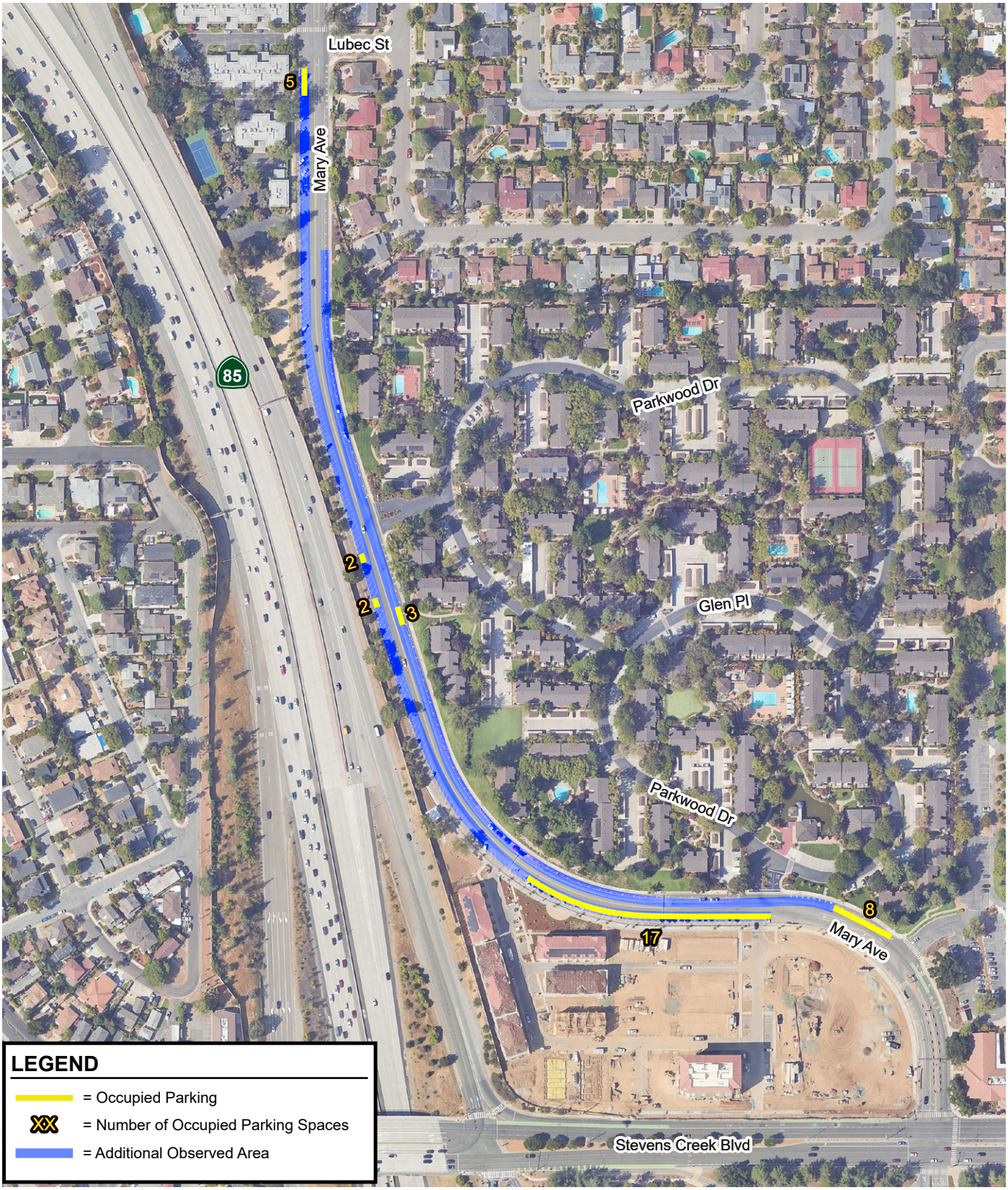


Figure 1
Mary Avenue Parking Summary

HEXAGON

NORTH
Not to Scale

The peak parking demand based on the additional count was found to be 26 spaces on the west side of Mary Avenue and 11 spaces on the east side of Mary Avenue, for a total of 37 spaces occupied on Mary Avenue between Lubec Street and Stevens Creek Boulevard.

Trip Generation Estimates

Hexagon prepared trip estimates for the proposed project using trip generation rates from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual, 12th Edition*, 2025 (see Table 1), Senior Adult Housing - Multifamily (Land Use 252) and Affordable Housing (Land Use 223). Developmentally disabled housing is not a category in the ITE manual. Senior Housing will perhaps over-estimate the number of trips, but best represents housing for people that are not going to work or school on a daily basis. Affordable Housing includes multifamily housing that is rented at below market rate. Eligibility to live in affordable housing can be a function of limited household income, resident age, or special needs. These ITE land use categories best represent the units proposed. The developmentally disabled units would be for residents who are unable to operate vehicles, and the affordable housing units would be for low-income residents.

Based on the trip generation rates, the project would generate 164 new daily trips, with 12 new trips (three inbound and nine outbound) during both the AM peak hour and 15 new trips (nine inbound and six outbound) during the PM peak hour. This small number of trips would not cause any noticeable change to traffic operations on Mary Avenue or other streets in the area.

Table 1 Trip Generation Estimates

		Daily	Daily	AM Peak Hour				PM Peak Hour			
Land Use	Size	Rate[1]	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Proposed											
Disabled Housing [1]	19 d.u.	3.25	62	0.19	1	3	4	0.25	3	2	5
Affordable Housing [2]	21 d.u.	4.87	102	0.36	2	6	8	0.46	6	4	10
Total Project Trips			***164***		***3***	***9***	***12***		***9***	***6***	***15***

Notes

d.u. = dwelling units

[1] Trip generation rate for the proposed housing for the developmentally disabled is based on the ITE's *Trip Generation Manual, 12th Edition* rates for Land Use Code 252 "Senior Adult Housing - Multifamily."

[2] Trip generation rate for the proposed affordable are based on the ITE's *Trip Generation Manual, 12th Edition* rates for Land Use Code 223 "Affordable Housing."

Conclusion

The results of the parking study and trip generation estimates are summarized below.

- On Mary Avenue between Lubec Street and Stevens Creek Boulevard, at most 37 vehicles were parked which occurred during a weekday from 2:00 -3:00 PM.
- The project would generate 164 new daily trips with 12 new trips during the AM peak hour and 15 new trips during the PM peak hour. This small number of trips would not cause any noticeable change to traffic operations on Mary Avenue or other streets in the area.

Attachment 1
Parking Counts

Parking Count- 25NB03(Cupertino)

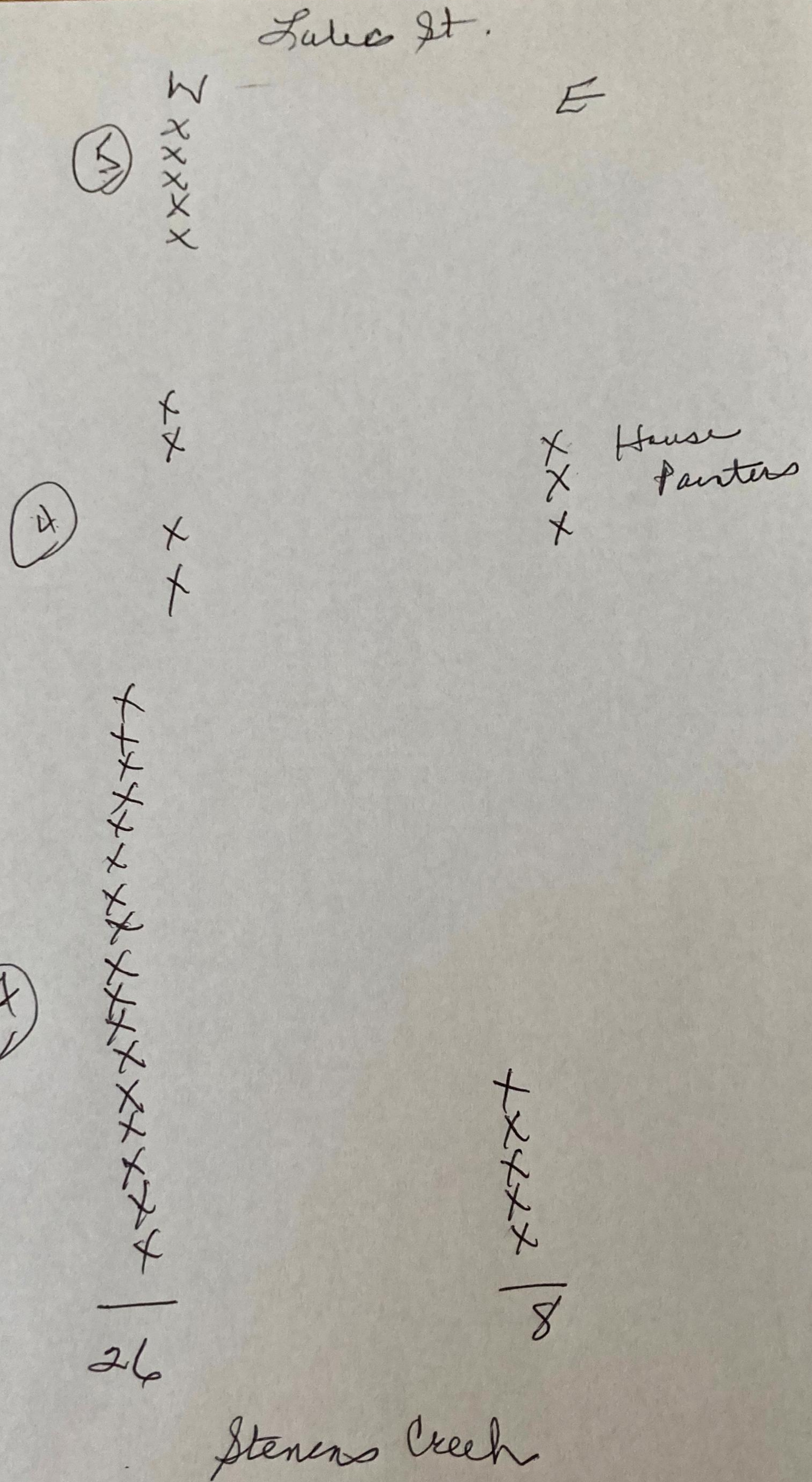
AUTO CENSUS
Traffic Monitoring and Analysis
445 Lily Ann Way
San Jose, CA 95123

Date: 4/12-4/17/25
Counters: Jo
Location: Mary Ave.
Weather: Fair

Mary Avenue

Date	Time	West	East	Total
12-Apr	12-1pm	8	0	8
15-Apr	12-1am	1	0	1
15-Apr	2-3pm	21	8	29
15-Apr	7-8pm	1	0	1
17-Apr	12-1am	1	0	1
17-Apr	2-3pm	24	6	30
17-Apr	7-8pm	3	1	4

Mary Ane
4/23/25



	W	E
2pm	26	8
2:30	26	8
3:00	26	8

No change in occupied for the hour.

Lubec to Stevens Creek is 1/2 mile long.

CC 2-03-2026

#9

Business License Amnesty Program

Supplemental Report

ADMINISTRATIVE SERVICES DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3220
CUPERTINO.GOV

CITY COUNCIL STAFF REPORT
SUPPLEMENTAL 1
Meeting: February 3, 2026

Agenda Item #9

Subject
Transition of Business License Administration to HdL Companies and consideration of a Business License Amnesty Program

Recommended Action
Receive a report on the transition of phased business license administration to HdL Companies and provide direction on whether to adopt a business license amnesty program. If Council elects to proceed with amnesty, select one of the three options presented below. The details, benefits, and tradeoffs of each option are discussed below.

1. Adopt a 30-day citywide business license amnesty period prior to initiation of HdL's compliance and discovery efforts;
2. Provide ongoing amnesty upon discovery for newly identified unlicensed businesses; or
3. Adopt a phased 60-day business license amnesty program (staff recommendation) consisting of 100% penalty forgiveness during the first 30 days and 50% forgiveness during the subsequent 30 days, followed by full enforcement.

Background:
Staff's responses to questions received from councilmembers and those that staff would like to clarify are shown in italics.

Q1: The staff report mentions penalties for not having a business license. What is the penalty? Does the penalty apply to the current business year or all past years?

I would recommend a fourth option for the Business License compliance project: This approach offers citywide penalty forgiveness to all previously unlicensed businesses: 100% forgiveness in the first 60 days. After the 60-day period, HdL would begin full discovery enforcement and resume standard penalties after 30 days. Many small businesses in our city might not realize that they are subject to a business license tax, even if there is outreach

from the City. I think that there should be an amnesty provided for those businesses that are discovered by HdL. Separately, how would the City treat businesses that are dormant?

Staff Response:
Penalties for business license noncompliance are assessed monthly at a rate of 20% of the base tax, up to a maximum of 100% (MC5.04.250). In addition to the penalty, the interest is assessed at 1% per month on the principle of unpaid tax. These penalties and interest apply only to the current and up to three prior years of unpaid license taxes.

If Council adopts an amnesty program, existing businesses that are out of compliance, whether they failed to apply or failed to renew, would be eligible to participate. As proposed, the City would waive all penalties and only seek recovery of up to three years of back taxes during the amnesty window. This approach encourages voluntary compliance, particularly for small or home-based businesses that may have been unaware of the requirement BL Amnesty Program,

The treatment of dormant businesses would likely depend on whether the business has ceased operations entirely or is simply inactive. These situations would be reviewed individually through the compliance process and handled appropriately in coordination with HdL.

Council can, of course, choose any options being presented or suggest a new option that is not listed in the staff report.

Q2: What is a business? I went to the City website and could not easily find an answer.

https://www.cupertino.gov/Business-and-Development/Business/Business-License-User-Guide Then I went to the new website and still could not find an answer. https://cupertino.hdlgov.com/. If someone sells $1000 in goods on eBay a business? What about $10,000 or more? If someone does pro-bono work, it is a business? What if someone is selling home-made crafts at the local farmers' market and makes a $500 profit? This is one of the reasons that I think that we need a longer runway for compliance.

By the way, I had asked the previous City Attorney that when the City makes contracts with businesses that we should check for their business licenses. We check for other things, like insurance. He refused. Will the City start checking that businesses that it enters into contract with are paying a business license tax?

Staff Response:
The City defines a "business" broadly as any activity carried on for the purpose of earning income, whether for profit or not, and regardless of the size or formality of the operation (MC 5.04.030 B). This includes home-based businesses, independent contractors, online sellers, gig workers, and those participating in temporary or seasonal sales.

Pro-bono work would generally not constitute a business, as it does not generate income. However, some activities that appear informal or part-time may still fall under the business license requirement. That said, it is not practical to expect all remote employees or hobbyists to register individually; current industry practice treats them as employees of the physical place of business.

Staff will provide clarification through municipal code updates later this year. Additionally, Staff created FAQ questions (available on the City's Business License webpage, linked here: https://www.cupertino.gov/Business-and-Development/Business/Business-License-User-Guide) to address ambiguity in the interim.

As for compliance runway, staff agrees with the need for fair and accessible outreach. The proposed amnesty program provides a time-limited opportunity for businesses to register without penalties and receive support from the City.