



PUBLIC WORKS DEPARTMENT

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

CITY COUNCIL STAFF REPORT

Meeting: April 20, 2021

Subject

Approve a Semi-Rural Designation, Eliminating the Requirement for Sidewalks on the Eastern Portion of Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard, Pursuant to Ordinance No. 1925.

Recommended Action

Adopt Resolution No. 21-XXX Designating a Portion of Carmen Road as Semi-Rural.

Background

In the past, several residential property owners and neighborhood residents voiced objections to the City Municipal Code requirement that City standard curb, gutter, sidewalk, and streetlights be installed along their street frontages as a condition of their residential building permits. The typical street improvement requirements call for a sidewalk to be installed behind the curb and gutter on both sides of the street. In general, the objecting property owners felt that their neighborhoods were of a rural or semi-rural character, and that would be compromised if the normal concrete curb, gutter and sidewalk, and streetlight improvements were applied.

On October 20, 2003, the City Council amended Chapter 14.04.040 of the Cupertino Municipal Code by establishing criteria to be used for designating certain streets or neighborhoods as rural or semi-rural in nature. Such a designation allows modified street improvement standards for local streets that are not covered under the Hillside Development Provisions of the Code.

The following are the findings for a semi-rural street designation:

1. Conventional improvements are not appropriate due to the character of development in the area, and surrounding developed properties lack such improvements.
2. If sidewalk is not to be provided, the street is not on a recognized route to school.
3. If sidewalk is not to be provided, traffic conditions on the street are such that pedestrians may travel safely along the street without a separate pedestrian pathway.

4. There are no significant accessibility issues that will arise from lack of sidewalk or the use of alternate sidewalk.
5. Waiver of streetlights or alternate streetlights would not contribute to an unsafe condition for traffic, pedestrian travel, or the security of the surrounding neighborhood. There are no maintenance or replacement issues with any alternate proposed.
6. Adequate drainage along the street and in the surrounding area exists, or can be achieved, with alternate curb and gutter or a dike.
7. At least two-thirds of the property owners along the affected street have signed a petition to the City requesting a semi-rural designation for their street.

Discussion

The proposed semi-rural designation request applies to the 11 properties on the eastern portion of Carmen Road, between Scenic Boulevard and Stevens Creek Boulevard. Quintero Court intersects this eastern portion; however, because it is a private dead-end street, these properties were not included in the proposed semi-rural designation area and are not required to install sidewalks. The properties on the western portion of Carmen Road, between Janice Avenue and Stevens Creek Boulevard, either already have sidewalk installed or would be required to install sidewalk at the time of development. The proposed semi-rural designation area is similar in character to the surrounding neighborhood. Furthermore, the adjacent streets of Scenic Boulevard and Mira Vista Road have already been designated a semi-rural street with no sidewalk. Please refer to Exhibit A.

The proposed portion of Carmen Road is not designated as a safe route to school. Additionally, the street does not have vehicular or pedestrian access through to Stevens Creek Boulevard. Based on the recorded accident history, there have been no pedestrian related accidents reported on this portion of the street in the past five years. The existing and future curb and gutter will allow for adequate drainage. There are no significant accessibility issues as the street serves residential properties only.

The applicant requesting the proposed semi-rural designation was provided a petition form and Exhibit A to circulate for signatures among the 11 property owners. Additionally, letters were prepared and mailed by City staff to these property owners informing them of the proposed semi-rural designation request and providing them with an enclosed voting form if they preferred to cast their vote by mail instead of signing the circulated petition. If a property owner signed the petition and mailed a voting form, this was counted as one vote.

The applicant circulated the petition and voting forms were also received showing the property owners' support of altering their neighborhood designation to semi-rural, foregoing the future installation of sidewalks. This petition does not waive the requirement for curb and gutter and street light installation. As required by Code, at least two thirds of property owners along the portion of Carmen Road have either signed the

petition or provided a voting form in support of the semi-rural designation. For this petition, 9 out of 11 property owners along Carmen Road have signed in support of the designation. A subsequent letter was mailed to the property owners informing them of the petition results and the scheduled City Council meeting.

Sustainability Impact

No sustainability impacts.

Fiscal Impact

No fiscal impact.

Prepared by: Jennifer Chu, Senior Civil Engineer

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Map of Carmen Road with Proposed and Existing Semi-Rural Areas

B – Draft Resolution