



COMMUNITY DEVELOPMENT DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: October 7, 2025

SUBJECT

Consider Municipal Code Amendments for consistency with Senate Bill 450 and minor text edits, amending multiple chapters of the Municipal Code. (Application No.: MCA-2024-004; Applicant: City of Cupertino; Location: Citywide)

RECOMMENDED ACTIONS

That the City Council:

1. Conduct the first reading of Ordinance No. 25-____: “An Ordinance of the City Council of the City of Cupertino amending Chapters 14.15 (Landscape), 14.18 (Protected Trees), 18.20 (Parcel Maps), 18.52 (Hillside Subdivisions), 19.08 (Definitions), 19.12 (Administration), 19.16 (Designation and Establishment of Districts), 19.28 (Single Family R1 Zones), 19.36 (Multiple-Family R3 Zones), 19.38 (Multiple-Family R4 Zones), 19.40 (Residential Hillside RHS Zones), 19.44 (Residential Single-Family Cluster R1C Zones), 19.46 (Townhomes TH Combining District), 19.60 (General Commercial CG Zones), 19.100 (Accessory Structures), 19.102 (Glass and Lighting), 19.104 (Signs), 19.124 (Parking), and 19.132 (Sale of Alcoholic Beverages and Gasoline) of the Municipal Code regarding consistency with Senate Bill 450 and minor text edits.”; and
2. Find that the proposed actions are exempt from CEQA.

REASONS FOR RECOMMENDATION

Background

On September 16, 2021, Senate Bill 9¹ (“SB 9”) was signed into law which added Sections 65852.21 and 66411.7 to the California Government Code. These new sections required that cities ministerially approve up to two units and a two-lot subdivision in single-family zoning districts. SB 9 initially allowed jurisdictions to adopt objective zoning, subdivision, and design standards for SB 9 projects when those standards did not

¹ Senate Bill No. 9 (Original Bill Text):

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB9

preclude a two-lot subdivision or the construction of up to two, 800-square-foot units with four-foot side and rear setbacks.

In 2022, the City Council adopted Ordinance 22-2246² to incorporate objective standards for SB 9 projects into the Municipal Code. The standards were created with the intent of maintaining privacy protections and residential design guidelines to encourage orderly development of SB 9 projects that require ministerial review, allow for reduced side and rear setbacks, and increase the number of residences allowed on a property.

In October 2024, Senate Bill 450³ ("SB 450") was signed into law and went into effect on January 1, 2025. The bill modified California Government Code Sections 65852.21 and 66411.7 (SB 9) by:

- a. Establishing a 60-day processing timeline for cities;
- b. Updating requirements for demolition and environmental findings; and
- c. Limiting the City's ability to apply development standards to SB 9 projects that are not generally applied to development in the same zoning district.

SB 450 prohibits cities from implementing specific zoning, subdivision, or design standards for SB 9 projects that are not uniformly applicable to development in the underlying zoning district. As such, the City may only apply objective zoning, subdivision, and design standards to SB 9 projects if those standards are applicable to or more permissive than standards within the underlying zone. Therefore, many of the City's existing objective SB9 standards, adopted in 2022, are no longer enforceable on SB 9 projects.

Attachments A and B present proposed amendments to the Municipal Code to address changes under SB 450 as well as minor clean-up amendments such as typographical corrections and reference updates. Removed text is shown as a red strike-through, new text shown as a red underline, and moved text shown as green strike-through and underline text.

Analysis – SB 450 Changes

To address changes made to SB 9 processing under SB 450, staff has drafted amendments to the requirements for both single-family residential developments and SB 9 projects. The proposed amendments would move design standards currently applicable only to SB 9 projects and make them uniformly applicable to development in the underlying R-

² Cupertino City Council Ordinance 22-2246:

<https://records.cupertino.org/WebLink/DocView.aspx?id=1045883&dbid=0&repo=CityofCupertino>

³ Senate Bill No. 450 (Original Bill Text):

<https://legiscan.com/CA/text/SB450/id/2839503>

1 and RHS Residential zones and revise existing single-family design standards to make them more objective. The following provides an overview of the proposed changes, based on the Municipal Code chapters affected.

Chapter 18.20 – Parcel Maps

An additional section has been added to incorporate subdivision standards for two-lot subdivisions in Single-Family Residential zones (i.e. R1 and RHS). These standards were previously included in the R1 and RHS chapters for subdivisions under SB 9. Under the new section, these standards would apply to all two-lot subdivisions in the R1 and RHS zoning districts. This new section would also be referenced in the existing section for SB 9 subdivisions to aid in a more consistent and transparent application of these standards.

Chapter 18.52 – Hillside Subdivisions

A reference to the newly added section in Chapter 18.20 for two-lot subdivisions in Single-Family Residential zones has been added.

Chapter 19.08 – Definitions

Definitions of “Front Entry Porch” and “Porch” have been proposed to ensure that there is a consistent and objective application of standards related to entry feature encroachment into the front yard setback area and the design of front entry features.

Chapter 19.28 – Single-Family Residential (R1) Zones

The development standards for R-1 zoned properties have been updated to reflect changes to State law made through SB 450. This includes expanded development requirements for all R-1 developments that were previously applicable only to SB 9 developments and subdivisions. As required by State law, newly proposed or modified standards are objectively worded.

Where possible, the standards for SB 9 subdivisions have been relocated to the newly incorporated section for two-lot subdivisions in Chapter 18.20. Standards which previously restricted the size of living space, grade change based on lot slope, basements, and balconies for SB 9 developments have been removed.

If adopted, the following standards that were previously only applicable to SB 9 developments would now be applied to all R-1 developments:

- a. Grading limitations for development proposed on building pads/graded areas with slopes equal to or greater than 20%.
- b. Development requirements for properties with an average slope greater than 10% or development on slopes equal to or greater than 30% to comply with some sections for Residential Hillside development.

- c. Development requirements for driveways, curb cuts, public improvements, and easements.
- d. Building requirements for a second story building envelope and designated refuse area.
- e. Landscaping requirements for front yard and privacy screening trees.
- f. Design requirements for maximum visible garage width, front entry features, private open space, accessory structures, and architectural features and materials.
- g. Prohibition of exterior stairways to second floors of residences.

Chapter 19.40 – Residential Hillside (RHS) Zones

The development standards for RHS zoned properties have been updated to reflect changes to State law made through SB 450. This includes expanded development requirements for all RHS developments that were previously applicable only to SB 9 developments and subdivisions. As required by State law, newly proposed or modified standards are objectively worded.

Where possible, the standards for SB 9 subdivisions have been relocated to the newly incorporated section for two-lot subdivisions in Chapter 18.20. Standards which previously restricted the size of living space, grade changes based on lot slope, development of more than 500 square feet on slopes exceeding 30%, development within trail linkages and Public Open Spaces, views onto neighboring properties, extension of a non-conforming wall plane, basements, and balconies for SB 9 developments have been removed.

The following standards that were previously only applicable to SB 9 developments will now be applied to all R1 developments:

- a. Additional grading and visible wall-face limitations.
- b. Development requirements for off-site improvements and designated refuse areas.
- c. Design requirements for maximum visible garage width, roof overhangs, front entry features, private open space, accessory structures, and architectural features and materials.

An additional modification to Section 19.40.060 is proposed to address an inadvertent change to standards for floor area allowances on lots less than 10,000 square feet in size which would affect the floor area limitations for SB 9 projects. The standard, which is being reintroduced through these amendments, requires parcels that are less than 10,000 square feet in size to limit floor area to 45% of the lot area, rather than using the slope adjustment formula that is applied to lots greater than 10,000 square feet.

Analysis – Ordinance Clean-Up

Staff has proposed amendments to the following chapters of the Municipal Code, solely to be consistent with State law, to correct minor text edits such as misspellings and typos, to update references, and to ensure internal Code consistency affecting the following Code sections: 14.15 - Landscape, 14.18 - Protected Trees, 19.08 - Definitions, 19.12 - Administration, 19.16 - Designation and Establishment of Districts, 19.36 - Multiple-Family R3 Zones, 19.38 - Multiple-Family R4 Zones, 19.44 - Residential Single-Family Cluster R1C Zones, 19.46 - Townhomes TH Combining District, 19.60 - General Commercial CG Zones, 19.100 - Accessory Structures, 19.102 - Glass and Lighting, 19.104 - Signs, 19.124 - Parking, and 19.132 - Sale of Alcoholic Beverages and Gasoline.

Please note that, consistent with the Planning Commission's unanimous recommendations (see below), these clean-up amendments do not include any edits to introduce or modify standards to better align with internal policies and practices.

Analysis – Planning Commission Discussion

On September 9, 2025⁴, the Planning Commission met to discuss the proposed amendments to the Municipal Code. At the time of the Commission's hearing, staff had included proposed amendments related not only to updates to conform with SB 450 and minor text edits, but also to introduce or modify standards to better align with internal policies and practices. While the Commission discussed these proposed Code amendments related primarily to the peer review of arborist reports, permit expiration timeframes, residential demolition restrictions, new Code definitions, and tree replacement requirements, the Commission stated that number and scope of the proposed amendments warranted more detailed consideration on their part and that the Commission would, therefore, like to consider proposed Code amendments, other than those related to SB 450 conformance or the correction of typos, by topic, at future Planning Commission meetings.

Following their discussion, the Commission, in a 5-0 vote, recommended the Council adopt only the proposed Municipal Code amendments related to SB 450 and minor text edits. Based on the Commission's unanimous vote, staff has removed previously proposed amendments unrelated to SB 450 compliance, minor text edits to correct typos, updated references, and ensuring internal Code consistency. Staff also made two other minor changes to the ordinance to relocate a standard and remove a duplicate reference to a standard occurring in Chapter 19.28. Attachment D provides a copy of the resolution

⁴ Staff report and attachments available online at:

<https://cupertino.legistar.com/LegislationDetail.aspx?ID=7648693&GUID=DCD93C2F-B459-4A4D-B8A7-5BD3D53FF8C6&Options=&Search=>

presented to Planning Commission with sections removed or modified marked with a yellow highlight.

SUSTAINABILITY IMPACT

No sustainability impact.

FISCAL IMPACT

No fiscal impact.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed ordinance revisions are not a project within the meaning of section 15378 of the California Environmental Quality Act (“CEQA”) Guidelines because they have no potential for resulting in physical changes in the environment, either directly or indirectly and are adopted to implement provisions of California Government Code Sections 65852.21 and 66411.7; and in the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

PUBLIC NOTICING & OUTREACH

The following noticing has been conducted for this project:

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>)▪ Display ad placed in newspaper (<i>at least 10 days prior to hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

PUBLIC COMMENTS

As of the posting of this staff report, no public comments have been received.

NEXT STEPS

Staff expects to bring the final Municipal Code amendments to the City Council for its second reading of the ordinance on October 21, 2025. If approved, the standards would go into effect on November 21, 2025.

Prepared by: Emi Sugiyama, Senior Planner

Reviewed by: Benjamin Fu, Director of Community Development

Floy Andrews, Interim City Attorney

Approved for Submission by: Tina Kapoor, Interim City Manager

Attachments:

A – Draft Ordinance

B – Proposed Amendments (redlines with annotations)

C – Planning Commission Resolution (Signed)

D – Changes Made to Exhibit A