



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION STAFF REPORT

Meeting: September 9, 2025

#### **SUBJECT**

Consider Municipal Code Amendments to multiple chapters of the Municipal Code to make minor edits for clarity and consistency. (Application No.: MCA-2024-004; Applicant: City of Cupertino; Location: Citywide)

#### **RECOMMENDED ACTIONS**

That the Planning Commission adopt the draft resolution (Attachment 1) recommending that the City Council adopt an ordinance to:

1. Amend 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); and
2. Find that the proposed actions are exempt from CEQA.

#### **DISCUSSION**

##### **Background**

Periodically, language in the Municipal Code is reviewed for consistency with changes in State law and internal policies, as well as to make clarifications and corrections to generally improve the administration of City business. In October 2024, a number of State bills were signed into law affecting the City's review process for residential projects in the upcoming year. In particular, Senate Bill 450 ("SB 450") limits, in part, the City's ability to apply development standards to Senate Bill 9 ("SB 9") projects (i.e. duplex development and two-lot subdivisions in single-family zoning districts) that are not generally applied to development in the same zoning district. Therefore, updates to the requirements for both single-family residential development and SB 9 projects have been incorporated to address this update to State law which went into effect on January 1, 2025.

Attachments 1 and 2 present proposed amendments to the Municipal Code. The following analysis outlines the Municipal Code chapters that contain proposed minor corrections and edits for consistency, readability, and clarity. It also presents additional information on the changes to the Municipal Code that are proposed to create consistency with State law and internal policies.

The proposed amendments are identified with strikethroughs and underlines, as appropriate, in Attachment 2. Note that language that has been moved is indicated in green text with double underlines and/or strikethroughs.

## **Analysis**

### ***Chapter 14.15 – Landscape Ordinance***

Chapter 14.15 was revised to reflect that a Landscape Documentation Package is required for projects with a landscape area of equal to or greater than 2,500 square feet, consistent with California Code of Regulations Title 23, § 490.1.

### ***Chapter 14.18 – Protected Trees***

Revisions to the order of sections in Chapter 14.18 are proposed to improve readability and minor changes to the replacement tree guidelines and privacy screening maintenance requirements are proposed to create consistency with the standards in the Zoning Ordinance. Additionally, minor changes are proposed to clarify and incorporate processing standards, including a notation of the requirement that arborist reports be peer reviewed.

### ***Chapter 18.20 – Parcel Maps***

Updates are proposed to outline the requirements for parcel maps required for ministerial subdivisions of single-family lots. The updates are intended to aid in a more consistent and transparent application of these standards. 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 SB9. Under the new section, these standards would apply to all two-lot subdivisions in the R1 and RHS zoning districts.

### ***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 was added.

### ***Chapter 19.08 – Definitions***

Modifications to the definitions provided in the Zoning Ordinance are proposed to address minor typos and to further clarify the definitions of Floor Area, Lot Area, and Setback Line. Additionally, definitions of “Balcony,” “Deck,” “Front Entry Porch,”

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

#### ***Chapter 19.12 – Administration***

Amendments are proposed to update internal references, address minor typos, and to update the requirements for noticing to reflect the restrictions of California Government Code Section 65103.5. Additionally, a new standard has been added to address the City’s policy for deeming inactive any permits that have been inactive, i.e. having provided no response, for at least 180 days. A new standard has also been added to address the proposed demolition of residential units where no replacement units are proposed. This will aid in a more transparent and consistent review process.

#### ***Chapter 19.16 – Designations and Establishment of Districts***

An update to Chapter 19.16 is proposed to remove an outdated reference that was inadvertently overlooked during the 2011 Municipal Code reordering.

#### ***Chapter 19.28 – Single-Family Residential (R1) Zones***

##### ***Section 19.28.060 - Site Development Regulations and Section 19.28.070 – Building Development Regulations***

Updates are proposed to clarify objective language and update standards for single-family residential design to reflect changes to State law made through SB 450. This includes removing or rewording some standards that were originally only applicable to SB 9 developments and subdivisions. Where possible, the standards for SB 9 subdivisions have been relocated to the newly incorporated section for two-lot subdivisions in Chapter 18.52.

Updates also include expanded development requirements for all R1 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.

Additional amendments to these sections are proposed to clarify review processes, update references, and to address minor typos.

##### ***Section 19.28.090 - Site Development Regulations***

Revisions are proposed to clarify the second to first floor area ratio standard in the R1-a zoning district and to update a reference. Additionally, expanded development requirements for all R1-a developments are included that had previously been applicable only to SB 9 developments to meet the requirements of SB 450.

##### ***Section 19.28.110 - Single-Family Residential Design Guidelines and Principles***

The design guidelines have been updated to reflect changes to State law made through SB 450. This includes expanded development requirements for all R1 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.

Additionally, some design standards have been edited to ensure consistency in project review and to clarify applicability.

*Section 19.28.120 – Landscape Requirements*

Modifications to the landscape requirements for single-family residential development have been proposed to make standards consistent with language used elsewhere in this chapter and in Chapter 14.18, to reflect the changes to State law made through SB450, and to add objective language to existing standards to make them consistent with current review practices. Specifically, additional clarification has been added to the requirements for front yard and privacy screening trees associated with new second story residences or additions.

*Section 19.28.150 - Ministerial Approval of Up to Two Units*

The standards for projects proposing development under SB9 in R1 zoning districts, as outlined in this section, have been updated to reflect changes to State law made through SB450. Specifically, the standards have either been relocated to other portions of this chapter to apply to all R1 development (see Section 19.28.060 and 19.28.070) or removed if determined to pose a potential conflict with existing R1 development or design standards. References to these sections have been added to clarify applicability for SB 9 projects.

Proposed amendments also incorporate existing R1 development standards for basements and balconies which were previously not allowed in SB9 development, but would now be allowed, in conformance with the requirements of SB 450.

***Chapter 19.36 – Multiple-Family Residential (R3) Zones***

Two minor edits are proposed to this chapter to address typos.

***Chapter 19.38 – Multiple-Family Residential (R4) Zones***

One minor edit is proposed to this chapter to address a typo.

***Chapter 19.40 – Residential Hillside (RHS) Zones***

*Section 19.40.040 – Application Requirements*

A minor edit is proposed to clarify the information needed on site plans for residential hillside projects.

*Section 19.40.050 - Site Development Regulations*

Updates are proposed to clarify objective language and update standards for residential hillside project design to reflect changes to State law made through SB 450. This includes removing some standards that were originally only applicable to SB 9 developments and subdivisions. Where possible, the standards for SB 9 subdivisions have been relocated to the newly incorporated section for two-lot subdivisions in Chapter 18.20.

Additional amendments to this section are proposed to update references and address minor typos.

*Section 19.40.060 - Site Development Regulations*

Modifications to this section are proposed to address: 1) an inadvertent change to standards for lots less than 10,000 square feet in size, 2) to clarify the slope adjustment factor for slopes exceeding 30%, and 3) to reflect changes to State law made through SB450. This includes the expansion of development requirements for all RHS developments that were previously applicable only to SB9 developments and subdivisions. As required by State law, newly proposed or modified standards are objectively worded.

*Section 19.40.090 - Ministerial Approval of Up to Two Units*

The standards for projects proposing development under SB9 in the RHS zoning district, as outlined in this section, have been updated to reflect changes to State law made through SB450. Specifically, the standards have either been relocated to other portions of this chapter to apply to all RHS development (see Section 19.40.060) or removed if determined to pose a potential conflict with existing RHS development or design standards. Proposed amendments also incorporate existing RHS development standards for basements and balconies, features which were previously not allowed in SB9 developments.

***Chapter 19.44 – Residential Single-Family Cluster (R1C) Zones***

One minor edit is proposed to this chapter to update a reference.

***Chapter 19.46 – Townhome (TH) Combining District***

One minor edit is proposed to this chapter to address a typo.

***Chapter 19.60 – General Commercial (CG) Zones***

Minor edits are proposed to this chapter to update references.

***Chapter 19.100 – Accessory Buildings/Structures***

Two minor edits are proposed to this chapter to address a typo and to add a clarification for a standard's applicability, and an additional standard has been copied from the requirements for SB9 developments to ensure consistency with SB450.

***Chapter 19.102 – Glass and Lighting Standards***

One minor edit is proposed to this chapter to clarify the applicability of standards.

***Chapter 19.104 – Signs***

Minor edits are proposed to this chapter to update references, correct typos, and to clarify how certain standards are applied.

***Chapter 19.124 – Parking Regulations***

Minor edits are proposed to this chapter to update references and to clarify how certain standards are applied.

***Chapter 19.132 – Concurrent Sale of Alcoholic Beverages and Gasoline***

A reference to the appropriate findings for Use Permits is proposed.

**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 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:

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

**PUBLIC COMMENTS**

As of the posting of this Staff Report, no public comments have been received.

**NEXT STEPS**

The recommendations made by the Planning Commission will be forwarded to the City Council for consideration at the October 7, 2025 meeting.

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Prepared by: Emi Sugiyama, Associate Planner  
Reviewed by: Gian Martire, Acting Planning Manager  
Approved for Submission by: Luke Connolly, Assistant Director of Community Development

**Attachments:**

- 1 – Draft Resolution
- 2 – Proposed Amendments (redlines with annotations)