



## COMMUNITY DEVELOPMENT DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting: February 6, 2024

#### Subject

Second reading of amendments to Municipal Code Chapter 19.12, Chapter 19.28 and Chapter 19.112 regarding Two-Story Permit and Accessory Dwelling Unit (ADU) laws. (Application No. MCA-2023-002; Applicant: City of Cupertino; Location: City-wide)

#### Recommended Action

Conduct the second reading and enact Ordinance No. 23-2254: "An Ordinance of the City Council of the City of Cupertino to amend Municipal Code Chapter 19.12, Chapter 19.28 and Chapter 19.112 regarding Two-Story Permit and Accessory Dwelling Unit (ADU) Laws."

#### Discussion

During a regular City Council Meeting held on January 17, 2024, City Council conducted the first reading for Ordinance No. 23-2254. Staff presented details about the need to streamline the development review process by eliminating the Two-Story Permit process, as well as updating Chapter 19.112, *Accessory Dwelling Units*, to keep consistent with the State of California's various Assembly and Senate Bills affecting ADU production.

As part of the motion, City Council made the following revisions to Ordinance No. 23-2254:

- Allow any combination of ADUs on lots zoned for single-family use and with "no more than two" on lots zoned for duplexes.
- Table 19.112.030 be revised to read "Site Development Regulations for Streamlined Accessory Dwelling Units and Junior Accessory Dwelling Units Associated with Single-Family Residential Uses and Duplexes"
- For non-streamlined ADUs, an allowance for heights of 18 feet for a detached ADU within a half mile walking distance of a major transit stop or corridor, and 25 feet if attached to a principal dwelling unit;
- For non-streamlined ADUs, an allowance for a second story on attached or detached ADUs if located within a half mile walking distance of a major transit stop of corridor.

If Council approves these changes today, the proposed ordinance will take effect after thirty (30) days on March 6, 2024.

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Prepared by: Gian Paolo Martire, Senior Planner

Reviewed by: Benjamin Fu, Director of Community Development  
Department

Approved for Submission by: Matt Morley, Assistant City Manager

Attachments:

A – Draft Ordinance No. 23-2254