



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333
CUPERTINO.GOV

CITY COUNCIL STAFF REPORT

Date: September 16, 2025

Subject

Second reading for proposed amendments to Municipal Code Chapters 19.08 (Definitions), and 19.112 (Accessory Dwelling Units) and Associated Environmental Review. (Application No. MCA-2025-001; Applicant: City of Cupertino; Location: City-wide)

Recommended Action

Conduct the second reading and enact Ordinance No. 25-2274: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING MUNICIPAL CODE CHAPTER 19.08, AND CHAPTER 19.112 REGARDING ACCESSORY DWELLING UNIT (ADU) LAWS"

Reasons for Recommendation

At the City Council hearing held on September 3, 2025, Staff presented the draft Ordinance as it relates to conformance to State ADU Law. City Council motioned to conduct the first reading of the Draft Ordinance (Attachment A), including the Planning Commission's recommendation to remove the proposed design standard for Non-Streamlined ADUs in Table 19.112.040(I)(a), with Vice Mayor Moore proposing a friendly amendment to request an informational memo with data on the use of ADUs within the City and the County; and also that when this item returns for second reading, staff clarify the issue of the maximum size of a detached ADU in a multi-family project, for example whether a 5,000 square foot ADU could be permitted. The motion passed on a 4-1 vote (No: Wang).

If Council approves these changes today, the proposed ordinance will take effect after thirty (30) days on October 16, 2025.

Sustainability Impact

None.

Fiscal Impact

No fiscal impact.

City Work Program (CWP) Item/Description

None

California Environmental Quality Act (CEQA)

This Ordinance is not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment, either directly or ultimately. 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. CEQA applies only to projects which have the potential of causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City Code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

Prepared by: Gian Paolo Martire, 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 No. 25-2274