

RESOLUTION NO. 2026-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CUPERTINO RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 19.08 (DEFINITIONS)

The Planning Commission recommends that the City Council:

1. Determine that Project is exempt 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.
2. Adopt the proposed amendments to the Municipal Code as indicated in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Cupertino this 28th day of July 2026, by the following roll call vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Piu Ghosh
Planning Manager

Tracy Kosolcharoen
Chair, Planning Commission

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO
AMEND
MUNICIPAL CODE CHAPTER 19.08 (DEFINITIONS)**

The City Council of the City of Cupertino finds that:

1. The City Council of the City of Cupertino held a duly noticed public hearing on **September __, 2026**, and after considering all testimony and written materials provided in connection with that hearing introduced this ordinance and waived the reading thereof.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES
ORDAIN AS FOLLOWS:**

SECTION 1. Adoption.

The Cupertino Municipal Code is further amended as set forth in Attachment A.

SECTION 2: Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3: Effective Date.

This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 4: Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on September ___ and **ENACTED** at a regular meeting of the Cupertino City Council on September __, 2026 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN

SIGNED:	
_____	_____
Kitty Moore, Mayor City of Cupertino	Date
ATTEST:	
_____	_____
Lauren Sapudar, City Clerk	Date
APPROVED AS TO FORM:	
_____	_____
Floy Andrews, City Attorney	Date

**ATTACHMENT A - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CUPERTINO TO AMEND
MUNICIPAL CODE CHAPTER 19.08 (DEFINITIONS)**

The sections of the Cupertino Municipal Code set forth below are amended or adopted as follows:

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.*

1. Amendments to Title 19 concerning Land Use

19.08.030 Definitions.

"Attic" means an area between the ceiling ~~and roof of a structure, which is unconditioned (not heated or cooled) and uninhabitable of any story and roof of a structure that does not have operable windows or permanent stairs from the floor below, and is unfinished, unconditioned (not heated or cooled), and not habitable.~~

"Garage, Residential" means ~~an accessory building (completely enclosed) or an attached building used primarily for the storage of motor vehicles~~ a completely enclosed space for the storage of motor vehicles that serves a single-family home, townhome, duplex, triplex, or residential unit. A residential garage shall be located on a single floor within the primary structure or a detached accessory structure. "Garage, residential" does not include any structured parking facilities or facilities which incorporate drive aisles, and/or turning or maneuvering area for motor vehicles.

"Square footage," for the purpose of applicability of state law to a development project, means the total area measured from the exterior surface of the exterior walls of all primary and accessory structures. Each floor of a structure shall be included. Areas that are not enclosed by walls must be included if they fall within the horizontal projection of both the roof above and the floor below. Square footage excludes attics and all underground spaces, including underground parking facilities. In a mixed-use development, square footage shall be attributed to residential or non-residential use based on a detailed description of each area's specific function. Areas accessible to both residential and non-residential uses (such as shared elevators, hallways, or lobbies) shall be allocated proportionally based on the ratio of exclusively residential to exclusively non-residential square footage within the development.