



DEPARTMENT OF COMMUNITY DEVELOPMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: August 1, 2017

Subject

Second reading of an ordinance amending the Municipal Code to regulate the placement of storage containers and temporary fencing, size of signage notice boards for development, size of Accessory Dwelling Units, and including amendments to various other chapters of Title 19 – Zoning of the Municipal Code, including but not limited to, Chapter 19.08 (Definitions), Chapter 19.28 (Single-Family Residential (R-1) Zones), Chapter 19.36, Multiple-Family Residential (R-3) Zones, Chapter 19.40 (Residential Hillside (RHS) Zones), Chapter 19.60 (General Commercial (CG) Zones), Chapter 19.64, Permitted, Conditional and Excluded Uses In Office And Industrial Zones and 19.116 (Conversions of Apartment Projects to Common Interest Developments) for compliance with State Law, readability, clarifications, and internal consistency. (Application No. MCA-2017-03; Applicant: City of Cupertino; Location: City-wide).

Recommended Action

Conduct the second reading and enact Ordinance No. 17-2165: “An ordinance of the City Council of the City of Cupertino amending Chapter 9.22, Property Maintenance, Chapter 19.12, Administration, Chapter 19.112, Accessory Dwelling Units In R-1, RHS, A and A-1 Zones, and minor amendments in Chapter 19.08, Definitions, Chapter 19.24, Agricultural (A) and Agricultural-Residential (A-1) Zones, Chapter 19.28, Single-Family Residential (R-1) Zones, Chapter 19.36, Multiple-Family Residential (R-3) Zones, Chapter 19.40, Residential Hillside (RHS) Zones, Chapter 19.60, General Commercial (CG) Zones, Chapter 19.64, Permitted, Conditional and Excluded Uses In Office And Industrial Zones And 19.116, Conversions Of Apartment Projects To Common Interest Developments.” (Attachment A)

Discussion

Changes introduced by City Council

On July 5, 2017 Council introduced and conducted the first reading of ordinance 17-2165 with amendments discussed below.

Storage Containers

The Council motion at the July 5, 2017 meeting requested staff to draft ordinance language to ensure that a sufficient time elapses between the two (2) occurrences when a storage container may remain on a site for 15 days. Staff has clarified this to ensure that at least 60 days elapse before a storage container may be brought back on site (See blue text in Attachment B.) In addition, the Council wished to ensure that the total of 30 days that a storage container may remain on site be within any twelve month period, as opposed to the calendar year. This is reflected in the attached ordinance.

In addition, the City Council asked staff to propose language allowing the placement of storage containers, when permitted, active and continuous construction occurs on the property:

1. Behind six (6) foot conforming fences as long as they were outside the front and/or street side yard areas and not visible.

Staff Comment: Storage containers are allowed to be placed outside the front, side or rear yard areas (generally in areas that are fenced from public view) in accordance with the Accessory Structure ordinance. As a result, no changes are required to the Municipal Code to address this.

2. Closer to the rear and interior side property lines with possibly no setback from these property lines.

Staff Comment: Storage containers are generally not fire-rated and therefore, depending on the size of the unit, may be required to have a five (5) foot setback in order to meet Building and Fire Code requirements. Therefore, no changes have been made to the Municipal Code since they continue to be allowed in conformance with the Accessory Structure ordinance, subject to the Building and Fire Code requirements.

Size of Accessory Dwelling Units

The City Council motion at the July 5, 2017 meeting included a change to the size of Accessory Dwelling Units to require a minimum size of 150 s.f. and allow a maximum size of 10% of net lot area, up to 1,000 s.f, or 50% of the existing living space, whichever is most restrictive. This change is reflected in the attached ordinance and indicated in blue text in Attachment B.

Correction

In addition to the changes requested by the City Council, a correction has been made to Table 19.40.060. The sub-section on calculating Floor Area Ratio (FAR) (Section 19.40.060 (A)) has been corrected to accurately capture the formula for calculating FAR for

Residential Hillside (RHS) properties less than 10,000 s.f. in size. This is indicated in blue text in Attachment B.

As previously indicated, the changes to this section of the Municipal Code is for clarification only and the proposed amendments are not intended to change the amount of development that would be allowed on property zoned RHS.

Sustainability Impact

None.

Fiscal Impact

None.

Next Steps

Ordinance No. 17-2165 will go into effect 30 days after the second reading.

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Reviewed by: Benjamin Fu, Assistant Community Development Director
Aarti Shrivastava, Assistant City Manager
Approved for Submission by: David Brandt, City Manager

Attachments:

- A. Ordinance No. 17-2165
- B. Document showing redline changes of relevant sections of Municipal Code