



## COMMUNITY DEVELOPMENT DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting: November 15, 2022

#### **Subject**

Consider an ordinance to implement state legislation (Senate Bill 9), that provides for ministerial approval of up to two units and/or a lot split in a residential single-family zone (Application No.: MCA-2022-001; Applicant: City of Cupertino; Location: Citywide in all residential single-family zones)

#### **Recommended Action**

That the City Council conduct the second reading of Ordinance No. 22-2246: "An Ordinance of the City Council of the City of Cupertino amending chapters 18.20.170, 19.08.030, 19.12.030, 19.12.110, 19.28.040, 19.28.050, 19.28.110, 19.28.150, 19.28.170, 19.40.050, 19.40.060, 19.40.090, and 19.112.060 to adopt standards for ministerial approval of duplexes and lot splits in Single-Family Residential zoning districts."

#### **Discussion**

Senate Bill 9 ("SB 9"), signed into law in September 2021, conditionally requires cities to ministerially approve up to two, attached or detached, residential units and two-lot subdivisions in single-family residential zones. Interim Ordinance 21-2235, which provided local temporary objective standards for the implementation of SB 9, will expire on December 19, 2022. At the November 1, 2022 meeting, Council conducted the first reading of the proposed ordinance including draft objective standards to implement SB 9. Included in the City Council's motion are standards to limit grading to three feet for lots steeper than 10%. This is reflected on Pages 16 and 36 of the redline document (Attachment B).

If approved, the ordinance would go into effect on December 15, 2022.

#### **Sustainability Impact**

The adoption of standards to implement SB 9 may potentially positively impact sustainability through the allowance of additional infill opportunities and further housing opportunities, while avoiding adverse impacts arising from underregulated SB 9 development. The additional housing created under these provisions may assist in addressing the City's current jobs-housing imbalance which may in turn influence vehicle miles traveled, also referred to as VMT, and greenhouse gas emissions in the City.

**Fiscal Impact**

No fiscal impact. Council approved a permit fee for the new Miscellaneous Ministerial Permit through adoption of Resolution 22-049 while Urban Lot Split proposals will continue to be reviewed under the standard Parcel Map fee. Application of these fees allow the City to recoup the costs of processing such permits.

**California Environmental Quality Act (CEQA)**

The project is statutorily exempt as, pursuant to Government Code §§ 65852.21(j) and 66411.7(n), the adoption of an ordinance by a city or county implementing the provisions of Government Code §§ 65852.21 and 66411.7 and regulating Urban Lot Splits and two-unit projects is exempt from the requirements of CEQA.

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Reviewed by: Luke Connolly, Acting Director of Community Development  
Approved for Submission by: Pamela Wu, City Manager

**Attachments:**

- A – Ordinance No. 22-2246: "An Ordinance of the City Council of the City of Cupertino....."
- B – Redlined Pages of Ordinance Indicating Council Action from November 1<sup>st</sup>