



## COMMUNITY DEVELOPMENT DEPARTMENT

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### HOUSING COMMISSION STAFF REPORT

Meeting: May 16, 2019

#### SUBJECT

Amendments to the size of Accessory Dwelling Units (Chapter 19.112 - Accessory Dwelling Units) to encourage their development. (Application No. MCA-2018-04; Applicant: City of Cupertino; Location: City-wide)

#### RECOMMENDED ACTION

Receive Presentation and comment.

#### DISCUSSION

##### *Background*

The project to incentivize production of Accessory Dwelling Units (ADUs) has been listed on the City's Work Program since FY 2018-2019. In accordance with the City's Housing Element, the increased supply of these types of units provide additional housing opportunities that HCD currently allows the City to take credit for toward meeting the Regional Housing Needs Allocation (RHNA) for housing at moderate levels of affordability. Staff's specific task was to review the Municipal Code and recommend incentives to encourage the development of ADUs.

On January 10, 2019, the Housing Commission received a presentation on this subject. Proposed modifications at the time included revisions to Chapter 13.08 *Park Land Dedication Fee*, Chapter 14.05 *Park Maintenance Fee*, Chapter 18.24 *Dedications and Reservations*, and Chapter 19.112, *Accessory Dwelling Units*. The revisions proposed would among other clarifications, include exempting ADUs from payment of Park Maintenance Fees. At this time, staff is prepared to move forward with modifications to Chapter 19.112 *Accessory Dwelling Units*.

##### *Analysis*

Chapter 19.112, *Accessory Dwelling Units* is intended to implement the State's ADU requirements, which furthers the City's own affordable housing goals by providing additional housing in zoning districts where single family homes are allowed in a manner which minimizes adverse impacts. This Chapter has been modified several

times since 2016 to keep pace with the State of California's various Assembly & Senate Bills. Successive state legislation has favored allowing larger sized ADUs. Currently, the Municipal Code standard for maximum size is:

10% of the net lot area, up to a maximum of 1,000 s.f., or 50 percent of the existing living space of the principal dwelling unit, whichever is more restrictive.

It is recommended that the limitation to the current '10% of the net lot area' development standard be eliminated (underlined above). It should be noted that State law allows ADUs to be a maximum size of up to 1,200 sq. ft.

Currently, lots larger than 10,000 sq. ft. can construct a 1,000 sq. ft. ADU (so long as it is not more than 50% of the total living space of the principal dwelling unit), while smaller lots would have to reduce the size of a proposed ADU based on the size of the lot. With the proposed change, larger ADUs could be built on smaller lots. There have been times when homeowners have indicated disappointment about the size of an ADU they can construct and one request at Oral Communications at the City Council for larger ADUs on smaller lots.

The proposed change would not change the overall maximum allowed FAR on a lot. There is no anticipated impact as the change will not increase the massing that is already permitted per the CMC, and all other Accessory Structure and ADU development standards (setbacks, lot coverage, height, etc.) remain. It should be noted that there is state legislation (AB 68) under consideration which could eliminate FAR and lot coverage limitations in the future. No changes are proposed to any of the other standards in the Accessory Dwelling unit Chapter.

## NEXT STEPS

The application will be presented to the Planning Commission on June 11, 2019 for their review and recommendation to City Council.

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