ORDINANCE NO. 22-2246

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO ADDING OR AMENDING CUPERTINO MUNICIPAL CODE SECTIONS 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 RESIDENCE DISTRICTS

SECTION I: PROJECT DESCRIPTION

Application No.: MCA-2022-001
Applicant: City of Cupertino
Location: Single-Family Residential Districts Citywide

SECTION II: RECITALS

WHEREAS, on September 16, 2021, Governor Newsom signed into law Senate Bill 9 ("SB 9"), an act to amend Section 66452.6 of, and to add Sections 65852.21 and 66411.7 to, the Government Code, relating to land use; and

WHEREAS, SB 9 requires a proposed housing development containing no more than two residential units within a single-family residential zone to be considered ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements; and

WHEREAS, SB 9 further requires a local agency to ministerially approve a parcel map for a lot split of a parcel in a single-family residential zone that meets certain requirements; and

WHEREAS, SB 9 authorizes local jurisdictions to apply objective zoning standards, objective subdivision standards, and objective design standards, subject to certain limitations in statute, and provides that these standards may be embodied in alternative objective land use specifications adopted by a local agency; and

WHEREAS, the City Council wishes to adopt objective standards for the approval of housing development projects and parcel maps that are protective of the health, safety, peace, morals, and general welfare of Cupertino residents and consistent with the requirements of State law; and

WHEREAS, the implementation of SB 9 without standards for the ministerial approval of development projects and lot splits would create a current and immediate threat to the public health, safety, or welfare, and therefore the City Council wishes to adopt an interim ordinance that will allow for the orderly and effective implementation of SB 9.

SECTION III

NOW, THEREFORE, BE IT ORDAINED:

That after careful consideration of facts, exhibits, testimony, and other evidence submitted in this matter, the City Council hereby adopts the Ordinance based on the findings described below, the public hearing, and the record, as follows:

Section 1. The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2. The City Council finds the following as set forth by Municipal Code Sections 19.152.020C and 19.152.030D:

1. That the proposed zoning is in accord with Title 19 of the Municipal Code and the City's Comprehensive General Plan (Community Vision 2040) and the proposed amendments are internally consistent with Title 19 of the Municipal Code.

   The proposed amendments have been adopted in accord with the requirements of Title 19 and are proposed to implement SB 9 in a manner that is consistent with the requirements of the City's General Plan and internally consistent with Title 19.

2. The proposed zoning is in compliance with the provisions of the California Environmental Quality Act (CEQA).

   Under Government Code Sections 66411.7(n) and 65852.21(j), an ordinance adopted to implement the requirements of SB 9 shall not be considered a project under CEQA. The proposed ordinance is therefore exempt from CEQA.

3. The site is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

   The proposed ordinance amendments are not being applied to any specific site, nor is it reasonably foreseeable which specific sites may elect to utilize the proposed ordinance amendments.

4. The proposed zoning will promote orderly development of the City.

The proposed ordinance is intended to promote the orderly implementation of development permitted under SB 9.

5. That the proposed zoning is not detrimental to the health, safety, peace, morals and general welfare of persons residing or working in the neighborhood of subject parcels.

   The proposed ordinance amendments are not being applied to any specific site, nor is it reasonably foreseeable which specific sites may elect to utilize the proposed ordinance amendments. The proposed ordinance will regulate the development of projects in single-family residential districts authorized under SB 9 to protect the health, safety, peace, morals and general welfare of persons residing in those districts.

Section 3. The City Council hereby approves the following amendments to the Cupertino Municipal Code:

1. Add a new Section 18.20.170 of the Cupertino Municipal Code to read as follows:

   18.20.170 Ministerial Approval of Urban Lot Splits.

   A. The Director of Community Development shall ministerially approve a parcel map application for an urban lot split if it meets the requirements of Government Code Section 66411.7 and conforms to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410). No public hearing shall be required. Notice shall be provided to adjacent property owners (including those across any public or private street) fourteen days prior to any action on the proposed project. The decision of the Director of Community Development shall be final.

   B. The Director of Community Development shall require an urban lot split pursuant to this section to comply with objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcels created pursuant to this Section, to the extent that such standards do not conflict with Government Code Section 66411.7, including but not limited to the objective subdivision standards in Paragraph G.

   C. Notwithstanding Paragraph A, the Director of Community Development may deny an urban lot split proposed pursuant to this

Section, if the Building Official makes a written finding, based upon a preponderance of the evidence, that any housing development project proposed in connection with the lot split would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

D. In addition to any other conditions established in accordance with this Section, the Director of Community Development may require any of the following conditions when considering an application for a parcel map for an urban lot split pursuant to this Section:

1. Easements required for the provision of public services and facilities.

2. A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.

E. Any lot created pursuant to this Section shall be limited to residential uses.

F. An applicant for an urban lot split shall provide proof, to the satisfaction of the Director of Community Development, that the property has not been occupied by a tenant in the three years preceding the submission of an application.

G. An applicant for an urban lot split pursuant to this Section shall sign an affidavit stating that the applicant intends to occupy a housing unit on one of the lots created as their principal residence for a minimum of three years from the date of the approval of the urban lot split; provided, however, that this Paragraph shall not apply to an applicant that is a community land trust, as defined in Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a qualified nonprofit corporation, as described in Revenue and Taxation Code Section 214.15.

H. Objective Subdivision Standards for Ministerially Approved Lot Splits. In addition to any applicable objective subdivision standards in this Title or the Subdivision Map Act and the requirements of Government Code Section 66411.7, a lot split approved pursuant to this

Section must, to the maximum extent permissible under Government Code Section 66411.7, comply with the objective standards including but not limited to objective standards for urban lot splits set forth in Sections 19.28.060 and 19.40.050.

I. This Section shall remain in effect until such time as Government Code Section 66411.7 is repealed or superseded or its requirements for ministerial approval of lot splits are materially amended, whether by legislation or initiative, or are held to be unenforceable by a court of competent jurisdiction, at which time this Section shall become null and void.

2. Amend or add the following definitions in Section 19.08.030 of the Municipal Code to read as follows:

"Bay window" means a projecting window element that is not an extension of the floor area and does not incorporate any useable space for seating or other purposes.

Additionally, a bay or projecting window shall:

a. **Be a projection of windows, not walls;**
b. **Be cantilevered no more than twenty-four inches from an exterior wall;**
c. **Be a minimum of twenty-four inches from the finished floor;**
d. **Not create a projection of the floor;**
e. **Not occupy more than 50% of an exterior wall face.**

These limitations do not apply to bay windows which have been counted towards floor area and meet required setbacks.

"Buildable Area" means the lot area in which structures may be located, not including required yard or access areas.

"Duplex" means a ~~building~~**residential development**, on a lot under one ownership, containing not more than two kitchens, designed and used as two **attached or detached primary** dwelling units, of comparable size**,** independent of each other**, and having no internal connection**.

"Flat Yard Area" means a yard area graded to a slope of 5% or less, used for active or passive private recreation, not including a driveway.

"Floor area" means the total area of all floors of a building measured to the outside surfaces of exterior walls, and including the following:

1. Halls;
2. Base of stairwells;
3. Base of elevator shafts;
4. Services and mechanical equipment rooms;
5. Interior building area above fifteen feet in height between any floor level and the ceiling above;
6. **Residential** ~~B~~**b**asements **in the A, A1, R1 and RHS zoning districts** with lightwells that do not conform to Section 19.28.070(I);
7. **Residential basements in the R1 and RHS zoning districts on projects pursuant to Government Code section 65852.21**
8. Residential garages;
9. Roofed arcades, plazas, walkways, porches, breezeways, porticos, courts, and similar features substantially enclosed by exterior walls;
10. Sheds and accessory structures.

"Floor area**"** shall not include the following:

1. **Residential** ~~B~~basements **in the R1 and RHS zoning districts** with lightwells that conform to Section 19.28.070(I);
2. **Required** ~~L~~**l**ightwells;
3. Attic areas;
4. Parking facilities, other than residential garages, accessory to a permitted conditional use and located on the same site;
5. Roofed arcades, plazas, walkways, porches, breezeways, porticos, courts and similar features not substantially enclosed by exterior walls.

"Gable end" means the exterior wall that supports pitched roofs and is generally triangular in shape.

"Living space" means, for the purposes of Chapter 19.112, **Section 19.40.090, and Section 19.28.150**, the same as that set forth for "living area" in California Government Code Section 65852.2(j)(4). All attic and

basement square footage proposed as part of an Accessory Dwelling Unit shall be limited by the maximum size allowed per Chapter 19.112.

"Lot" means a parcel or portion of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease or separate use.

1. "Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.
2. "Flag lot" means a**n interior** lot **with a long, narrow portion of the lot,** ~~having access to a street by means of a private driveway~~ or parcel of land not otherwise meeting the requirement of this title for lot width, **that consists entirely of and provides the sole means of vehicular connection between the buildable area of the lot and an abutting street**.
3. "Interior lot" means a lot other than a corner lot **or a flag lot**.
4. "Key lot" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side **lot** line of the corner lot, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.
5. **"Pie-shaped lot" means an interior lot, that is not a flag lot, where the front lot line abuts a cul-de-sac, and a) is at least 20% shorter than the rear lot line or b) has five or more lot lines.**

"Lot depth" means the horizontal distance **measured, removing all existing and future dedications,** from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no clear rear lot line.

"Private Open Space," for the purposes of Section 19.28.150 and 19.40.090, means an area, excluding the required front setback, between the structure and the street property line occupied by active or passive recreation facilities (e.g., deck, patio, playground equipment, porch, swimming pool, etc.) provided it is open on at least two sides and not covered by a roof, patio cover, or canopy.

"Street Frontage," for purposes of Chapter 19.28, means the length of the curb (or if a curb is absent, the length of the portion of the street paved

with asphalt or similar material designed for automobile traffic) parallel and closest to a property's front lot line.

"Substantially enclosed" means an area that is covered by a roof or ceiling that is not more than 50% open to the sky/elements and is surrounded by solid barriers that are at least six inches tall on three or more sides. Solid barriers do not include open railings that are no taller than 42 inches, decorative arches, or trellises. Railings and trellises shall have a visual transparency of more than 50%.

3. Amend Section 19.12.030 Approval Authority, subsection R-1 Ordinance Permits to add the following:

Type of Permit or Decision [A, B]	Administrative Review	Design Review Committee	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period [C]	Noticing Radius [D]	Posted Site Notice	Expiration Date [E]	Chapter/ Findings
Miscellaneous Ministerial Permit	F	-	-	-	None	Adjacent	Yes	1 year	19.28.150 and 19.40.090

4. Amend Section 19.12.030 Approval Authority, subsection Extensions to add the following:

Type of Permit or Decision [A, B]	Administrative Review	Design Review Committee	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period [C]	Noticing Radius [D]	Posted Site Notice	Expiration Date [E]	Chapter/ Findings
Miscellaneous Ministerial Permit	Not allowed								

5. Amend Section 19.12.110 F of the Cupertino Municipal Code to read as follows:

F. Posted Site Notice:

1. Applicants shall install notice(s) on the subject site that is/are clearly visible and legible from the right-of-way in accordance with the requirements of Table 19.12.030.
    a. Applicants must install a site notice in the front yard of the subject site.
    b. For all applications other than Two Story Permits, Residential Design Review, **Miscellaneous Ministerial Permits,** and Tree Removal applications in R1 or R2 zones, if the subject site has more than one property line abutting a street, the applicant may be required to install more than one notice.
2. The notice shall be a weatherproof sign, firmly attached to 5-foot-tall posts and:
    a. For Two Story Permits, Residential Design Review, **Miscellaneous Ministerial Permits,** and Tree Removal applications in R1 or R2 zones, shall be at least 2 feet tall and 3 feet wide.
    b. For all other applications that need a site notice, shall be at least 4 feet tall and 6 feet wide.
3. The notice shall be placed at least 14 days prior to the decision/public hearing and shall remain in place until an action has been taken on the application and the appeal period**, if any,** has passed.
4. The notice shall contain the following:
    a. The exact address of the property, if known, or the location of the property, if the address is not known;
    b. A brief description of the proposed project, the content of which shall be at the sole discretion of the City;
    c. City contact information for public inquiries;
    d. A deadline for the submission of public comments;
    e. If proposing a physical alteration to an existing building or new buildings, at least one of the

following visual representations of the proposed project:

i. A color perspective drawing or three-dimensional (3-D) photographic simulation of the proposed project, in a size deemed appropriate by the Director of Community Development.
ii. For Two Story Permits**,** Residential Design Review **Permit, and Miscellaneous Ministerial Permit** applications, a color or black and white perspective drawing or three-dimensional (3-D) photographic simulation of the proposed project, at least 11 inches by 17 inches in size.
iii. Visual Representation is not required for applications that do not have a material change in the physical appearance of the property.

6. Amend Section 19.12.110 of the Cupertino Municipal Code to add a new subsection G as follows:

G. Miscellaneous Ministerial Permit: For projects requiring notice of a Miscellaneous Ministerial Permit, notice shall be mailed in accord with subsection 19.12.110A(4) and posted on the property, fourteen calendar days prior to the date of action on the application.

7. Amend Section 19.12.170 of the Cupertino Municipal Code to read as follows:

F. An appeal may be filed by any person, firm or corporation aggrieved or affected by any grant, denial, modification or revocation of any permit, or any determination or interpretation related to any provision of this title. **No appeal of a Miscellaneous Ministerial Permit shall be allowed.**

8. Amend Section 19.28.040 of the Cupertino Municipal Code to read as follows:

Planning permit required prior to building permit application	**Approval authority**	**Type of Project**
A. None	Admin.	One-story, **single-family** project that does not require exception or variance from the requirements of this ordinance
B. Minor Residential Permit, pursuant to Chapter 19.12, Administration		1. One-story encroachment into a required rear yard setback, subject to requirements of Section 19.28.070
		2. One-story extension of an existing side yard nonconforming building wall line, subject to requirements of Section 19.28.100 in all districts except R1-a
		3. One-story project with a gable end of a roof enclosing an attic space projecting outside the building envelope , subject to requirements of Section 19.28.070 or 19.28.080
		4. New or expanded second story deck or balcony with views into neighboring residential side or rear yards in all districts except R1-a **or on any project previously developed pursuant to Government Code Section 65852.21**
		5. Any active or passive solar structure that requires variation from the setback or height restrictions of this chapter, provided that provided that no such structure shall infringe upon solar easements or adjoining property owners
		6. One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded areas with actual slopes equal to or greater than 20% and with total floor area ratio of all structures on the lot greater than 35%

Planning permit required prior to building permit application	**Approval authority**	**Type of Project**
C. Director's Minor Modification, pursuant to Chapter 19.12, Administration		Encroachment of porch elements into the required front yard setback in the R1-a zone, subject to the requirements of Section 19.28.100.
D. Two-Story Permit, pursuant to Chapter 19.12, Administration		Two-story addition or new two-story home in all districts that do not require Residential Design Review per Section 19.28.040 (**I**) except in an R1-a zone.
E. Residential Design Review, pursuant to Chapter 19.12, Administration	Admin. with design review	Two-story addition or new two-story home in all districts except R1-a where: 1. Second floor to first floor area ratio is greater than 66%, except any second to first floor ratio for development on building pads/graded areas with actual slopes equal to or greater than 20%; and/or 2. Where second story side yard setback(s) are less than 15 feet to any interior side property line
	DRC with design review	Two-story addition, new two-story home, and/or second story deck in the R1-a zone
F. Exception, pursuant to Chapter 19.12, Administration & Section 19.28.130, Exceptions	DRC	One or two-story project requesting an exception from Sections 19.28.070 [Development Regulations (Building)], 19.28.080 [Eichler R1-e Building Design Requirements], and/or 19.28.110 [Landscape Requirements].
G. Hillside Exception, pursuant to Chapter 19.12, Administration	PC	Development (area greater than 500 square feet) on slopes greater than 30%
H. Architectural and Site Approval, pursuant to		One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded

Planning permit required prior to building permit application	Approval authority	Type of Project
Chapters 19.12, Administration		areas with actual slopes equal to or greater than 20% and where the cut plus fill of the site exceeds 2,500 cubic yards
I. Conditional Use Permit, pursuant to Chapters 19.12, Administration		Two-story addition or new two-story home in an R1 zoning district with an "i" suffix
J. <u>Miscellaneous Ministerial Permit</u>	**<u>Admin</u>**	**1. <u>New one or two-story duplex project in an R1 zoning district pursuant to Government Code Section 65852.21</u>** **2. <u>New one or two-story single-family home, secondary principal dwelling unit, or two-story addition in an R1 zoning district pursuant to Government Code Section 65852.21</u>**

9. Amend Section 19.28.060 of the Cupertino Municipal Code to read as follows:

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
A. Minimum net lot area [1]	**<u>i.</u>** 5,000 square feet	**<u>ii.</u>** the number multiplied by 1,000 square feet	**<u>iii.</u>** 10,000 square feet
	<u>iv. For lots created under the provisions of Government Code Section 64411.7, each of the resulting lots shall have a lot area of at least 40% of the original lot being subdivided, with no lots less than 1,200 square feet.</u>		
B. Minimum lot width (at the front setback line)	**<u>i.</u>** 50 feet	**<u>ii.</u>** 60 feet	**<u>iii.</u>** 75 feet
	<u>iv. For lots created pursuant to the provisions of Government Code Section 64411.7:</u> **a. <u>No more than two new, non-curved property lines may be added to create a new lot.</u>**		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	b. Existing interior lots or pie shaped lots with either (i) 60 feet to 75 feet of or more street frontage, or (ii) more than 75 feet of street frontage and a lot depth of up to 145 feet shall result in lots with : resulting lots shall have a street frontage that is between at least 40-60% of the lot widthexisting street frontage of the lot being subdivided. Resulting lots shall have a side-by-side orientation and shall not create a landlocked parcel. **c. Existing interior lots or pie shaped lots with more than 75 feet of street frontage and a lot depth of more than 145 feet, may be subdivided in one of the following ways:** **i. Resulting lots shall have a street frontage that is at least 40% of the existing street frontage of the lot being subdivided. Lots shall have a side-by-side orientation and shall not create a landlocked parcel; or** **ii. One of the resulting lots shall be a flag lot with access to the street. The buildable area of the flag lot shall span the entire distance between the two side property lines that intersect with the front property line of the lot being subdivided.** **d. Existing interior lots or pie shaped lots with less than 60 feet of street frontage shall result in one flag lot with access to the street. The buildable area of the flag lot shall span the entire distance between the two side property lines that intersect with the front property line of the lot being subdivided.** **e. Existing flag lot subdivision shall result in lots in the same orientation as the existing lot (i.e., the existing front lot line must be the front lot line of the future lots and the existing rear lot line shall be the rear lot line of the future lots) and that are between 40-60% of the lot width of the lot being subdivided.** f. **Corner lots shall be subdivided in a manner that splits the existing street side property line to create at least one front lot line on that frontage.**		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
C. Landscaping	**i.** See Chapter 14.15, Landscape Ordinance. **ii. At least 50% of the front yard of any project approved pursuant to Chapter 19.28.150 shall be occupied by non-hardscape landscaping.**		**iii.** Landscaping plans are required for all additions or new homes. The purpose of the landscaping is to beautify the property and to achieve partial screening of building forms from the street and adjacent properties. Generally, the landscaping may include shrubbery, hedges, trees, or lattice with vines on fences. **iv. At least 50% of the front yard of any project approved pursuant to Chapter 19.28.150 shall be occupied by non-hardscape landscaping.**
D. Development proposed on building pads /graded area with slopes equal to or greater than 20%			
1. Total site grading (cut plus fill) [2, 3]	**i.** 2,500 cubic yards maximum. **ii.** Projects that exceed the maximum quantity shall require Architectural and Site Approval per Section 19.28.040 (H). **iii. For projects proposed pursuant to Government Code Sections 64411.7 and/or 65852.21, total site grading shall be limited to 2,500 cubic yards for the entire site as calculated prior to subdivision.** **iv. For projects proposed pursuant to Government Code Sections 64411.7 and/or 65852.21, flat yard area created by grading areas that are sloped more than 10% shall be limited to 2,500 square feet, not including the driveway, as calculated prior to any subdivision.**		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
2. Fences	See Chapter 19.48, Fence Ordinance		
E. Development (structures, improvements, or grading)			
1.On actual slopes ≥ 30%	**i.** Limited to 500 square feet. **ii.** Development greater than 500 square feet shall be subject to a Hillside Exception by the Planning Commission in accordance with section 19.40.080 of the RHS Ordinance. **No Hillside Exception is permitted on lots developed pursuant to Section 19.28.150.**		
2. For projects proposed pursuant to Government Code Sections 64411.7 and/or 65852.21	**i. Unless required by the City Engineer or to meet Fire Code requirements, grading activity on lots with an average slope of:** **a. Less than five percent shall not result in a change in grade elevation by more than 12 inches from existing natural grade.** **b. Between five and ten percent shall not result in a change in grade elevation by more than 24 inches from existing natural grade.** **c. Ten percent or more shall not result in a change in grade elevation by more than three feet from existing natural grade.** **ii. In all cases, the following shall apply:** **a. Change in grade elevation shall be limited to the minimum extent necessary to ensure adequate drainage and access as demonstrated by a grading and drainage plan prepared by a registered civil engineer.** **b. Split level designs shall be used to avoid additional change in grade elevation.** **c. Unless otherwise required by the City Engineer, spoils shall be balanced on site and shall match the existing grading and drainage pattern of the site.**		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	d. Unless required by the City Engineer, development shall not result in a finished floor more than 36 inches above finished grade.		
F. On-site improvements	All properties shall provide a 4.5-foot-wide pathway, a 4.5-footwide planting strip, curb and gutter, curb cut, AC pavement, and underground utilities at the street as follows: i. Detached pathway when a property on either side of the subject property has a detached pathway; ii. Monolithic pathway when a property on either side of the subject property has a monolithic pathway iii. When properties on either side of the subject property do not have a pathway, a pathway that matches the pre-dominant pattern of pathways on the street, as determined by the City Engineer, shall be provided, unless the subject property has a "semi-rural" designation adopted by City Council resolution. iv. The City Engineer shall adopt any objective standard necessary to implement the requirements of this paragraph.		
G. Driveways for developments pursuant to Government Code Section 64411.7 or 65852.21	1. For interior lots with a street frontage of 35 feet or less, no more than a one-car wide driveway curb cut shall be permitted. A distance of at least 22 feet shall be provided between two, one-car wide curb cuts, else, a shared driveway curb cut, no more than a two-car curb cut, may be provided. 2. Unless subject to subsection (3) below, for interior or pie-shaped lots with a street frontage of more than 35 feet: a maximum two car driveway curb cut is permitted provided a distance of at least 22 feet is provided between existing and proposed driveway flares, else the driveway curb cut shall be limited to a one-car driveway curb cut. 3. When an Urban Lot Split results in a flag lot, the two resulting lots shall share vehicular access off of the access area of the resulting flag lot, unless one of the lots is a new interior lot with a minimum street frontage of 50 feet. The		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	access area shall be a minimum of 20 feet and a maximum of 25 feet in width, comprising a minimum 16-foot drive aisle and a minimum 2-foot-wide landscaping planter on either side. A maximum two car driveway curb cut is permitted at the right of way. No other curb cuts shall be permitted. **4. Where a shared driveway (not through a flag lot) is proposed:** **i. No additional curb cuts shall be permitted.** **ii. 50% of the width of the shared driveway curb cut shall be on each property.** **iii. A maximum two car curb cut shall be permitted.** **5. Where shared driveway access through a flag lot is required and would provide access to new development, the driveway access for front lot shall be located in the rear 50% of the property.** **6. On lots where an existing residence is retained on the site of an urban lot split or development pursuant to Government Code Section 65852.21, an existing curb cut of not more than 18 feet in width may remain when providing exclusive access to the existing residence.** **7. A maximum 18′ wide car curb cut is allowed when a two-car curb cut is permitted.** **8. A maximum 12′ wide curb cut is allowed when a one-car curb cut is permitted.** **9. When shared access is proposed, a covenant, necessary for appropriate ingress and egress easements, shall be recorded prior to final parcel map recordation.** **10. 10. A maintenance agreement shall be recorded to ensure shared maintenance of any shared access easements, stormwater treatment, landscaping and private utilities, prior to final parcel map recordation.**		
H. Easements and Covenants required for	**1. Utility easements shall be recorded prior to final parcel map recordation.**		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
subdivisions pursuant to Government Code Section 64411.7	**2. A covenant necessary for maintenance of stormwater treatment facilities shall be recorded prior to final map recordation.**		

Notes:
[1] Lots, which contain less area than required by its zoning designation, but not less than 5,000 square feet, may nevertheless be used as building sites, provided that all other applicable requirements of this title are fulfilled.
[2] Maximum grading quantity includes grading for the building pad, yard areas, driveway, and all other areas requiring grading, but does not include basements. The graded area shall be limited to the building pad area to the greatest extent possible. Grading quantities for multiple driveways are divided equally among the participating lots, e.g., two lots sharing a driveway will divide the driveway grading quantity in half. The divided share will be charged against the grading quantity allowed for that lot development.
[3] All cut and fill areas shall be rounded to follow the natural contours and planted with landscaping that meets the following requirements:

i. A landscape plan shall be prepared that addresses measures to prevent soil erosion and to screen cut and fill slopes.
ii. A tree planting plan shall be prepared for the site which will screen grading areas, and residential structures, to the greatest possible extent, as well as to reintroduce trees on barren slopes which were denuded by prior agricultural activities.
iii. Landscape improvements shall meet the requirements as established in the Landscape Ordinance, Chapter 14.15.
iv. Landscape improvements shall be installed prior to final occupancy unless such installation is impracticable, in which case, the applicant shall post a bond, cash, or other security to ensure installation within an 18-month period from occupancy. All such landscape areas shall be properly maintained.

10. Add a new Section 19.28.150 of the Cupertino Municipal Code to read as follows:

19.28.150 Ministerial Approval of Up to Two Units.

A. Issuance of Miscellaneous Ministerial Permit. The Director of Community Development shall ministerially approve up to two residential units on a parcel in an R-1 single-family residence district or

R-1 zoned Planned Development Zoning District if the proposed housing development meets the requirements of Government Code Section 65852.21 and complies with all applicable objective zoning standards, objective subdivision standards, and objective design review standards.

B. The Director of Community Development shall impose all objective zoning standards, objective subdivision standards, and objective design review standards in the Municipal Code, General Plan, any applicable specific plan, and other objective land use specifications that do not conflict with the requirements of Government Code Section 65852.21, including but not limited to the objective zoning and design standards in Paragraph E.

C. Notwithstanding Paragraph A, the Director of Community Development may deny a housing development project proposed under this Section if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

D. Application and Fees. An application on a form made available by the City shall be completed by the applicant. The form shall be accompanied by a fee that the City Council may adopt by resolution to sufficiently recover the cost of administering the requirements of this section. The application shall be accompanied by all technical reports, plans and information required to make a determination on the proposed project.

E. Objective Zoning and Design Standards for Ministerially Approved Housing Development Projects in the R-1 District. In addition to any applicable objective zoning standards, objective subdivision standards, and objective design review standards in the Municipal Code, a housing development project approved pursuant to this Section must comply with all applicable objective zoning and design standards to the maximum extent permissible under Government Code Section 65852.21,

including but not limited to the following standards for ministerial development projects:

1. Development Standards (Gov. Code, § 65852.21)	**a. Except as otherwise provided herein, units shall not exceed 800 square feet per unit and shall comply with Paragraph B, above.** **b. The floor area of the larger unit in a duplex development proposed pursuant to this Section shall be no more than 200 square feet greater than the smaller unit of the duplex development.** **c. Notwithstanding subparagraph (a), development pursuant to this Section may have a maximum Floor Area Ratio of up to 45% of the net lot area, and a maximum Lot Coverage of 45% of the net lot area plus an additional 5% for roof overhangs, patios, porches, and other similar features not Substantially Enclosed, if it complies with the requirements of Paragraph B and subparagraphs 2 through 16 of this Paragraph; provided, however, that a housing development project on a lot having a slope 30% or greater shall not exceed the floor area allowed under Chapter 19.40. However, under no circumstances shall the size of any ministerially approved unit exceed 2,000 square feet of living space.** **d. If the site has been occupied by a tenant in the last three years, no more than 25% of the exterior walls of an existing unit shall be demolished.** **e. If no dedication was required for creation of the lot, the project shall include a dedication to accommodate the predominant public right of way, as determined by the City Engineer, abutting the corresponding lot line and frontage improvements, including curb,**

	gutter and sidewalk shall be installed by the applicant.
2. Second to First Floor Area Ratio:	**a. The ratio of the second story to first story floor area shall not exceed 50% except that:** **i. In all R1 zoning districts except the R1-a district:** **1. The ratio of the second story to first story floor area may exceed 50%, up to a maximum of 66%, if a combined first-story side setback of 15 feet (with no first- story side setback less than five feet), second- story side setbacks of at least 15 feet each, a rear setback of 20 feet on the first story and a rear setback of 25 feet on the second story are provided.,** **ii. In the R1-a zoning district:** **1. The maximum ratio of the second story to first story floor area is 40% but no larger than 500 square feet, except where allowed below;** **2. A second floor may exceed 500 square feet, but shall not in any case exceed 1,100 square feet, if first-story side setbacks of at least 10 feet each , a combined second-story side setback of 35 feet (with no second story side setback less than 15 feet), and a rear setback of 20 feet for the first story and 40 feet for the second story are provided.** **b. Interior areas (measured from the finished floor to the top of the roof rafters) with heights greater than 16 feet shall be double counted as floor area as follows:** **i. For one story homes, the floor area shall be double counted as first floor area.**

	ii. For two story homes, the floor area shall be counted once each for first and second floor area.
3. Setbacks:	a. Minimum first-story front setback is 20 feet, unless otherwise required in a tract map or zoning map except that: i. In the R1-a zoning district, the required minimum setback is 30 feet. ii. Garages with up to two parking spaces shall be set back two additional feet from the face of the living area of the unit, not including a front entry feature or porch. iii. Third car garage spaces: 1. On lots when the garage is visible from the street: parking shall be provided in tandem or in a detached accessory structure at the rear of the property. 2. On flag lots or on side-oriented garages located at the rear of the principal unit: a third parking space may be on the same wall plane as the other two parking spaces. b. Minimum second-story front setback is 25 feet except that: i. In the R1-a zoning district, the required minimum setback is 30 feet. c. Minimum first- and second-story side and rear setbacks shall be four feet each; provided, however, that: i. No setbacks shall be required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure.

	ii. No new or expanded structures shall encroach upon any existing public or private utility easements. iii. No setback shall be required from a shared new side lot line between the two new lots created pursuant to an Urban Lot Split under Government Code Section 66411.7 when: 1. More than one new primary dwelling unit is approved concurrently with an Urban Lot Split; and 2. Units with a zero-foot setback are developed concurrently; and 3. All other side yard setbacks are a minimum of five feet on the first story and 10 feet on the second story; and 4. The entirety of wall faces along the shared property line are structurally attached; and 5. Structures along the new shared property line are no more than zero feet or less than four feet. iv. The required building envelope shall not apply to the portions of structures with a zero-foot setback. d. Corner Triangle: No portion of a structure shall be located within a corner triangle, provided that in no case shall a side yard setback of more than four feet be required. e. Detached primary residential structures: Detached structures located on the same lot shall have a setback of five feet as measured between the eaves of the two structures.
4. Maximum height:	a. Principal Dwelling units are limited to 28 feet in height and no more than two stories except that:

	i. **In R-1 Zoning Districts with "i" suffix, buildings shall be limited to one story (not to exceed 18 feet).** b. **First-story building envelope: All the maximum exterior wall height and building height on single-story structures and single-story sections of two-story structures must fit into the building envelope defined by:** i. **A 9-foot-high vertical line from natural grade measured at the property line; and** ii. **A 25-degree roof line angle projected inward at the 9-foot-high line referenced above;** **Notwithstanding the first-story building envelope, a gable end of a roof enclosing an unfinished attic space may have a maximum wall height of 13 feet to the peak of the roof as measured from natural grade.** c. **Second-story building envelope: All the maximum exterior wall height and building height on two-story sections of two-story structures must fit into the building envelope defined by:** i. **A 15-foot-high vertical line from natural grade measured at the property line; and** ii. **A 25-degree roof line angle projected inward at the 15-foot-high line referenced above.** d. **Notwithstanding subsections (b) and (c) above, portions of the structures developed utilizing the provisions of subsection (3)(c) above, do not have to meet the first story or second story building envelope requirements.**
5. **Basements:**	**Not allowed.**

6. Landscaping and Privacy Protection:	**a. Landscaping: All proposed landscaping shall meet the requirements of Chapter 14.15 of the Municipal Code** **i. Front Yard Tree Required: A 24-inch box California native tree that typically grows to a mature height of more than 30 feet is required for all two-story homes and must be placed in the center 50% of the front yard.** **ii. An existing mature tree in the front yard that is or can typically grow to a height of 30 feet of more and is located in the center 50% of the front yard can be used as the front yard tree, subject to an ISA certified arborist certifying that the tree is in good health.** **iii. A covenant shall be recorded to identify the front yard tree as a Protected Tree and notifying current and future property owners to retain and maintain the tree in good health.** **b. Privacy Protection planting for windows from second story windows shall be required in the same manner as required pursuant to Section 19.28.120, except as provided below:** **i. Windows or other openings in the wall with a side yard setback less than 10 feet shall have a minimum windowsill height of five feet one inch or shall have obscure glass and be inoperable with a fixed pane(s).** **ii. Windows or other openings in the wall with a rear yard setback less than 25 feet shall have a minimum windowsill height of five feet one inch, or shall have obscure glass and be inoperable with a fixed pane(s).**

	iii. Subsections (a) and (b) do not apply to skylights or windows which do not have views into an adjacent side or rear yard or that face a street or a non-residential zoning district. iv. Minimum planter width required for privacy planting shall be three feet. Emergency access paths shall not be concurrent with areas designated as privacy planting planters.
7. Private open space:	Each unit must provide at least 15% of the unit floor area as private open space on the first floor, with no dimension less than 10 feet. Private open space shall not be located in the required front yard setback area.
8. Permitted yard encroachments:	a. Front entry features, but not porches, may encroach into a required front yard setback up to three feet. b. May extend into a required yard a distance not exceeding three feet. c. No architectural feature, or combination thereof, whether a portion of a principal or accessory structure, may extend closer than three feet to any property line. d. Architectural features may not exceed 50% of the wall they are on, as measured from the interior wall surfaces.
9. Second story decks, balconies, or similar features	Not allowed.
10. Design standards:	a. Entry features: i. A maximum of one entry feature per unit is allowed and no more than one entry feature per structure shall be allowed.

	ii. **The entry feature shall be oriented to face the street and shall include a front entry door also oriented to face the street.** iii. **Maximum entry feature height is 14 feet as measured from natural grade to the top of the plate.** iv. **If a duplex with attached units is proposed, a proposed entry feature may incorporate two entrance doors for the two units. One of the entrance doors or a common opening into a shared entry portal shall be oriented to face the street.** v. **If duplexes are proposed on corner lots, the entrances to the two units shall be on different street frontages, except that if the corner lot fronts a major collector, both the entrances may be located on the minor collector or neighborhood street.** **b. If a front porch (not a front entry feature) is proposed, the porch shall be proportionately greater in width than in height.** i. **Porch elements shall have detailing that emphasizes the base and have caps for posts and fence elements of the porch.** **c. Exterior and/or uncovered stair access shall not be allowed to the second floor.** **d. All new structures proposed in the R1-e zoning district shall meet the building design requirements in Section 19.28.080 and shall meet the Eichler design guidelines.** **e. In the R1-a zoning district, the second story shall not cantilever over a first story wall plane.** **f. In addition to standards outlined in subsections (1) – (9) above, development on properties with an average slope greater than 10% shall comply with Section 19.40.050 (F),**

	(G), and (I) and Section 19.40.060(E), (H), (I) and (J). **g. Windows and doors shall either:** **i. Have a minimum three-and-one half inch in width by three-quarter inch in depth trim when protruding from the wall or** **ii. Be inset a minimum of three inches from the exterior finish of the structure. If recessed, the primary siding material shall cover the recessed edge faces and wrap toward the interior face of the window glazing or door by not less than two-inch depth.** **h. All garage doors shall be recessed a minimum of six (6) inches from the surrounding building wall and shall include trim of at least one and a half (1.5) inches in depth.** **i. Roof overhangs or building eaves shall be a minimum of 12 inches in width.** **j. Detached structures on a lot must use the same architectural style and materials.** **k. Where the garage faces the side yard, but is visible from the street, the garage shall incorporate a window on the street front facade so that it appears to be a habitable portion of the house. The window style must be the same as the windows on the habitable dwelling unit(s).** **l. Enclosed living area shall be closer to the street than garage space. Garages shall be set back as identified in subparagraph (3) above.** **m. No more than fifty percent of the front elevation of a house shall consist of garage space.** **n. The maximum width of a garage on the front elevation shall be 24 feet for a two-car garage.**

	o. Garage doors for no more than two car spaces shall be visible from the public right of way. **p. Outdoor lighting shall comply with the requirements of Chapter 19.102.** **q. The elevation facing a street shall incorporate at least four architectural features, such as bay windows or an entry feature, and/or elements of architectural interest, such as wall insets or offsets, planters, railings, trellises, a combination of roofing elements (e.g., hip and gable roofs), dormers, change in architectural materials, quoins, accent tiles, or an accent window inset greater than six inches. Windowsills, door or window trim, and roofing materials do not count as one of the features.** **r. Gable ends and dutch gable ends taller than thirty inches shall include at least one element of architectural interest such as:** ▪ **a wall offset with corbels, brackets or change in materials;** ▪ **louvered wood or metal vents;** ▪ **clay or terracotta tile vents;** ▪ **accent tile decoration;** ▪ **medallion decoration;** ▪ **metal grille;** ▪ **a change in architectural materials;** ▪ **incorporation of corbels;** ▪ **decorative gable pediments;** ▪ **eyebrow trellises or pergola structurally attached to the building or** ▪ **windows/glazing.** **s. Stone veneer or accent materials used as a wainscot on a street facing façade shall be wrapped around to the side façade and end at a logical terminus, such as a fence line or a chimney or at an interior corner.**

	t. Stone veneer or any other siding material wrapped on columns shall terminate at the floor.
11. Accessory buildings/ structures:	**a. Allowed pursuant to the requirements of Chapter 19.100, except that Accessory Dwelling units or Junior Accessory Dwelling units shall not be permitted on any lot in the R-1 zoning district if a lot split has been approved pursuant to Section 18.12.70 and one or more unit(s) have been approved for construction pursuant to Section 19.28.150 on each resulting lot.** **b. Limited to one story (not to exceed 15 feet)** **c. Accessory Dwelling Units shall meet subsections (1) and (2) above and shall additionally be in compliance with the regulations of Chapter 19.112.** **d. Air conditioning units and similar mechanical equipment such as generators, sump pumps, heating, and ventilation equipment shall be ground-mounted and screened from public view or underground, and shall meet accessory structure setbacks and adhere to the requirements of Chapter 10.48 of the Municipal Code**
12. Fences	**Shall comply with the requirements of Chapter 19.48 of the Municipal Code.**
13. Refuse, recycling and other containers	**a. A minimum 8-foot by 3-foot space per unit, not visible from the street, shall be provided in an interior yard behind a fence.** **b. This area shall not be concurrent with any emergency access pathway required by the Fire Department.**
14. Parking	**a. Units shall have at least one off-street parking space, except that parking requirements shall not be imposed in either of the following instances:**

	i. **The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155(b) Code, or of a major transit stop, as defined in Public Resources Code Section 21064.3.** ii. **There is a car share vehicle located within one block of the parcel.** **a. Parking space(s) shall be provided in an enclosed garage encompassing 10′ by 20′ space for each space unobstructed (i.e., by walls, appliances, etc.) between six inches from finished floor up to six feet from finished floor.** **b. When additional enclosed parking space(s) is/are provided, the space(s) shall meet the requirements of Chapter 19.124.**
15. Driveway and curb cuts:	**a. A one car driveway shall be a minimum of 10 feet in width and a maximum of 12 feet in width.** **b. A two-car driveway shall be a maximum of 20 feet in width. Any third or more driveway spaces shall be in tandem.** **c. Subparagraphs a and b do not apply to the flag lot access area.** **d. When a two-car curb cut is permitted, a maximum 18′ foot wide curb cut shall be allowed.** **e. When a one-car curb cut is permitted, a maximum 12′ foot wide curb cut, shall be allowed.**
16. Short Term Rentals Prohibited:	**No residential unit created pursuant to this Section may be rented for a term of 30 days or less.**

F. This Section shall remain in effect until such time as Government Code Section 65852.21 is repealed or superseded or its requirements for

ministerial approval of housing development projects are materially amended, whether by legislation or initiative, or are held to be unenforceable by a court of competent jurisdiction, at which time this Section shall become null and void.

G. **Any dwelling unit approved pursuant to this Section shall be ineligible for conversion to a condominium, community apartment, or stock cooperative project. Any application for a tentative subdivision map or tentative parcel map for a residential condominium conversion of a unit created pursuant to this Section shall be denied by the Department of Community Development.**

11. Amend Section 19.40.050 of the Cupertino Municipal Code to read as follows:

A. Density	
1. Dwelling Unit Density	Determined by Appendix F of the General Plan based upon slope density standards described therein.
2. Transfer of density credits	Density credits derived from application of a slope density formula to a lot or a group of lots may not be transferred to property outside any approved subdivision or parcel map boundary.
B. Minimum Lot Area	
1. By zoning district symbol:	Lot area shall correspond to the number (multiplied by one thousand square feet) following the RHS zoning symbol. Examples: RHS-20: Minimum lot size of 20,000 square feet (20 * 1,000 s.f.) RHS-120: Minimum lot size of 120,000 square feet (120 * 1,000 s.f.) RHS-218: Minimum lot size of 218,000 square feet (218 * 1,000 s.f.)

2. For subdivision	Minimum lot area shall be in accordance with Appendix F of the General Plan, unless clustered in accordance with Section 18.52.030 (Hillside Subdivisions). The minimum lot area shall be 10,000 square feet for each unit in a clustered subdivision.
3. Subdividable lots	Lot size zoning designation shall be assigned at time of subdivision **for properties not subdivided pursuant to Government Code Section 64411.7.**
4. Non-subdividable legally-created, developed lots	Shall reflect the existing lot size
5. Lots created and / or developed pursuant to Government Code Section 64411.7 and 65852.21	**a. Each resulting lot shall be at least 40% of the size of the original lot being split.** **b. Each resulting lot shall share one common driveway. If an existing driveway or curb cut exists, a new driveway or curb cut location shall not be approved.** **c. Up to two new property lines may be added to create a new lot and shall follow the contours of the property.** **d. If in an area where direct sanitary sewer connection is unavailable, a percolation test completed within the last five years, or if the percolation test has been recertified, within the last 10 years, must be provided.** **e. Building pads shall be identified on the flattest portion of a lot, closest to an existing driveway. Where no driveway exists, building pads shall be identified on the flattest portion of the lot, closest to the access road unless doing so would result in a combined grading total greater than that required for siting elsewhere on the lot. In those cases, building pads shall be sited so as to result in the minimum required grading to develop two units of up to 800 square feet each.**

	f. No side or rear setbacks shall be required for an existing structure or for a structure constructed in the same location and to the same dimensions as an existing structure. **g. No new or expanded structures shall encroach upon any existing public or private utility easements.**
C. Minimum Lot Width	a. 70 feet at front setback line. b. No minimum lot width for lots served by private driveway and which do not adjoin a public street.
D. Development on Substandard Lots	A Hillside Exception shall be obtained to construct structures or improvements on existing vacant legal lots, **except where prohibited by Government Code Section 65852.21.**
E. Site Grading	
1. Maximum Grading Quantity	**a.** Cumulative total of 2,500 cubic yards, cut plus fill. Includes: grading for building pad, yard areas, driveway and all other areas requiring grading. Excludes: basements **b.** All cut and fill shall be rounded to contour with natural contours and planted with landscaping which meets the requirements in Section 19.40.050G **c. For each of the lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, a cumulative total of 1,250 cubic yards, cut plus fill (including grading for building pad, yard areas, driveway, all other areas requiring grading, and basements), except if the original lot that was subdivided has already performed prior grading, then the amount of grading that has previously occurred shall be reduced from the maximum grading quantity allowed cumulatively on the two resulting lots.**

	d. Unless required by the City Engineer or to meet Fire Code requirements, grading activity on lots with an average slope of: **i. Less than five percent shall not result in a change in grade elevation by more than 12 inches from existing natural grade.** **ii. Between five and ten percent shall not result in a change in grade elevation by more than 24 inches from existing natural grade.** **iii. Ten percent or more shall not result in a change in grade elevation by more than three feet from existing natural grade.** **e. In all cases, the following shall apply:** **i. Change in grade elevation shall be limited to the minimum extent necessary to ensure adequate drainage and access as demonstrated by a grading and drainage plan prepared by a registered civil engineer.** **ii. Split level designs shall be used to avoid additional change in grade elevation.** **iii. Unless otherwise required by the City Engineer, spoils shall be balanced on site and shall match the existing grading and drainage pattern of the site.** **iv. Unless required by the City Engineer, development shall not result in a finished floor more than 36 inches above finished grade.**
2. Graded Area	**a.** Shall be limited to the building pad area to the greatest extent possible. **b. For lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, graded areas are limited to within 50 feet of the building pad area.**

3. ~~Multiple~~ Common Driveways	Grading quantities shall be divided equally among the participating lots. E.g., two lots sharing a driveway shall divide the driveway grading quantity in half. The divided share will be charged against the grading quantity allowed for that lot development.
4. Flat Yard Area	a. Limited to a maximum of 2,500 square feet, excluding driveways **b. For lots developed or created pursuant to Government Code Section 64411.7, limited to a maximum of 1,250 square feet per lot, excluding driveways, except as limited by subsection (I).**
5. Soil Erosion and Screening of Cut and Fill Slopes Plan	A licensed landscape architect shall review grading plans and shall, in consultation with the applicant and the City Engineer, submit a plan to prevent soil erosion and to screen cut and fill slopes.
F. Landscaping	
1. Tree Planting Plan	Shall be prepared by a licensed landscape architect to: **a.** Screen the residential structures to the greatest possible extent **from the following prominent intersections.** **For projects pursuant to Government Code Section 65852.21, no more than 50% of the visible wall face surface area shall be visible from the following prominent intersections:** **i. Foothill Boulevard and Cristo Rey Drive** **ii. Foothill Boulevard and Alpine Way** **iii. Bellevue and Carmen Road** **iv. Linda Vista Drive and Hyannisport Ave** **v. Hyannisport Ave and Bubb Road** **vi. Rainbow Ave and Weymoth Drive.** **A visual simulation from each of the intersections above shall be provided to indicate compliance.**

	b. Reintroduce trees on barren slopes which were denuded by prior agricultural activities
2. Landscape Requirements	Must comply with the Chapter 14.15, Landscaping Ordinance and Wildland Urban Interface Fire Area (WUIFA) requirements. **At least 50% of the front yard area shall be landscaped (i.e., not hardscaped)**
3. Installation of Landscape Improvements	Must be installed prior to final occupancy unless it is not practicable. If not installed, the applicant shall post a bond, cash or other security to ~~insure~~ **cover the cost of** installation within an 18-month period from occupancy.
4. Landscape Maintenance	All such landscape areas shall be properly maintained in conformance with the requirements of Chapter 14.15, Landscape Ordinance.
5. Native Trees	Should be integrated into the site design to the greatest extent possible.
G. Watercourse Protection	
1. Watercourse and Existing Riparian Vegetation	Any watercourse identified in Figure 6-G in the City's General Plan and its existing riparian vegetation must be shown on all development plans.
2. Setback	The setback shall be measured from the top of bank of the watercourses or from existing riparian vegetation, whichever is greater. The setback from riparian vegetation will be measured from the drip line perimeter. All new development, including structures, grading and clearing, must be set back as follows.
a. Lots < 1 acre	50 feet
b. Lots ≥ 1 acre	100 feet
H. Development Near Prominent Ridgelines	
1. New structures	Shall not disrupt a 15% site line from a prominent ridge as identified in Appendix A. The fifteen percent

	site line shall be measured from the top of ridge at the closest point from the structure.
2. Additions to existing structures within the 15% site line of prominent ridgeline	**a.** ~~**May**~~**Shall** not further encroach into the site line. For example, the addition may not add height or bulk which may increase the disruption to the fifteen percent ridgeline site line.
3. Impractible Clause	If (1) and (2) above are not practicable, alternatives may be considered through the exception process, **provided that no discretionary exemption process is allowed for projects seeking approval under Government Code Section 65852.21.**
I. Development on Slopes of ≥ 30%	**a.** Hillside Exception required for all grading, structures and other development > 500 square feet**, except that on lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, grading, building pads for structures and other development is limited to a maximum of 500 square feet for each lot.** **b. If the lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21 have no areas with slopes less than 30% that can accommodate up to two units of 800 square feet each, grading for building pads for structures is limited to 800 square feet. No other development shall be permitted on such lots (e.g. development for flat yard area), unless required by the City Engineer.**
J. Trail Linkages and Lots Adjoining Public Open Spaces Site Plan	~~**1.**~~ **a.** Site plan must identify trail linkages as shown in the General Plan Trail Plan, on and adjacent to the site. ~~**2.**~~ **b.** If a trail linkage is identified across a property being developed, development shall not take place within that area unless approved through the exception process**, except that on lots developed**

	or created pursuant to Government Code Sections 64411.7 and 65852.21, no development may occur in an area where a trail linkage is identified on the property. ~~3.~~ **c.** For lots adjoining Public Open Spaces, driveways and buildings shall be located as far as feasible from the Public Open Space and designed in a manner to minimize impacts on the Public Open Space, **except that on lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, no development may occur within 50 feet of a Public Open Space unless doing so would preclude the development of up to two units of 800 square feet each**
K. Views and Privacy	It is not the responsibility of City Government to ensure the privacy protection of the building permit applicant or owners of surrounding properties that may be affected by the structure under construction. However, the Director of Community Development may confer with the building permit applicant to discuss alternate means of preventing privacy intrusion and preserving views **except that for lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21, privacy protection planting, as required pursuant to Section 19.28.120, is required for views from the second story into adjoining side or rear yards. Windows or other openings in the wall with a side yard setback less than 15 feet or a rear yard setback less than 25 feet shall have a minimum windowsill height of five feet one inch, or shall have obscure glass and be inoperable with a fixed pane(s).**

12. Amend Section 19.40.060 of the Cupertino Municipal Code to read as follows:

Table 19.40.060: Building Development Regulations

A. Floor Area Ratio (FAR)

1. Maximum Allowable Development

a. Except as otherwise provided herein, a ministerially approved housing development project approved pursuant to this Section shall not exceed 800 square feet per unit.

b. Notwithstanding Paragraph (a), a ministerially approved housing development approved pursuant to this Section may have a floor area as calculated in subsection (c) below, if it complies with the requirements of this Section; provided, however, that if the housing development is on a parcel created by a ministerial lot split under Chapter 18.20.170, the maximum allowable floor area for the original lot shall be allocated to each resulting lot equal to the proportionate size of each resulting lot to the original lot. However, under no circumstances shall the size of ministerially approved units exceed 2,000 square feet of living space.

c. For projects not subject to ministerial approval under Paragraph (a) or (b), maximum allowable development shall be the lesser of:

~~a.~~ **i.** 6,500 square feet; or

~~b.~~ **ii.** 4,500 square feet plus 59.59 square feet for every 1,000 square feet over 10,000 square of net lot area, times the slope adjustment factor pursuant to Section 19.40.060(A)(2)*

***Formula** = $(4{,}500 + \left(\frac{\text{Net Lot Area - 10000}}{1000}\right)(59.59)) \times$ (Slope Adjustment Factor)

2. Slope Adjustment Factor based on Average Slope of Net Lot Area

		Avg. Slope	**Reduction (1.5 x (Average Slope – 0.1))**
a. Average Slope ≤ 10%	No reduction in allowable floor area Slope Adjustment Factor = 1	≤ 10%	0%
b. Average Slope between 10% and 30%	A reduction in allowable floor area by one and one-half percent (1.5%) for each percent of slope over 10 percent. Slope Adjustment Factor = (1 – (1.5 x (Average slope of net lot area – 0.1))	11%	1.5%
		12%	3%
		13%	4.5%
		14%	6%
		15%	7.5%
		16%	9%
		17%	10.5%
		18%	12%
		19%	13.5%
		20%	15%
		21%	16.5%
		22%	18%

			23%	19.5%
			24%	21%
			25%	22.5%
			26%	24%
			27%	25.5%
			28%	27%
			29%	28.5%
	c. Average Slope ≥ 30%	Allowable floor area shall be reduced by a constant 30 percent Slope Adjustment Factor = (1 – 0.3)	≥ 30%	30%

3. Additional Regulations for Lots Within Clustered Subdivisions where Land is Reserved for Common Open Space	
a. Lot Area for calculating FAR	May count a proportionate share of the reserved private open space to arrive at lot area for purposes of calculating FAR.
b. Maximum FAR prior to slope consideration	No developable lot in a cluster development can exceed forty-five-percent floor area ratio, prior to applying the slope adjustment factor, when a portion of the private open space is attributed to the lot area for calculating FAR
c. Average slope of lot	Calculated on the developable lot only.
B. Height of Buildings and Structures	Limited to 30 feet

C. Setbacks				
	First Floor		**Second Floor**	**Habitable Third Floor (or portions of structures taller than 20 feet)**
1. Front-yard				
a. Slope ≤ 20%	20 feet	Driveway and garage must be designed to enable vehicles to park off-street	25 feet	25 feet
b. Slope > 20%	10 feet		25 feet	25 feet
2. Side-yard				
a. Interior Side	10 feet		15 feet	20 feet

b. Street Side on Corner Lot	15 feet	15 feet	20 feet
c. Lots developed pursuant to Government Code Section 65852.21	**4 feet**	**4 feet**	**4 feet**
3. Rear-yard	20 feet	25 feet	25 feet
a. Lots developed pursuant to Government Code Section 65852.21	**4 feet**	**4 feet**	**4 feet**
D. Second Story Decks and Patios Minimum Setbacks			
	First Floor	**Second Floor**	**Habitable Third Floor (or portions of structures taller than 20 feet)**
1. Front Yard	-	17 feet	17 feet
2. Side Yard	-	15 feet	15 feet
3. Rear Yard	-	20 feet	20 feet
4. Lots developed pursuant to Government Code Section 65852.21	**Not allowed.**		
E. Downhill Facing Elevation			
1. Second Story Downhill Facing Wall Plane Offset			
a. Offset from First Floor Downhill Wall Plane	i. Average of 7 feet 6 inches for 75% of the second story downhill facing wall plane shall be setback and ii. Not less than **a** five feet ~~setback~~**offset**. iii. The remaining 25% may not extend past **(cantilever over)** the first story wall plane.		
b. Multiple Downhill Facing Wall Planes	Offset shall apply only the primary setback affected.		
c. Offset from First Floor Roofed Porches	i. Offset may be measured from the outside perimeter of first-story roofed porches. ii. Roof of the porch must match, in pitch and style, the roof of the main structure. iii. Porch must be at least 5 feet in width and extend the length of the wall on which it is located **to be a qualifying offset feature**.		

2. Maximum <u>Exposed</u> Wall Height on Downhill Elevation	15 feet
<u>3. Maximum Height of Retaining Walls Facing Downhill</u>	**<u>a. For ministerial projects, the maximum height of retaining walls facing downhill slopes shall be five feet, unless placed behind a dwelling unit or other similar structure and shall not be visible from the public right of way, prominent intersections listed in Section 19.40.050(F)(1), nor face an adjacent property. In all cases, retaining walls shall be screened with landscaping.</u>** **<u>b. For discretionary projects, the maximum height of retaining walls facing downhill slopes may be variable but every effort shall be made to stagger retaining walls to maintain heights at five feet or less. Retaining walls shall be screened with landscaping. Retaining walls taller than five feet visible from the public right of way, prominent intersections listed in Section 19.40.050(F)(1), or to adjacent properties shall additionally be faced with architectural materials such as stucco, stone, etc.</u>**
F. Permitted Yard Encroachments	
1. Extension of a Legal Non-conforming Wall Plane for structures not located within a prominent ridgeline site line	a. Where a building legally constructed according to existing first floor yard and setback regulations at the time of construction encroaches upon present required first floor setbacks, one encroaching side of the existing structure may be extended along existing building lines. b. Only one such extension shall be permitted for the life of the building. c. Encroachments into a required yard which are the result of the granting of a variance may not be further extended. d. Further encroachment into a required setback is not allowed. I.e., a non-conforming setback may not be further reduced. e. In no case shall any wall plane of a first-story addition be placed closer than three feet to any property line. **f. <u>Shall not apply to properties developed or created pursuant to Government Code Section 65852.21 and 64411.7.</u>**

2. Architectural Features	a. May extend into a required yard a distance not exceeding three feet. b. No architectural feature, or combination thereof, whether a portion of a principal or accessory structure, may extend closer than three feet to any property line. **c. Second story decks or balconies may not further encroach into a required setback than allowed in Subsection D.**
G. Accessory Structures (including attached patio covers)	**a.** As allowed by Chapter 19.100, Accessory Buildings/Structures **b. Lots created and developed with two units pursuant to Government Code Sections 64411.7 and 65852.21 may not develop an Accessory Dwelling Unit or Junior Accessory Dwelling Unit.** **c. Air conditioning units and similar mechanical equipment such as generators, sump pumps, heating, and ventilation equipment shall be ground-mounted and screened from public view or underground, and shall meet accessory structure setbacks and adhere to the requirements of Chapter 10.48 of the Municipal Code**
H. Design Standards	
1. Building and Roof Forms	
a. Natural Contours	Building shall follow as closely as possible the primary natural contour of the lot.
b. Building Mass and Roof Pitches	The main building mass shall be on the upslope side of the building and the roof pitches shall trend downslope.
c. Second Story Dormers	Permitted within the second story setbacks as long as they are minor in shape and size.
d. Downhill Elevation of main structure	Shall have a minimum of four offset building and roof elements to provide varied building forms to produce shadow patterns which reduce the impact of visual mass.
e. High Wall Planes	Wall planes exceeding one story or 20 feet in height, whichever is more restrictive, shall contain architectural elements in order to provide relief and to break up expansive wall planes.
2. Colors	

a. Natural Earth Tones	All structures on the lot shall use natural earth tone and/or vegetation colors which complement the natural surroundings. Natural earth-tone and vegetation colors include natural hues of brown, green and shades of gray.
b. Reflectivity Value	Shall not exceed 60 on a flat surface
3. Outdoor Lighting	All outdoor lighting shall meet the requirements in Chapter 19.102.
4. Garages	**All projects shall strive to attain, except that projects pursuant to Government Code Section 65852.21 shall attain, the following standards:** **a. No more than 50% of the façade visible from the right of way shall comprise the garage.** **b. A two car garage face shall not exceed 24 feet and a one car garage face shall not exceed 12 feet.** **c. Garages visible from the right of way shall be setback a minimum of two feet from the livable areas of the home except if only the garage and/or the entrance to the home, and no other livable portions of the home, are accessible from the street level.** d. **Third car spaces shall be provided in tandem or shall be provided in a detached accessory structure.**
5. Entry Features	**All projects shall strive to attain, except that projects pursuant to Government Code Section 65852.21 shall attain, the following standards:** **a. Only one entry feature shall be permitted per structure and only one entry feature shall be visible from the public street.** **b. Duplexes shall have entrances to each unit on different frontages.** **c. Entry features shall be limited to 14 feet in height from the natural grade to the top of wall plate.**
6. Uncovered/exterior staircases	**Not allowed.**
I. Geologic and Soils Reports	

1. Applicability	A geological report prepared by a certified engineering geologist and a soils report prepared by a registered civil engineer qualified in soils mechanics by the State shall be submitted prior to issuance of permits for construction of any building or structure which: a. Is located on property in an RHS zoning district which has been designated by the General Plan to be within a geological hazard area; and b. Where an addition, alteration or repair of an existing building or structure include at least one of the following: i. The improvements include increasing the occupancy capacity of the dwelling such as adding a bedroom or ~~secondary~~ **Accessory Dwelling** unit, or ii. The cost of the completed addition, alteration or repairs will, during any period of twelve months, exceed twenty-five percent of the value of the existing improvements as determined by the ~~building~~ **Building** ~~official~~ **Official** based on current per foot value of the proposed structure to the existing structure's value on a parcel of property. For the purposes of this section, the value of existing improvements shall be deemed to be the estimated cost to rebuild the improvements in kind, which value shall be determined by the ~~building~~ **Building** ~~official~~**Official**.

2. Content of Reports	These reports shall contain, in addition to the requirements of Chapter 16.12 of this code, the following: a. All pertinent data, interpretations and evaluations, based upon the most current professionally recognized soils and geologic data; b. The significance of the interpretations and evaluations with respect to the actual development or implementation of the intended land use through identification of any significant geologic problems, critically expansive soils or other unstable soil conditions which if not corrected may lead to structural damage or aggravation of these geologic problems both on-and off-site; c. Recommendations for corrective measures deemed necessary to prevent or significantly mitigate potential damages to the proposed project and adjacent properties or to otherwise insure safe development of the property; d. Recommendations for additional investigations that should be made to insure safe development of the property; e. Any other information deemed appropriate by the City Engineer.
3. Incorporation of Recommendations	All building and site plans shall incorporate the above-described corrective measures and must be approved by the City Engineer, **upon a third-party peer review of the reports provided, at the applicant's cost,** prior to building permit issuance.
J. Private Roads and Driveways	
1. Pavement Width and Design	The pavement width and design for a private road or common driveway serving two to five lots and a single-lot driveway shall comply with development standards contained in the Hillside Subdivision Ordinance, Chapter 18.52 of this code.
2. Reciprocal Ingress/Egress Easement and Reciprocal Maintenance Agreement	The property owner for a lot served by a private road or common driveway shall, prior to issuance of building permits, record an appropriate deed restriction guaranteeing the following, to adjoining property owners who utilize the private road or common driveway for the primary access to their lot(s): a. Reciprocal ingress/egress easement, and b. Participation in a reciprocal maintenance agreement.

K. Solar Design	The setback and height restrictions provided in this chapter may be varied for a structure utilized for passive or active solar purposes, provided that no such structure shall infringe upon solar easements or adjoining property owners. Variation from the setback or height restrictions of this chapter may be allowed only upon issuance of an Administrative Conditional Use Permit subject to Chapter 19.12**, except that lots developed pursuant to Government Code Section 65852.21 shall not be eligible for such a discretionary permit**.
L. Off-street Improvements	**For lots developed pursuant to Government Code Section 65852.21, upon development of the lot, appropriate public right of way dedications shall be made to accommodate the predominant width of the street and street improvements shall be installed to the Public Works Departments standards.**
M. Short Term Rentals Prohibited.	**No residential unit created pursuant to Government Code Section 65852.21 may be rented for a term of 30 days or less.**

13. Add a new Section 19.40.090 of the Cupertino Municipal Code to read as follows:

19.40.090 Ministerial Approval of Up to Two Units.

A. Miscellaneous Ministerial Permit Required. The Director of Community Development shall ministerially approve up to two residential units on a parcel in an RHS residential hillside zoning district if the proposed housing development meets the requirements of Government Code Section 65852.21 and complies with all applicable objective zoning standards, objective subdivision standards, and objective design review standards.

B. The Director of Community Development shall impose all objective zoning standards, objective subdivision standards, and objective design review standards in the Municipal Code, General Plan, any applicable specific plan, and other objective land use specifications that do not conflict with the requirements of Government Code Section 65852.21, including but not limited to the standards for ministerial development projects in Section 19.40.050 and 19.40.060.

C. Notwithstanding Paragraph A, the Director of Community Development may deny a housing development project proposed under this Section if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

D. Application and Fees. An application on a form made available by the City shall be completed by the applicant. The form shall be accompanied by a fee that the City Council may adopt by resolution to sufficiently recover the cost of administering the requirements of this section. The application shall be accompanied by all technical reports, plans and information required to make a determination on the proposed project.

E. Objective Zoning and Design Standards for Ministerially Approved Housing Development Projects. In addition to any applicable objective zoning standards, objective subdivision standards, and objective design review standards in the Municipal Code, a housing development project approved pursuant to this Section must comply with all applicable objective zoning and design standards to the maximum extent permissible under Government Code Section 65852.21, including but not limited to the standards for ministerial development projects in Section 19.40.050 and 19.40.060 and the following:

1. Basements	**Not allowed.**
2. Balconies, decks or similar structures	**Not allowed.**
3. Design Standards	**a. Windows and doors shall either:** **i. Have a minimum three-and-one half inch in width by three-quarter inch in depth trim when protruding from the wall or**

	ii. **Be inset a minimum of three inches from the exterior finish of the structure. If recessed, the primary siding material shall cover the recessed edge faces and wrap toward the interior face of the window glazing or door by not less than two-inch depth.** **b. All garage doors shall be recessed a minimum of six (6) inches from the surrounding building wall and shall include trim of at least one and a half (1.5) inches in depth.** **c. Roof overhangs or building eaves shall be a minimum of 12 inches in width.** **d. Detached structures on a lot must use the same architectural style and materials.** **e. Where the garage faces the side yard, but is visible from the street, the garage shall incorporate a window on the street front facade so that it appears to be a habitable portion of the house. The window style must be the same as the windows on the habitable dwelling unit(s).** **f. Garage doors for no more than two car spaces shall be visible from the public right of way.** **g. The elevation facing a street shall incorporate at least four architectural features, such as bay windows or an entry feature, and/or elements of architectural interest, such as wall insets or offsets, planters, railings, trellises, a combination of roofing elements (e.g. hip and gable roofs), dormers, change in architectural materials, quoins, accent tiles, or an accent window inset greater than six inches. Windowsills, door or window trim, and roofing materials do not count as one of the features.**

	h. Gable ends and dutch gable ends taller than thirty inches shall include at least one element of architectural interest such as: ▪ **a wall offset with corbels, brackets or change in materials;** ▪ **louvered wood or metal vents;** ▪ **clay or terracotta tile vents;** ▪ **accent tile decoration;** ▪ **medallion decoration;** ▪ **metal grille;** ▪ **a change in architectural materials;** ▪ **incorporation of corbels;** ▪ **decorative gable pediments;** ▪ **eyebrow trellises or pergola structurally attached to the building or** ▪ **windows/glazing.** **i. Stone veneer or accent materials used as a wainscot on a street facing façade shall be wrapped around to the side façade and end at a logical terminus, such as a fence line or a chimney.** **j. Stone veneer or any other siding material wrapped on columns shall terminate at the floor.**
4. Private Open Space	**Each unit must provide at least 15% of the unit floor area as private open space on the first floor, with no dimension less than 10 feet.**
5. Refuse, recycling and other containers	**a. A minimum 8 foot by 3 foot space per unit, not visible from the street, shall be provided in an interior yard behind a fence.** **b. This area shall not be concurrent with any emergency access pathway required by the Fire Department.**
6. Parking	**a. Units shall have at least one off-street parking space, except that parking requirements shall not be imposed in either of the following instances:**

	i. **The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155(b) Code, or of a major transit stop, as defined in Public Resources Code Section 21064.3.** ii. **There is a car share vehicle located within one block of the parcel.** **b. Parking space(s) shall be provided in an enclosed garage encompassing 10′ by 20′ space for each space, unobstructed (i.e., by walls, appliances, etc.) between six inches from finished floor up to six feet from finished floor.** **c. When additional enclosed parking space(s) is/are provided, the space(s) shall meet the requirements of Chapter 19.124.**

F. This Section shall remain in effect until such time as Government Code Section 65852.21 is repealed or superseded or its requirements for ministerial approval of housing development projects are materially amended, whether by legislation or initiative, or are held to be unenforceable by a court of competent jurisdiction, at which time this Section shall become null and void.

G. **Any dwelling unit approved pursuant to this Section shall be ineligible for conversion to a condominium, community apartment, or stock cooperative project. Any application for a tentative subdivision map or tentative parcel map for a residential condominium conversion of a unit created pursuant to this Section shall be denied by the Department of Community Development.**

14. Add a new Section 19.112.060 of the Cupertino Municipal Code to read as follows:

19.112.060 Accessory Dwelling Units Prohibited on Certain Lots.

Notwithstanding Government Code Section 65852.2 or 65852.22 or any provision of this Chapter, no accessory dwelling unit or a junior accessory dwelling unit shall be permitted on any lot in single-family residence district (R-1 or RHS) if an urban lot split has been approved pursuant to Section 18.12.70 and one or more residential unit(s) have been approved for construction pursuant to Section 19.28.150 or 19.40.090 (Government Code Section 65852.21).

Section 4. Development standards and other provisions to implement the provisions of Senate Bill 9 allowing for ministerial approval of housing development projects and lot splits in single family residential districts are necessary to protect public health, safety, and welfare of residents of the City of Cupertino. The City Council therefore finds that an interim ordinance adopted pursuant to Government Code Section 65858 is necessary prevent a current and imminent threat to the public, health, safety, and welfare.

Section 5. If any portion of this Ordinance or its application is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section 6. Under Government Code Sections 66411.7(n) and 65852.21(j), an ordinance adopted to implement the requirements of Senate Bill 9 shall not be considered a project under the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq*. Public Resources Code. The Ordinance is therefore exempt from CEQA.

INTRODUCED at a regular meeting of the Cupertino City Council on the 1st day of November, 2022; and

ENACTED at a regular meeting of the Cupertino City Council on this 15th day of November, 2022, by the following roll call vote:

Vote Members of the City Council

AYES:
NOES:
ABSENT:
ABSTAIN:

SIGNED: _____ Darcy Paul, Mayor City of Cupertino	 _____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	 _____ Date
APPROVED AS TO FORM: _____ Christopher D. Jensen, City Attorney	 _____ Date