

## ORDINANCE NO. 25-XXXX

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CITY CODE CHAPTERS 14.15, 14.18, 18.20, 18.52, 19.08, 19.12, 19.16, 19.28, 19.36, 19.38, 19.40, 19.44, 19.46, 19.60, 19.100, 19.102, 19.104, 19.124, AND 19.132 OF THE MUNICIPAL CODE FOR CONSISTENCY WITH SENATE BILL 450 AND MINOR TEXT EDITS

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The City Council of the City of Cupertino finds that:

WHEREAS, on September 16, 2021, the Governor of the State of California signed into law Senate Bill No. 9, “An act to amend Section 66452.6 of, and to add Section 65852.21 and 66411.7 to, the California Government Code,” which required ministerial approval of housing developments of up to two units in a single-family zoning district, the subdivision of parcels zoned for single-family use into two parcels, or both.

WHEREAS, on September 19, 2024, the Governor of the State of California signed into law Senate Bill No. 450, “An act to amend Sections 65585, 65852.21, and 66411.7 of the California Government Code, relating to land use.”

WHEREAS, Senate Bill No. 450 established a 60-day timeline for local agency review and action and updated requirements for demolition and environmental findings.

WHEREAS, Senate Bill No. 450 further prohibited the imposition of non-uniform objective zoning, design, and subdivision standards on projects proposed under Sections 65852.21 and 66411.7 of the California Government Code, unless more permissive than applicable standards within the underlying zone and specified that objective zoning, design, and subdivision standards must relate to parcel design and improvements.

WHEREAS, on November 15, 2022, the City Council voted to adopt Ordinance 22-2246 to incorporate standards for ministerial approval of duplexes and lot splits in single-family residential districts, in response to Senate Bill No. 9.

WHEREAS, certain zoning, design, and subdivision standards introduced through Ordinance 22-2246 are inconsistent with Sections 65852.21 and 66411.7 of the California Government Code, as amended by Senate Bill No. 450.

WHEREAS, the City Council desires to have objective standards that are clear and understandable to ensure orderly development and are consistent with State law; and

WHEREAS, the Ordinance amends the City's Municipal Code as set forth in Exhibit A to clarify the development standards to be applied to two-lot subdivisions and duplex

development, and include minor clean up items including typographical and reference fixes; and

WHEREAS, the Ordinance is consistent with the City's General Plan and the public health, safety, convenience, and general welfare; and

WHEREAS, following necessary public notices given as required by the procedural ordinances of the City of Cupertino and the Government Code, the Planning Commission held a public hearing on September 9, 2025 to consider the Ordinance; and

WHEREAS, on September 9, 2025, by Resolution 2025-15, the Planning Commission recommended on a unanimous (5-0-0) vote that the City Council adopt the proposed Municipal Code Amendment to clarify development standards; and

WHEREAS, on October 7, 2025, upon due notice, the City Council has held at least one public hearing to consider the Municipal Code Amendment; and

WHEREAS, the City Council of the City of Cupertino is the decision-making body for this Ordinance.

WHEREAS, the City Council finds the following:

1. That the proposed amendments are in accord with the Municipal Code and the City's Comprehensive General Plan.

*The proposed amendments are in conformance with the General Plan since the General Plan indicates that design regulations and guidelines for single-family development should be maintained and updated to address neighborhood compatibility and visual and privacy impacts (Strategy LU-27.1.1) and that zoning and subdivision standards should consider the need to preserve neighborhood lot patterns (Policy LU-27.7). The proposed amendments make changes to design and subdivision standards to allow for a consistent application of standards throughout single-family residential neighborhoods.*

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

*Pursuant to California Government Code Sections 65852.21 and 66411.7, an ordinance adopted to implement Sections 65852.21 and 66411.7 shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.*

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 proposed zoning designation and anticipated land use development.

*The proposed amendments will apply to all single-family zoned properties within the city. The proposed amendments will not result in standards that would limit site access or provisions of*

*utilities. Furthermore, the proposed amendments would ensure the compatibility of new development within single-family residential zones by ensuring that all development within these zoning districts adheres to the same standards, where not otherwise prohibited by State law.*

4. The proposed amendments will promote orderly development of the City.  
*The proposed amendments align zoning, design, and subdivision standards with the City's General Plan land use goals and policies related to orderly development within single-family residential districts. The proposed amendments would ensure compatibility of new development within single-family residential zones by ensuring that all development within these zoning districts adheres to the same standards, where not otherwise prohibited by State law.*
5. That the proposed amendments are not detrimental to the health, safety, peace, morals and general welfare of persons residing or working in the neighborhood of subject parcels.  
*The proposed are not detrimental to the health, safety, peace, morals, and general welfare since the proposed amendments further apply existing standards of the Municipal Code to promote orderly development.*
6. The proposed amendments are internally consistent with this title.  
*The proposed ordinance is internally consistent with the Cupertino Municipal Code and incorporates minor amendments where needed to ensure continued consistency.*

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

**SECTION 1: Adoption.**

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

**SECTION 2: Severability and Continuity.**

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be

construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

**SECTION 3: California Environmental Quality Act.**

This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, "CEQA") because it has no potential for resulting in physical change in the environment and is adopted to implement provisions of California Government Code Sections 65852.21 and 66411.7. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this circumstance, the amendments to the City Code would have no or only a de minimis impact on the environment. The foregoing determination is made by the City Council in its independent judgment.

**SECTION 4: Effective Date.**

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

**SECTION 5: Publication.**

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

**INTRODUCED** at a regular meeting of the Cupertino City Council on October 7, 2025 and **ENACTED** at a regular meeting of the Cupertino City Council on October 21, 2025 by the following vote:

**Members of the City Council**

AYES:

NOES:

ABSENT:

ABSTAINED:

SIGNED:  _____ Liang Chao, Mayor City of Cupertino	  _____ Date
ATTEST:  _____ Kirsten Squarcia, City Clerk	  _____ Date
APPROVED AS TO FORM:  _____ Floy Andrews, Interim City Attorney Aleshire & Wynder, LLP	  _____ Date

**EXHIBIT A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO  
AMEND MULTIPLE CHAPTERS OF THE MUNICIPAL CODE FOR CONSISTENCY  
WITH SENATE BILL 450 AND MINOR TEXT EDITS**

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

**Chapter 14.15**

**1. Update to Section 14.15.020 (A) (1) – Table 14.15.020:**

<b>Type of Permit</b>	<b>Total Landscape Area</b>	<b>Requirement</b>
<b>Building Permits</b>		
New home in R1, RHS, A1 or R2 Zones	< 500 s.f.	Prescriptive Compliance Application (Appendix A) - Informational only
	500 s.f. - 2,499 s.f.	Prescriptive Compliance Application (Appendix A) or Landscape Documentation Package (Sec. 14.15.050)
	≥ 2,500 s.f.	Landscape Documentation Package (Sec. 14.15.050)
<b>Planning Permit or Grading Permit</b>		
New home in R1, RHS, A1 or R2 Zones	<500 s.f.	Prescriptive Compliance Application (Appendix A) - Informational only
	500 s.f. - 2,499 s.f.	Prescriptive Compliance Application (Appendix A) or Landscape Documentation Package (Sec. 14.15.050)
	≥ 2,500 s.f.	Landscape Documentation Package (Sec. 14.15.050)
Commercial, industrial, office, multiple-family residential, townhome, public and institutional projects	< 2,500 s.f.	Prescriptive Compliance Application (Appendix A) or Landscape Documentation Package (Sec. 14.15.050)
	≥ 2,500 s.f.	Landscape Documentation Package (Sec. 14.15.050)

Any landscape installation or rehabilitation project	< 2,500 s.f.	Prescriptive Compliance Application (Appendix A) - Informational only
	≥ 2,500 s.f.	Landscape Documentation Package (Sec. 14.15.050)
New and rehabilitated cemeteries	>0 s.f.	Water Budget Worksheet (Appendix B) Landscape and Irrigation Maintenance Schedule (Sec. 14.15.120) Landscape Installation Report (Sec. 14.15.130)
Existing and established landscapes, including cemeteries	>1 acre	Water Budget Worksheet (Appendix B) Audit of Established Landscapes (Sec. 14.15.150)

### **Chapter 14.18**

#### **2. Update Section 14.18.160.**

<b>Diameter of Trunk Size of Removed Tree (Measured 4½ feet above grade)</b>	<b>Replacement Trees</b>
Up to 12 inches*	One 24" box tree
Over 12 inches and up to 36 inches	Two 24" box trees or One 36" box tree
Over 36 inches	One 36" box tree
Heritage tree	One 48" box tree
* Does not apply to R1, A1, A, RHS, and R2 zones except to approved development trees, and approved privacy protection plantings.	

### **Chapter 18.20**

#### **3. Add Section 18.20.180:**

18.20.180 Subdivision Standards for Two-Lot Subdivisions in Single-Family Residential Zones.

<b>A. Lot Configuration</b>	
1. Single-Family Residential Zones (R1)	a. No more than two new, non-curved property lines may be added to create a new lot.

	<ul style="list-style-type: none"> <li>b. Existing interior lots or pie shaped lots with either (i) 60 feet 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 a street frontage that is between 40-60% of the existing street frontage of the lot being subdivided. Resulting lots shall have a side-by-side orientation and shall not create a landlocked parcel.</li> <li>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: <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul> </li> <li>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.</li> <li>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.</li> <li>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.</li> </ul>
2. Residential Hillside Zones (RHS)	<ul style="list-style-type: none"> <li>a. Up to two new property lines may be added to create a new lot and shall follow the contours of the property.</li> </ul>



	<ul style="list-style-type: none"> <li>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.</li> <li>c. 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.</li> <li>d. 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.</li> <li>e. No new or expanded structures shall encroach upon any existing public or private utility easements.</li> <li>f. 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.</li> </ul>
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4. *Modify Section 18.20.170 (H):*

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 18.20.180, 19.28.060, and 19.40.050.

**Chapter 18.52**

5. *Add Section 18.52.030 (B) (4):*

B. Lot Configuration.

4. In addition to the requirements of this Chapter, Hillside Subdivisions for two-lot subdivisions shall also apply the standards of Section 18.20.180.

### **Chapter 19.08**

6. *Update Section 19.08.030, "Bay Window" definition:*

"Bay window" means a projecting window element that is not an extension of the floor area and does not incorporate any usable 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, horizontally, 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 interior wall face.

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

7. *Update Section 19.08.030, to add "Front Entry Porch" definition:*

"Front Entry Porch" means outdoor steps, stairs, and/or a raised platform less than 50 square feet in area, located immediately adjacent to the primary entry of a building for the purpose of providing pedestrian access from the outdoor ground elevation to a building interior. If the platform portion of a front entry porch (not including steps) is more than 50 square feet or has a proportionately greater width than its height, the structure is considered a porch.

8. *Update Section 19.08.030, "Lot" definition:*

"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 lot with a long, narrow portion of the lot, 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.

9. *Update Section 19.08.030 to add "Porch" definition:*

"Porch" means outdoor steps, stairs, and/or a raised platform, located immediately adjacent to an entrance to a residential structure for the purposes of providing pedestrian access from the outdoor ground elevation to a building interior and/or private, recreational open space. A porch differs from a front entry porch or a front entry feature, which has a proportionately greater height than its width and is less than 50 square feet in area.

10. *Update Section 19.08.030, "Useable Rear Yard" definition:*

"Usable rear yard" means that area bounded by the rear lot line(s) and the rear building line extended to the side lot lines. The side yard adjacent to a proposed minor addition (e.g., addition equaling ten percent or less of the principal structure) may be included in calculation of usable rear yard area.

11. *Revise Appendix C of Chapter 19.08:*

Appendix C: Cupertino Standard Detail 7-6 Sidewalk Sight Triangle (Sidewalk Clearance at Driveways).

**Chapter 19.12**

12. *Update Section 19.12.020 (A):*

- A. In the A, A1, R-1 and RHS Zones, the following activities:
1. Conditional uses in accord with Chapter 19.20, Chapter 19.24, Chapter 19.28, and Chapter 19.40;
  2. Removal of protected trees identified in Chapter 14.18;
  3. Projects in R-1 zones identified in Section 19.28.040;

4. Height Exceptions identified in Section 19.24.050(B)(3);
5. Hillside Exceptions identified in Section 19.40.070, Section 19.40.050, and Chapter 19.48;
6. Parking Exceptions identified in Chapter 19.124;
7. Fence Exceptions identified in Chapter 19.48;
8. Variance to all other zoning regulations.

13. Update portions of Table 19.12.030:

Type of Permit or Decision <sup>A, B</sup>	Administrative Review <sup>A,B</sup>	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period <sup>C</sup>	Noticing Radius <sup>D</sup>	Posted Site Notice	Expiration Date <sup>E</sup>	Chapter/ Findings
Development Agreements	-	-	R	F	PH	CA. Govt. Code 65867	Yes	-	19.144.110
Development Permits									
Major <sup>F, H</sup>	-	-	F/R	A <sup>1</sup> /F	PM	19.12.110/ 300'	Yes	2 Years	19.156.040
Minor <sup>G</sup>	F	-	A <sup>1</sup>	A <sup>2</sup>	PM		Yes	2 Years	
Conditional Use Permits									
Major <sup>F, H, I</sup>	F	-	A <sup>1</sup> /F/R	A <sup>1</sup> / A <sup>2</sup> /F	PH	CA. Govt. Code 65905	Yes	2 years	19.156.040
Hillside Exception/ Height Exception/ Heart of the City Exception <sup>1</sup>	-	-	F	A <sup>1</sup>	PH	19.12.110/300'	Yes	2 years	19.40.080, 19.24.050, 19.136.090
Variance	F	-	A <sup>1</sup>	A <sup>2</sup>	PH	CA. Govt. Code 65905	Yes	2 years	19.156.050
Parking Exceptions <sup>1</sup>	F	-	FA <sup>1</sup>	A <sup>1</sup> /A <sup>2</sup>	Varies <sup>M</sup>	19.12.110/ Adjacent/ 300' <sup>N</sup>	Yes	1 year	19.124.060
Protected Trees									
Tree Removal	F	-	A <sup>1</sup>	A <sup>2</sup>	CP	Adjacent, unless exempt	Yes, unless exempt	1 year	14.18.110

*14. Update footnote K of Table 19.12.030:*

Minor Architectural and Site Approval application - single family home in a planned development zoning district; minor building architectural modifications; landscaping, signs or lighting for new development; permanent supportive housing with up to 6 units subject to by-right processing as required by Government Code Section 65650 et seq.; redevelopment or modification in such zones where review is required; and minor modifications of duplex and multi-family buildings.

*15. Update Section 19.12.110 (D) (1):*

D. Notice of Comment Period: For projects requiring notice of a comment period, notice shall be mailed in accordance with 19.12.110A(2) and A(3), fourteen calendar days prior to the date of action on the application.

1. For permits issued pursuant to Chapter 19.28, Single Family Residential, the mailed notice shall include a copy of the site plan and elevation plans of the proposed project, unless plans contain protected information, as defined by California Government Code Section 65103.5.

**Chapter 19.16**

*16. Update Section 19.16.060:*

Whenever it is found that a lot or site is divided by a boundary between districts, the provisions of the zoning regulations applicable within each district shall apply only to the portion of this site situated in each separate district.

**Chapter 19.28**

*17. Update Section 19.28.060:*

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
A. Minimum net lot area <sup>1</sup>	i. 5,000 square feet	ii. the number multiplied by 1,000 square feet	iii.10,000 square feet
	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.		
B. Minimum lot width (at the front setback line)	i. 50 feet	ii. 60 feet	iii. 75 feet
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) <sup>2,3</sup>	i. 2,500 cubic yards maximum. ii. Projects that exceed the maximum quantity shall require Architectural and Site Approval per Section 19.28.040(G). iii. Total site grading shall be limited to 2,500 cubic yards for the entire site as calculated prior to subdivision.		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	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.		
2. Fences	See Chapter 19.48, Fence Ordinance		
E. Development on properties with an average slope greater than 10% shall comply with Sections 19.40.050 (F), (G), and (I) and Sections 19.40.060(E), (H), (I) and (J).			
F. Development (structures, improvements, or grading)			
1. On actual slopes ≥ 30%	<ul style="list-style-type: none"><li>i. Limited to 500 square feet and subject to the requirements of Sections 19.40.050 (F), (G), and (I) and Sections 19.40.060 (E), (H), (I) and (J).</li><li>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.</li><li>iii. In all cases, the following shall apply:<ul style="list-style-type: none"><li>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.</li><li>b. Split level designs shall be used to avoid additional change in grade elevation.</li><li>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.</li><li>d. Unless required by the City Engineer, development shall not result in a finished floor more than 36 inches above finished grade.</li></ul></li></ul>		
G. On-site improvements	<p>All properties shall provide a 4.5 foot wide pathway, a 4.5 foot wide planting strip, curb and gutter, curb cut, AC pavement, and underground utilities at the street as follows:</p> <ul style="list-style-type: none"><li>1. Detached pathway when a property on either side of the subject property has a detached pathway;</li><li>2. Monolithic pathway when a property on either side of the subject property has a monolithic pathway</li><li>3. 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</li></ul>		



	<b>R1-5</b>	<b>R1-6, 7.5, 8, 10, 20, etc., and R1-6e</b>	<b>R1-a</b>
	<p>Engineer, shall be provided, unless the subject property has a “semi-rural” designation adopted by City Council resolution.</p> <p>4. The City Engineer shall adopt any objective standard necessary to implement the requirements of this paragraph.</p>		
H. Curb Cuts	<ol style="list-style-type: none"> <li>1. For interior lots with a street frontage of 35 feet or less, no more than a one-car-wide 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 with no more than a two-car curb cut, may be provided.</li> <li>2. Unless subject to subsection (3) below, for interior or pie shaped lots with a street frontage of more than 35 feet: a maximum of a two-car curb cut is permitted provided a distance of at least 22 feet is provided between existing and proposed driveway flares, else the curb cut shall be limited to a one-car curb cut.</li> <li>3. When a subdivision 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 an interior lot with at least 50 feet of street frontage. A maximum two-car curb cut is permitted at the right-of-way. No other curb cuts shall be permitted.</li> <li>4. Where a shared driveway (not through a flag lot) is proposed: <ol style="list-style-type: none"> <li>i. No additional curb cuts shall be permitted.</li> <li>ii. 50% of the width of the shared driveway curb cut shall be on each property.</li> <li>iii. A maximum two-car curb cut shall be permitted.</li> </ol> </li> <li>5. On lots where an existing residence is retained on the site of a subdivision, an existing curb cut of not more than 18 feet in width may remain when providing exclusive access to the existing residence.</li> <li>6. A maximum 18' wide car curb cut is allowed when a two-car curb cut is permitted.</li> <li>7. A maximum 12' wide curb cut is allowed when a one-car curb cut is permitted.</li> </ol>		
I. Driveways	<ol style="list-style-type: none"> <li>1. When a subdivision results in a flag lot, the 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.</li> </ol>		

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	<div><div>2. Where shared driveway access through a flag lot is required and would provide access to new development, the driveway access for the front lot shall be located in the rear 50% of the property.</div><div>3. A one-car driveway shall be a minimum of 10 feet in width and a maximum of 12 feet in width.</div><div>4. A two-car driveway shall be a maximum of 20 feet in width. Any third or more driveway spaces shall be in tandem.</div><div>5. Subparagraphs 3 and 4 do not apply to the flag lot access area.</div><div>6. When shared access is proposed, a covenant, necessary for appropriate ingress and egress easements, shall be recorded prior to final parcel map recordation.</div><div>7. 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.</div></div>		
J. Easement and Covenants	<div><div>1. Utility easements shall be recorded prior to final parcel map recordation.</div><div>2. A covenant necessary for maintenance of stormwater treatment facilities shall be recorded prior to final map recordation.</div></div>		
K. Public Improvements	If no dedication was required for the creation of a lot, any future development 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, which shall be installed by the applicant at his or her expense.		
L. 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.		
Notes: <div><div>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.</div><div>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</div></div>			

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e	R1-a
	<p>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.</p>		
	<p>3. All cut and fill areas shall be rounded to follow the natural contours and planted with landscaping that meets the following requirements:</p> <ul style="list-style-type: none"> <li>i. A landscape plan shall be prepared that addresses measures to prevent soil erosion and to screen cut and fill slopes.</li> <li>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.</li> <li>iii. Landscape improvements shall meet the requirements as established in the Landscape Ordinance, Chapter 14.15.</li> <li>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.</li> </ul>		

*(Continued on next page)*

18. Update Section 19.28.070 (B), 19.28.070 (I), and 19.28.070 (J) (3) and add Section 19.28.070 (L) and 19.28.070 (M):

B. Maximum Floor Area Ratio	1. 45% of the net lot area, however, a housing development project on a lot having a slope 30% or greater shall not exceed the floor area allowed under Chapter 19.40.
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I. Basements	
1. Number, size, and volume of lightwells	a. Shall be the minimum required by the California Residential Building Code for egress, light, and ventilation, unless the basement area is counted towards floor area, except that in the case of a single-story house with a basement, one lightwell may be up to 10 feet wide and 10 feet long.
2. Minimum setback for lightwell retaining walls and basements	
a. Front Yard	Same as underlying zoning district
b. Side yard	5 feet
c. Rear yard	10 feet
3. Lightwell railings	Maximum height of three feet, six inches. The railing shall be located immediately adjacent to the lightwell.
4. Lightwell screening	Lightwells that are visible from a public street shall be screened by landscaping.
5. Root barrier measures	The perimeter of all basements and lightwells shall be treated and/or reinforced with the most effective root barrier measures as determined by an ISA certified Arborist in conjunction with recommendations from a certified Structural Engineer.

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3. First Floor and Second Floor Building Envelopes	<p>a. 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:</p> <ul style="list-style-type: none"> <li>i. A 10-foot-high vertical line from natural grade measured at the property line; and</li> <li>ii. A 25-degree roof line angle projected inward at the 10-foot-high line referenced above.</li> </ul>
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	<p>b. Notwithstanding the building envelope, a gable end of a roof enclosing an attic space may have a maximum wall height of 17 feet to the peak of the roof as measured from natural grade, or up to 20 feet with a Minor Residential permit subject to Chapter 19.12.</p> <p>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:</p> <ul style="list-style-type: none"> <li>i. A 16-foot-high vertical line from natural grade measured at the property line; and</li> <li>ii. A 25-degree roof line angle projected inward at the 16-foot-high line referenced above.</li> </ul>
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L. Refuse, recycling, and other containers	<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. This area shall not be concurrent with any emergency access pathway required by the Fire Department.</li> </ol>
M. Outdoor Lighting	<ol style="list-style-type: none"> <li>1. Shall comply with the requirements of Chapter 19.102.</li> </ol>

19. Update Section 19.28.070 (C):

C. Maximum second to first floor ratio	<ol style="list-style-type: none"> <li>1. No limit, see Section 19.28.040(D)(1) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C).</li> </ol>
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20. Update Section 19.28.070 (E) (3) (a) (i):

- i. May be reduced to 10 feet, with a Minor Residential Permit, subject to Chapter 19.12, if, after the reduction, the usable rear yard area is not less than 20 times the lot width as measured from the front setback line.

21. Update Section 19.28.070 (F) (2) (a) (i) and 19.28.070 (F) (2) (b) (i):

2. Side yard	
a. Interior Lot	25 feet combined (no side yard setback shall be less than 10 feet)

	i. See Section 19.28.040(D)(2) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C).
b. Corner lot	25 feet combined side yard setback (no side yard setback shall be less than 10 feet)
i. Interior Side	10 feet but not less than 20 feet from the rear property line of an adjacent single-family dwelling A. See Section 19.28.040(D)(2) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C).

22. *Revise language in Table 19.28.090 (C):*

C. Maximum second to first floor area ratio	1. 40% of the existing or proposed first floor area or 750 square feet, whichever is greater, except as follows: a. In no case shall a second floor be more than 1,100 square feet in area.
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23. *Update Table 19.28.090 (J) (3):*

3. Entry feature height	See Single-Family Residential Design Guidelines, Section 19.28.110(A)(7)
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24. *Add Section 19.28.090 (M) and (N):*

M. Refuse, recycling, and other containers	1. A minimum of an 8-foot by 3-foot space per unit, not visible from the street, shall be provided in an interior yard, behind a fence. 2. This area shall not be concurrent with any emergency access pathway required by the Fire Department.
N. Outdoor Lighting	1. Shall comply with the requirements of Chapter 19.102.

25. *Update Section 19.28.110 (A):*

Any new single-family residential house or addition to an existing house shall be consistent with the adopted single-family residential guidelines in Sections 19.28.110(A) and (B).

A. Single-Family Residential Design Standards for all projects.<sup>1, 2</sup>

1. There shall not be a three-car wide driveway curb cut.
2. No more than fifty percent of the front elevation of a house shall consist of garage area, unless doing so would result in an area that could not accommodate the minimum required setbacks and enclosed parking area.
  - a. The maximum width of a garage on the front elevation shall be twenty-five feet, which will accommodate a two-car garage. Additional garage spaces shall be provided through the use of a tandem garage or a detached accessory structure at the rear of the property.<sup>2</sup>
3. Usable living area, not including any architectural feature, porch, or patio, shall be a minimum of two feet closer to the street than the garage, unless a side entering garage with curved driveway is provided or the lot is not wide enough to accommodate living area adjacent to the garage.
4. All roofs shall have at least a one-foot overhang.
5. Air conditioning units and similar mechanical equipment such as generators, sump pumps, heating, and ventilation equipment should 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. Mechanical, heating, or cooling equipment or associated piping installed on the roof shall be screened from the public right away, except in R1-e zones where roof top equipment is not allowed.
6. A porch, patio, or other front entry feature is required.
  - a. The feature shall be oriented to face the street and shall include a front entry door also oriented to face the street.
  - b. 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.
  - c. If a front porch (not a front entry feature) is proposed, the porch shall be proportionately greater in width than in height.
  - d. Porches, patios, and other entry features shall have detailing that emphasizes the base and have caps for posts and fence elements of the feature.
  - e. In the R1-a zone, the following porch design guidelines shall also apply<sup>2</sup>:
    - i. Structural supports shall be designed such that the appearance is not obtrusive or massive.
    - ii. The use of large columns or pillars is discouraged.

- iii. The eave height for a front entry porch shall not be significantly taller than the eave height of typical single-story elements in the neighborhood.
- f. In R1-6e and R1-a zones, entry features shall not be higher than fourteen feet from natural grade to plate.<sup>2</sup>
- 7. Garage doors for no more than two car spaces shall be visible from the public right of way.
- 8. 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.
- 9. 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).
- 10. Exterior and/or uncovered stair access shall not be allowed to the second floor.
- 11. Except in R1-e zones, 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 a prominent accent window inset greater than six inches. Windowsills, door or window trim, and roofing materials do not count as one of the features.
- 12. 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.



13. 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. Stone veneer or any other siding material wrapped on columns shall terminate at the floor or ground, as applicable.

*26. Update Section 19.28.120:*

To mitigate privacy impacts and the visual mass and bulk of new two-story homes and additions, tree and/or shrub planting is required. The intent of this section is to provide substantial screening of views into neighboring residential side or rear yards within three years of planting, in order to protect the privacy of adjoining properties.

*27. Update Section 19.28.120 (A):*

A. Applicability. These requirements shall apply to new two-story homes, second-story decks, two-story additions, modifications to the existing second-story decks and/or new windows on existing two-story homes that increase privacy impacts on neighboring residents.

1. These requirements shall not apply to:
  - a. Skylights;
  - b. Windows with sills more than five feet above the finished second floor;
  - c. Obscured, non-openable windows;
  - d. Windows with permanent exterior louvers to a height of five feet above the second floor;
  - e. Non-operable windows with obscure glass to a height of five feet above the second floor;
  - f. Windows which do not have views into a neighboring side or rear yard or that face a street or a non-residential zoning district; and
  - g. When waivers have been obtained from all affected property owners.

*28. Update Section 19.28.120 (C) (1) and (2):*

1. Front Yard Tree Planting.
  - a. The tree shall be twenty-four-inch box or larger low to moderate water using tree that typically grows to a mature height of more than 30 feet, planted at-a

- minimum height of six feet, as measured from adjacent grade. California native trees are preferred.
- b. The tree shall be planted in front of new second stories in the center 50% of the front yard setback area.
    - i. In the R1-a zone, the tree shall be placed to where views from second story windows across the street are partially mitigated.
  - c. The Director of Community Development may waive the front yard tree or allow the tree to be planted outside of the center 50% of the front yard setback area based on a report from an internationally-certified arborist citing unavoidable conflict with existing mature tree canopies onsite or in the public right-of-way.
  - d. An existing mature tree in the front yard that is or can typically grow to a height of 30 feet or 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.
  - e. 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.
2. Privacy Planting.
- a. New trees and/or shrubs are required on the applicant's property in an area bounded by a thirty-degree angle on each side window jamb and a 180-degree angle from each corner of a balcony or second story deck, modified by the angle created between the furthest corner of the balcony or deck and the corresponding corner of the second story portion of the structure, as shown in the City's Privacy Protection Requirements Handout.
  - b. The following is required for all side and rear yard-facing second story windows in the R1-6e zone:
    - i. Cover windows with exterior louvers to a height of five feet above the second floor; or
    - ii. Obscure glass to a height of five feet above the second floor; or
    - iii. Have a windowsill height of five feet minimum above the finished second floor.
  - c. The Planning Division shall maintain a list of allowed privacy planting trees and shrubs. The list includes allowed plant species, minimum size of trees and shrubs, expected canopy or spread size, and planting distance between trees.

- i. In the R1-a zone, the minimum height of privacy trees at the time of planting shall be twelve feet.
  - ii. In the R1-a zone, privacy planting shall have a minimum setback from the property line equivalent to one-quarter of the spread noted on the City list.
- d. The trees and/or shrubs shall be planted prior to issuance of a final occupancy permit.
- e. Windows or other openings in the wall with a side yard setback less than 10 feet or a rear yard setback of less than 25 feet shall have a minimum windowsill height of more than five feet or shall have obscure glass and be inoperable with a fixed pane(s).
- f. The 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.

29. Update Section 19.28.150:

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)	<ul style="list-style-type: none"> <li>a. Units shall not exceed 800 square feet per unit and shall comply with Paragraph B, above; or</li> <li>b. Units exceeding 800 square feet may be permissible if compliant with the following: <ul style="list-style-type: none"> <li>i. Cumulative Floor Area Ratio and Lot Coverage of the applicable zoning district (i.e. R1, R1-a, R1-e, or R1-i); and</li> <li>ii. The requirements of Paragraph B; and</li> <li>iii. Subparagraphs 2 through 16 of this Paragraph.</li> </ul> </li> <li>c. If the site has been occupied by a tenant in the last three years, no alteration or demolition of an existing unit shall occur.</li> </ul>
2. Second to First Floor Area Ratio:	<ul style="list-style-type: none"> <li><u>a.</u> The ratio of the second story to first story floor area shall not exceed 66% in all R1 zoning districts except the R1-a district.</li> <li><u>b.</u> In the R1-a zoning district: See Section 19.28.090 (C).</li> </ul>
<u>3.</u> Interior Areas	<ul style="list-style-type: none"> <li>a. See Section 19.28.070 (D)</li> </ul>
4. Setbacks:	<ul style="list-style-type: none"> <li>a. Minimum first-story front setback is 20 feet, unless otherwise required in a tract map or zoning map except that: <ul style="list-style-type: none"> <li>i. In the R1-a zoning district, the required minimum setback is 30 feet.</li> </ul> </li> <li>b. Minimum second-story front setback is 25 feet except that: <ul style="list-style-type: none"> <li>i. In the R1-a zoning district, the required minimum setback is 30 feet.</li> </ul> </li> <li>c. Minimum first- and second-story side and rear setbacks shall be four feet each; provided, however, that:</li> </ul>

	<ul style="list-style-type: none"> <li>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.</li> <li>ii. No new or expanded structures shall encroach upon any existing public or private utility easements.</li> <li>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: <ul style="list-style-type: none"> <li>1. More than one new primary dwelling unit is approved concurrently with an Urban Lot Split; and</li> <li>2. Units with a zero-foot setback are developed concurrently; and</li> <li>3. All other side yard setbacks are a minimum of five feet on the first story and 10 feet on the second story; and</li> <li>4. The entirety of wall faces along the shared property line are structurally attached; and</li> <li>5. Structures along the new shared property line are no more than zero feet or less than four feet.</li> </ul> </li> <li>iv. The required building envelope shall not apply to the portions of structures with a zero-foot setback.</li> <li>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.</li> <li>e. Detached structures: Detached structures located on the same lot shall have a setback of five feet as measured between the eaves of the two structures.</li> </ul>
5. Maximum height:	<ul style="list-style-type: none"> <li>a. Principal Dwelling units are limited to 28 feet in height and no more than two stories except that: <ul style="list-style-type: none"> <li>i. In R-1 Zoning Districts with "i" suffix, buildings shall be limited to one story (not to exceed 18 feet).</li> </ul> </li> <li>b. First-story building envelope: See Section 19.28.070 (J) (3).</li> <li><del>i.</del> Second-story building envelope: See Section 19.28.070 (J) (3).</li> </ul>

	c. Notwithstanding subsections (b) and (c) above, portions of the structures developed utilizing the provisions of subsection (4)(c) above, do not have to meet the first story or second story building envelope requirements.
6. Basements:	Allowed, subject to the requirements outlined in Section 19.28.070 (I).
7. Landscaping and Privacy Protection:	<p>a. Landscaping: All proposed landscaping shall meet the requirements of Chapter 14.15 of the Municipal Code.</p> <p>b. Front Yard Tree Required: Shall be provided in the same manner as required pursuant to Section 19.28.120.</p> <p>c. Privacy Protection Planting: shall be provided in the same manner as required pursuant to Section 19.28.120.</p>
8. Private open space:	See Section 19.28.110 (A) (12).
9. Permitted yard encroachments:	<p>a. Front entry features may encroach into a required front yard setback up to three feet.</p> <p>b. Architectural features may extend into a required yard a distance not exceeding three feet.</p> <p>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.</p>
10. Second story decks, balconies, or similar features	Minor Residential Permit required consistent with Section 19.28.070 G.
11. Design Standards:	a. See Sections 19.28.060, 19.28.070, and 19.28.110 (A).
12. Accessory buildings/structure:	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 18.12.170 and one or more unit(s) has been approved for construction pursuant to this Section on each resulting lot.
13. Refuse, recycling, and other containers	See Section 19.28.070 (L) and 19.28.090 (M).
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:

	<ul style="list-style-type: none"> <li>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.</li> <li>ii. There is a car share vehicle located within one block of the parcel.</li> </ul> <p>b. Each parking space shall be provided in an enclosed garage encompassing a 10' by 20' space, unobstructed (i.e., by walls, appliances, etc.) between six inches from finished floor up to six feet from finished floor.</p> <p>c. When additional enclosed parking space(s) is/are provided, the space(s) shall meet the requirements of Chapter 19.124.</p>
15. Driveway and curb cuts:	Subject to the requirements of Sections 19.28.070 (G) and 19.28.070 (H).
16. Short Term Rentals Prohibited:	No residential unit created pursuant to this Section may be rented for a term of 30 days or less.

### **Chapter 19.36**

30. Update Table 19.36.070 (C) (3):

	Projects with up to four units		Projects with five or more units	
3. Rear-yard	20 feet or 20% of the lot depth, whichever is greater. Main building may encroach as close as 10 feet to rear lot line if a usable rear-yard setback area of not less than twenty times the width of the lot is maintained.	20 feet or 20% of the lot depth, whichever is greater.	20 feet or 20% of the lot depth, whichever is greater. Main building may encroach as close as 10 feet to rear lot line if a usable rear-yard setback area of not less than twenty times the width of the lot is maintained.	20 feet or 20% of the lot depth, whichever is greater. Additional 10 feet for floors more than one story higher than any adjacent primary residential structures.

31. Edit Table 19.36.070 (G):

G. Corner Triangle and Sidewalk Sight Triangle	Shall remain free and clear of all buildings or portions thereof
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### **Chapter 19.38**

32. Edit Table 19.38.070 (F):

F. Corner Triangle and Sidewalk Sight Triangle	Shall remain free and clear of all buildings or portions thereof.
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### **Chapter 19.40**

33. Update Section 19.40.040 (A):

A. Site Plans that show topographical information at contour intervals not to exceed ten feet and a horizontal map scale of one inch = two hundred feet or larger and identify all areas with slopes of thirty percent or more.

34. Update Section 19.40.050 (B) (5), 19.40.050 (E) (1), 19.40.050 (F) (1) and (2), and 19.40.050 (I) through (K):



B. Minimum Lot Area	
5. Lots created and/or developed pursuant to Government Code Section 64411.7 and 65852.21	<ul style="list-style-type: none"> <li>a. Each resulting lot shall be at least 40% of the size of the original lot being split.</li> <li>b. 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.</li> </ul>

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E. Site Grading	
1. Maximum Grading Quantity	<ul style="list-style-type: none"> <li>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</li> <li>b. All cut and fill shall be rounded to contour with natural contours and planted with landscaping which meets the requirements in Section 19.40.050 F.</li> <li>c. In all cases, the following shall apply: <ul style="list-style-type: none"> <li>i. Changes 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.</li> <li>ii. Split level designs shall be used to avoid additional changes in grade elevation.</li> <li>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.</li> <li>iv. Unless required by the City Engineer, development shall not result in a finished floor more than 36 inches above finished grade.</li> </ul> </li> </ul>
2. Graded Area	<ul style="list-style-type: none"> <li>a. Shall be limited to within 50 feet of the building pad area, unless additional grading is required for emergency access, as determined by the Fire Department, or for utilities, as determined by the applicable service provider or the City Engineer.</li> </ul>
3. 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	<ul style="list-style-type: none"> <li>a. Limited to a maximum of 2,500 square feet, excluding driveways.</li> <li>b. For a two-lot subdivision, limited to a maximum of 1,250 square feet per lot, excluding driveways, except as further limited by subsection (I).</li> </ul>
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.
<b>F. Landscaping</b>	
1. Tree Planting Plan	<p>Shall be prepared by a licensed landscape architect to:</p> <ul style="list-style-type: none"> <li>a. Screen the residential structures to the greatest possible extent from the following prominent intersections.</li> </ul> <p>No more than 50% of the visible wall face surface area shall be visible from the following prominent intersections:</p> <ul style="list-style-type: none"> <li>i. Foothill Boulevard and Cristo Rey Drive</li> <li>ii. Foothill Boulevard and Alpine Way</li> <li>iii. Bellevue and Carmen Road</li> <li>iv. Linda Vista Drive and Hyannisport Ave</li> <li>v. Hyannisport Ave and Bubba Road</li> <li>vi. Rainbow Ave and Weymouth Drive.</li> </ul> <p>A visual simulation from each of the intersections above shall be provided to indicate compliance.</p>
2. Landscape Requirements	<ul style="list-style-type: none"> <li>a. Reintroduce trees on barren slopes which were denuded by prior agricultural activities.</li> <li>b. Must comply with Chapter 14.15, Landscaping Ordinance and Wildland Urban Interface Fire Area (WUIFA) requirements.</li> <li>c. At least 50% of the front yard area shall be landscaped (i.e., not hardscaped)</li> </ul>
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I. Development on Slopes of $\geq 30\%$	<ul style="list-style-type: none"> <li>a. Hillside Exception required for all grading, structures, and other development &gt; 500 square feet.</li> <li>b. If the lots developed or created pursuant to Government Code Sections 64411.7 and 65852.21 have no areas with</li> </ul>

	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.
J. Trail Linkages and Lots Adjoining Public Open Spaces Site Plan	<ul style="list-style-type: none"> <li>a. Site plan must identify trail linkages as shown in the General Plan Trail Plan, on and adjacent to the site.</li> <li>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.</li> <li>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.</li> </ul>
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.

35. Update Table 19.40.060 (A):

A. Floor Area Ratio (FAR)	
1. Maximum Allowable Development	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>c. For projects not subject to ministerial approval under Paragraph (a) or (b), maximum allowable development shall be the lesser of: <ul style="list-style-type: none"> <li>i. 6,500 square feet; or</li> </ul> </li> </ul>

	<p>ii. For lots with a net lot area of less than 10,000 square feet, 45% of the net lot area times the slope adjustment factor pursuant to Section 19.40.060(A)(2)*; or  *Formula = (0.45 x Net lot area) x (Slope adjustment factor)</p> <p>iii. For lots with a net lot area of greater than or equal to 10,000 square feet, 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 + ((Net Lot Area - 10000)/1000)) (59.59)) x (Slope Adjustment Factor)</p>
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36. Update Table 19.40.060 (A) (2) (c):

c. Average slope > 30%	Allowable floor area shall be reduced by a constant 30% Slope adjustment factor=(1- 0.3) = 0.7	>30%	30.00%
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37. Update Sections 19.40.060 (D), 19.40.060 (F) (1), 19.40.060 (H), and 19.40.060 (L):

D. Second and Third Story Decks and Balconies Minimum Setbacks			
1. Front Yard	-	17 feet	17 feet
2. Side Yard	-	15 feet	15 feet
3. Rear Yard	-	20 feet	20 feet

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F. Permitted Yard Encroachments	
1. Extension of a Legal Non-conforming Wall Plane for structures not located within a prominent ridgeline site line	<p>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.</p> <p>b. Only one such extension shall be permitted for the life of the building.</p> <p>c. Encroachments into a required yard which are the result of the granting of a variance may not be further extended.</p> <p>d. Further encroachment into a required setback is not allowed; i.e., a non-conforming setback may not be further reduced.</p>

	e. In no case shall any wall plane of a first-story addition be placed closer than three feet to any property line.
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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.
	f. Roof Overhangs	Roof overhangs or building eaves shall be a minimum of 12 inches in width
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	<p>All projects shall strive to attain, except that ministerially approved projects shall attain, the following standards:</p> <ul style="list-style-type: none"> <li>a. No more than 50% of the façade visible from the right of way shall comprise the garage.</li> <li>b. A two car garage face shall not exceed 24 feet in width and a one car garage face shall not exceed 12 feet in width.</li> <li>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.</li> <li>d. Third car spaces shall be provided in tandem or shall be provided in a detached accessory structure.</li> <li>e. 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.</li> <li>f. Where the garage door faces the side yard, but the garage itself 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).</li> <li>g. Garage doors for no more than two car spaces shall be visible from the public right of way.</li> </ul>
5. Entry Features	<p>All projects shall strive to attain, except that ministerially approved projects shall attain, the following standards:</p> <ul style="list-style-type: none"> <li>a. Only one entry feature shall be permitted per structure and only one entry feature shall be visible from the public street.</li> <li>b. Duplexes shall have entrances to each unit on different building frontages.</li> <li>c. Entry features shall be limited to 14 feet in height from the natural grade to the top of wall plate.</li> </ul>
6. Uncovered/ exterior staircases	Not allowed.

7. Basements	Allowed, subject to the requirements outlined in Section 19.28.070 (I).
8. Architectural Features	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.
9. Gable and Dutch Gable Ends	Gable ends and Dutch gable ends taller than thirty inches shall include at least one element of architectural interest such as: <ul style="list-style-type: none"> <li>• a wall offset with corbels, brackets or change in materials;</li> <li>• louvered wood or metal vents;</li> <li>• clay or terracotta tile vents;</li> <li>• accent tile decoration;</li> <li>• medallion decoration;</li> <li>• metal grille;</li> <li>• a change in architectural materials;</li> <li>• incorporations of corbels;</li> <li>• decorative gable pediments;</li> <li>• eyebrow trellises or pergola structurally attached to the building or</li> <li>• windows/glazing.</li> </ul>
10. Accent Materials	a. 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. b. Stone veneer or any other siding material wrapped on columns shall terminate at the floor or ground, as applicable.
12. 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.
13. Refuse, recycling, and other containers	a. A minimum of an 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.

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L. Off-street Improvements	Upon development of any newly subdivided 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.
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38. Update Section 19.40.090:

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	Allowed, subject to the requirements outlined in Section 19.28.070 (I).
2. Balconies, decks, or other similar structures	Allowed, subject to the setback requirements outlined in Section 19.40.060 (D).
3. Design Standards	<u>a.</u> See Section 19.40.060.
<u>4.</u> Setbacks	<p>a. See Section 19.40.060.</p> <p>b. Detached structures: Detached structures located on the same lot shall have a setback of five feet as measured between the eaves of the two structures.</p>
5. Parking	<p>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:</p> <ul style="list-style-type: none"> <li>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.</li> <li>ii. There is a car-share vehicle located within one block of the parcel.</li> </ul> <p>b. Parking space(s) shall be provided in an enclosed garage encompassing 10' by 20' space for each space,</p>



	<p>unobstructed (i.e., by walls, appliances, etc.) between six inches from the finished floor up to six feet from the finished floor.</p> <p>c. When additional enclosed parking space(s) is/are provided, the space(s) shall meet the requirements of Chapter 19.124.</p>
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#### **Chapter 19.44**

##### *39. Update Section 19.44.020 (A):*

A. The requirements of this chapter, unless waived or modified in accord with Section 19.44.080, must be met with respect to all real properties intended to be developed as, or converted to, a single-family residential cluster development as described in this chapter, including the conversion of existing apartment houses to condominiums.

#### **Chapter 19.46**

##### *40. Edit Table 19.46.070 (G):*

G. Corner Triangle and Sidewalk Sight Triangle	Shall remain free and clear of all buildings or portions thereof.
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#### **Chapter 19.60**

##### *41. Update Section 19.60.050:*

- A. Land Use Criteria. Unless otherwise provided by a conditional use permit, the following regulations shall apply to all users governed by this chapter.
3. The activity must be conducted entirely within a building or enclosed patio or atrium except for:
    - b. Vehicular parking including the parking of business related vehicles that comply with the sign, off-street parking, and noise regulations;
    - c. Outdoor seating for restaurants in accordance with the requirements of Section 19.60.030.
    - d. Special promotional events undertaken by permitted businesses;
    - e. The display of merchandise in front of stores must be displayed under a roof overhang or canopy and must be displayed in an organized, neat, and safe fashion, in accordance with the requirements of Section 19.60.030.

### **Chapter 19.100**

42. Update Section 19.100.030 (B) (1) (b):

b. Attached accessory buildings/structures	Must meet all site development regulations, including setbacks, height and lot coverage regulations applicable to principal dwellings in the applicable zone, unless a separate setback standard is provided in subsection (d) through (g) below.
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43. Update Section 19.100.030 (D) (2) (b) to make consistent use of the spelling of usable:

b. Maximum lot coverage	30% of the usable rear yard area
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### **Chapter 19.102**

44. Edit Section 19.102.020 (D):

D. New or replacement glass windows, doors, or features	Section 19.102.030(A), (B), and (D)
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### **Chapter 19.104**

45. Update Section 19.104.100 (L):

L. Window Signs. Window signs subject to the limitations in Sections 19.104.150 and 19.104.280. One "OPEN" sign not exceeding two square feet and of any material may be placed in a window without penalty towards window coverage limitations;

46. Update Section 19.104.140:

Commercial & Industrial	<ul style="list-style-type: none"><li>• One sign per business with exterior frontage</li><li>• One additional for: Businesses with no ground sign and adjacent to more than one street or shopping</li></ul>	<ul style="list-style-type: none"><li>• 1 s.f. per linear ft of store frontage on which sign is located.</li><li>• 70% of store frontage maximum</li></ul>	200 s.f.	<ul style="list-style-type: none"><li>• No more than one wall sign per frontage</li><li>• Shall not project above the roof or top of parapet, unless it is an integral part of the face of an architectural projection.</li><li>• No projecting wall sign shall extend into a</li></ul>	CDD	Meets Design Criteria in Section 19.104.220
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	<p>center driveway; or</p> <ul style="list-style-type: none"> <li>- Sign directed to interior of project and not visible from any public right-of-way; or</li> <li>- Single tenant building pad with more than 5,000 s.f.</li> </ul>	<ul style="list-style-type: none"> <li>• Length = total combined length of each row of sign copy</li> <li>• Minimum area = 20 s.f.</li> </ul>		<p>public right-of-way more than twelve inches. Any projecting sign shall have a vertical clearance of at least fifteen feet above a private or public vehicular roadway, alley, driveway, or parking area, and at least eight feet above a sidewalk, pedestrian mall, or landscaped area.</p>		
Office & Institutional	<ul style="list-style-type: none"> <li>• One sign per business with exterior frontage</li> <li>• One additional for: <ul style="list-style-type: none"> <li>- Businesses with no ground sign and adjacent to more than one street or major shopping center driveway; or</li> <li>- Sign directed to interior of project and not visible from any public right-of-way.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 1 s.f. per linear ft. of business frontage on which sign is located.</li> <li>• 70% of business frontage maximum</li> <li>• Length = total combined length of each row of copy</li> </ul>	40 s.f.	Same as above	CDD	Same as above

47. Update Section 19.104.150 (C):

C. Logos, Symbols, or Insignia	All except residential districts	Same as Sec. 19.104.140	9 s.f.	Same as Sec. 19.104.140	<ul style="list-style-type: none"> <li>•Illuminated - CDD</li> <li>•Not illuminated - exempt</li> </ul>	Shall meet Design Review Criteria in Sec. 19.104.220 and restrictions in Sec. 19.104.190
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48. Edit Table 19.104.160:

Use/ Zoning	Number	Size Allowed Area & Length	Location Maximum Height	Review Authority	Review Criteria	
		<ul style="list-style-type: none"> <li>• Double faced signs: Area of larger face of sign = Total Sign Area</li> </ul>		<ul style="list-style-type: none"> <li>• No portion of any sign over three feet in height shall be located within a corner triangle or sidewalk sight triangle.</li> </ul>		

### **Chapter 19.124**

49. Update Section 19.124.030 (I):

I. Tandem, Valet, and Other Special Parking Arrangements	Tandem, Valet, and other special forms of parking may be approved per Section 19.124.050.
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50. Revise language in Section 19.124.040:

N.	Landscape Requirements	Applicable to all new centers and centers with a twenty-five percent or greater increase or decrease in floor area resulting from a use permit or architectural and site approval within twelve months shall be required to meet the following minimum landscape requirements. However, the Planning Commission and/or City Council may recommend additional landscaping.
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### **Chapter 19.132**

51. Update Section 19.132.050:

Written findings regarding the granting or denial of any conditional use permit subject to this chapter shall be made by the Planning Commission in accordance

with Chapter 19.156 and shall be based on substantial evidence in light of the entire administrative record.