

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REPEAL MUNICIPAL CODE CHAPTERS 2.84, 2.90, AND 2.96; TO ADOPT MUNICIPAL CODE CHAPTER 17.02; AND TO AMEND MUNICIPAL CODE CHAPTERS 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, AND 19.124, REGARDING CITY COMMISSIONS AND COMMITTEES

The City Council of the City of Cupertino finds that:

WHEREAS, on January 25, 2023, the City Council held a special meeting to consider the responsibilities of commissions and committees in the City of Cupertino; and

WHEREAS, at the January 25 meeting, Council directed staff to return to Council with amendments to the Municipal Code to dissolve the Environmental Review Committee, the Design Review Committee, and the Economic Development Committee; and

WHEREAS, Council further directed staff to make modifications to the powers and functions of the Audit Committee; and

WHEREAS, Council further directed staff that the responsibilities of the dissolved committees should be transferred to other approval authorities or advisory bodies or to the Council itself.

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

SECTION 1. Adoption.

- A. Cupertino Municipal Code sections 2.84, 2.90, and 2.96 are hereby repealed in their entirety.
- B. The City Council hereby adopts Municipal Code Chapter 17.02, and amends Title 17 of the Cupertino Municipal Code as follows:

Chapter 17.02: California Environmental Quality Act

17.02.010 Review of CEQA Documents.

The approval authority for any discretionary project undertaken by the City shall be responsible for the review and approval of negative declarations and environmental impact reports prepared pursuant to the California Environmental Quality Act. If a legislative body advisory to the City Council makes recommendations with respect to the approval of any discretionary project that is not exempt from environmental review under the California Environmental Quality Act, the advisory body shall consider the negative declaration or environmental impact report for the project at a public hearing and may make recommendations to the City Council regarding the environmental review document.

17.02.020 CEQA Procedures

Pursuant to Title 14, Section 15022(d) of the California Code of Regulations, the CEQA Guidelines adopted by the Governor's Office of Planning and Research (Title 14, Division 6, Chapter 3 of the California Code of Regulations), as may be amended from time to time, shall apply to all discretionary projects in the City. The City Manager shall promulgate any administrative procedures necessary to tailor the guidelines to the specific operations of the City.

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

SECTION 2: Repeal of Prior Resolutions.

Cupertino City Council Resolution No. 5351 and any other prior enactment of the City Council establishing environmental assessment procedures that are inconsistent with this Ordinance are hereby repealed.

SECTION 3: 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 4: California Environmental Quality Act.

This Ordinance is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines section 15320 (Changes in Organization of Local Agencies) and section 15061(b)(3) (no possibility to have a significant effect on the environment).

SECTION 5: Effective Date.

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

SECTION 6: 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 February 21, 2023 and **ENACTED** at a regular meeting of the Cupertino City Council on March 7, 2023 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTACHMENT A - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO REPEAL MUNICIPAL CODE CHAPTERS 2.84, 2.90, AND 2.96; TO ADOPT MUNICIPAL CODE CHAPTER 17.02; AND TO AMEND MUNICIPAL CODE CHAPTERS 2.32, 2.88, 9.20, 19.08, 19.12, 19.28, 19.104, AND 19.124, REGARDING CITY COMMISSIONS AND COMMITTEES

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

*Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in existing provisions is not amended or readopted by this Ordinance. Text in italics is explanatory and is not an amendment to the Code.*

Where the explanatory text indicates that a new section is being added to the City Code, the new section is shown in plain text.

This ordinance amends several portions of the Municipal Code. For ease of review, the amendments advancing the primary objective are presented first followed by conforming amendments. There is a separate heading in bold italics for each portion of the Code being amended. Sections unaffected by the ordinance are omitted.

1. Amendments to Chapter 2.32 concerning the Planning Commission

2.32.070 Powers and Functions.

The powers and functions of the City Planning Commission shall be as follows:

- A. Prepare, periodically review, and revise as necessary, the General Plan;
- B. Implement the General Plan through actions including, but not limited to, the administration of specific plans and zoning, subdivisions, and sign ordinances;
- C. Annually review the capital improvement program of the City and the local public works projects of other local agencies for their consistency with the General Plan (pursuant to Sections 65400 et seq. of the California Government Code);
- D. Endeavor to promote public interest in, comment upon, and understanding of the General Plan, and regulation relating to it;
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens generally concerning implementation of the General Plan;
- F. Promote the coordination of local plans and programs with the plans and programs of other agencies;
- G. Perform other functions as the City Council provides including conducting studies and preparing plans other than those required or authorized by state law

~~H. Establish as needed a standing subcommittee of the Commission for Design Review. The Planning Commission shall decide appeals of the Design Review Committee for the purposes of conducting design review on projects that properly come before the Design Review Committee for review, and conduct design review of a project as required by Chapters 2.90, 19.132, 19.134 and of the Cupertino Municipal Code.~~

2. Amendments to Chapter 2.88 concerning the Audit Committee

2.88.100 Duties–Powers–Responsibilities.

The powers and functions of the Audit Committee shall be as follows:

- A. To review the annual audit report and management letter;
- B. To recommend appointment of auditors;
- C. To review the ~~monthly~~ Quarterly Treasurer's investment report;
- D. To recommend a budget format;
- E. To review City investment policies and internal controls of such policies;
- F. To recommend appointment of internal auditors;
- G. To review internal audit reports;
- H. To review quarterly Fraud, Waste, and Abuse Program reports

3. Amendments to Chapter 9.20 concerning the Local Assessment Committee

9.20.090 Appointment of Local Assessment Committee.

Within thirty days after acceptance of the application(s) for local land use approval actions as complete, the City Council shall appoint a Local Assessment Committee in accordance with the provisions of Section 9.20.230 of this chapter.

A. Scoping Meeting. Within the prescribed statutory time limits following notification to OPA that the application(s) for local land use approval(s) is/are complete, the OPA shall convene a scoping meeting at a date, time and place within the City, subject to the hearing notice requirements provided in Section 9.20.280 of this chapter. The purpose of said scoping meeting is to determine the issues which concern the agencies required to review the proposed facility, and the issues which concern the public, including review of the project under the California Environmental Quality Act. The applicant, the LAC, the Cupertino Director of Community Development, and representatives of the lead agency and responsible agencies shall attend the scoping meetings.

B. Meet and Confer. Following the scoping meeting described in subsection A, the applicant, the Local Assessment Committee (LAC) and LAC staff shall meet and confer for purposes of establishing terms and conditions under which the proposed offsite hazardous waste facility may be acceptable to the city. Based on the results of the meet and confer session, the applicant may amend the application materials submitted for the

local land use decision. The requirement for environmental assessment for the project may be waived by the City if the applicant agrees that an environmental impact report must be prepared for the project.

9.20.100 Environmental Assessment.

~~—A. Within thirty days of the meet and confer session described Section 9.20.090(B), the City's Environmental Review Committee (ERC) shall assess the environmental effects of the local land use actions for the proposed off-site hazardous waste facility.~~

~~—B. As provided in Section 9.20.140(B) of this chapter, the requirement for environmental assessment may be waived by the City upon prior agreement with the applicant that an environmental impact report is to be prepared.~~

~~—C. Completion of the environmental assessment process shall be evidenced by a recommendation of the ERC that a negative declaration be approved for all local land use applications pertaining to the proposed facility, or, in the case where an environmental impact report is required, filing of a notice of completion in accordance with the California Environmental Quality Act Guidelines. [repealed]~~

9.20.110 Public Hearing by Planning Commission.

~~A. Within thirty days of completion of the local land use action environmental assessment,~~ The City shall conduct a public hearing before the Planning Commission for the local land use application(s) affecting the proposed off-site hazardous waste facility. The public hearing shall be subject to the notification requirements described in Section 9.20.280 of this chapter.

B. The Planning Commission's decision(s) on the application(s), whether a final action or a recommendation to the City Council, shall be rendered in accordance with procedural ordinance, Ordinance No. 652.

C. The Planning Commission's decision(s) to approve the application(s), whether final action or a recommendation to the City Council, shall be accompanied by the following written findings for each separate action:

1. That the proposed facility is consistent with the Cupertino general plan;
2. That the proposed facility will not be detrimental to the health, safety or general welfare of the community;
3. That the proposed facility is consistent with the provisions of the Association of Bay Area Governments' regional fair share memorandum of understanding, and with the siting policies established in the Santa Clara County hazardous waste management plan;
4. That the proposed facility is consistent with the siting criteria stated in Section 9.20.290 of this chapter.

4. Amendments to Title 19 concerning the Design Review Commission

19.08.030 Definitions.

"Permit" means a permit issued by the City Council, Planning Commission, Design Review Committee, Director of Community Development, or any other decision body as empowered by the Cupertino Municipal Code, approving architecture, site improvements, buildings, structures, land and/or uses. Permits may include but shall not be limited to Administrative Approvals, Two-story Permits, Minor Residential Permits, Architectural and Site Approvals, Development Permits, Conditional Use Permits, Exceptions, Variances or Subdivision Maps.

[Note: Other definitions omitted.]

19.12.030 Approval Authority.

Table 19.12.030 shows the approval authority, Noticing Radius, Expiration Date and Extension Dates for different types of Permits.

Table 19.12.030 - Approval Authority

Type of Permit or Decision A, B	Administrative Review	Design Review Committee	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
General Plan Amendment										
Major F	-	-		R	F	PH	CA. Govt. Code 65350-65362	Yes	-	CA. Govt. Code 65350-65362
Minor G	-	-		R	F	PH		Yes	-	
Zoning Map Amendments										
Major F	-	-		R	F	PH	CA. Govt. Code 65853-65857	Yes	-	19.152.020
Minor G	-	-		R	F	PH		Yes	-	
Zoning Text Amendments	-	-		R	F	PH	CA. Govt. Code 65853-65857	-	-	19.152.030
Specific Plans	-	-		R	F	PH	CA. Govt. Code 65350-65362	-	-	20.04.030
Development Agreements	-	-		R	F	PH	CA. Govt. Code 65867	Yes	-	19.144.120
Development Permits										
Major F, H	-	-		F/R	A1/F	PM	19.12.110/300'	Yes	2 years	19.156.050
Minor G	F	-		A1	A2	PM		Yes	2 years	
Conditional Use Permits										
Major F, H, I	F	-		A1/F/R	A1/ A2/F	PH	CA. Govt. Code 65905	Yes	2 years	19.156.050
Minor G, I	F	-		A1/F/R	A1/ A2/F	PH		Yes	2 years	
Temporary	F	-		A1	A2	-	None	No	1 year	None/ 19.160.030
Density Bonus (Residential)				R	F	Based on concurrent application	19.56			
Adult-Oriented Commercial Activity (CUP)		-		R	F	PH	CA. Govt. Code 65905/300'	Yes	2 years	19.128.030 & 19.128.040
Architectural and Site Approval										
Major J	F	-		A1	A2	PM	19.12.110/	Yes	2 years	19.168.030
Minor K	F	-		A1	A2	PM		Yes	2 years	
Amendment										
Major F, H	-	-		F	A1	Varies L		Yes	2 years	19.44,

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review	Design Review Committee	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
Minor G	F	-		A1	A2	Varies L	Depends on permit being amended L	Yes	2 years	19.144, 19.156, 19.164
Minor Modification	F	-		A1	A2	-	None	No	2 years	19.164
Hillside Exception/ Height Exception/ Heart of the City Exception I	-	-		F	A1	PH	19.12.110/300'	Yes	2 years	19.40.080, 19.24.070, 19.136.090
Variance	F	-		A1	A2	PH	CA. Govt. Code 65905	Yes	2 years	19.156.060
Status of non- conforming Use	-	-		F	A1	PH	19.12.110/300'	Yes	-	19.140.110
Wireless Antennas I	F	-		F/ A1	A2	Varies I	Depends on application type	Yes	2 years	19.136.090
Signs										
Permits	F	-		A1	A2	-	None	No	1 year	19.104
Neon, Reader board & Freeway Oriented Signs I	<u>E</u>	<u>F</u>		<u>F/A1</u>	<u>A1/A2 M</u>	PM	19.12.110/300'	No	1 year	19.104
Programs	F	-		A1	A2	-	None	No	1 year	19.104
Exceptions I	-	<u>F</u>		<u>E</u>	<u>A1-M</u>	PM	19.12.110/ Adjacent	Yes	1 year	19.104.290
Parking Exceptions I	<u>FM</u>	<u>F</u>		<u>E/A1</u>	<u>A1-M/A2</u>	Varies <u>NM</u>	19.12.110/ Adjacent/ 300' <u>ON</u>	Yes	1 year	19.124.050
Fence Exceptions	<u>E</u>	<u>F</u>		<u>A1-</u>	<u>A2 L</u>	PM	19.12.110/ Adjacent	Yes	1 year	19.48.060
Front Yard Interpretation	F	-		A1	A2	PM	19.12.110/ Adjacent	Yes	1 year	19.08
R-1 Ordinance Permits										
Two-story I	F	<u>F</u>		F/A1	A1 L/ A2	Varies I	19.12.110/ Adjacent	Yes	1 year	19.28.140
Minor Residential	F	-		A1	A2	CP		No	1 year	
Exceptions I	-	<u>F</u>		<u>E</u>	<u>A1-M</u>	PM		Yes	1 year	
Miscellaneous Ministerial Permit	F	-		-	-	None	Adjacent	Yes	1 Year	19.28.150 and 19.40.090
Miscellaneous Ministerial Permit	Not Allowed									
Protected Trees										

Table 19.12.030 - Approval Authority										
Type of Permit or Decision A, B	Administrative Review	Design Review Committee	Arts and Culture Commission	Planning Commission	City Council	Public Hearing/ Public Meeting/ Comment Period C	Noticing/ Noticing Radius D	Posted Site Notice	Expiration Date E	Chapter/ Findings
Tree Removal	F	-		A1	A2	CP	Adjacent unless exempt	Yes	1 year	14.18.180
Heritage Tree Designation & Removal	-	-		F	A1	PM	19.12.110/ 300'	Yes	-	14.18
Tree Management Plan	F	-		A1	A2	-	None	No	-	14.18
Retroactive Tree Removal	F	-		A1	A2	-	None	No	-	14.18
Reasonable Accommodation	F	-		A1	A2	-	None	No	1 year	19.52.050
Extensions <u>PQ</u>										
Parking, Fence & Sign Exceptions & Front Yard Interpretations	F	-		A1	A2	-	None	No	1 year	
Neon, Reader board & Freeway Oriented Signs	F			A1	A2	-	None	No	1 year	
Two Story Permits, Minor Residential Permits and Exceptions	F			A1	A2	-	None	No	1 year	
Tree Removals	F	-		A1	A2	-	-	No	1 year	
All other projects	F	-		A1	A2	-	19.12.110/ None	No	2 years	
Miscellaneous Ministerial Permit	Not Allowed									
Public Art Architectural and Site Approval Permits										
Public Art	-	-	F	-	A1	PM	None	None	None	2.80 and 19.148
Art in lieu payment	-	-	R	-	F	PM	None	None	None	2.80 and 19.148
KEY:										
R—Review and recommendation body						F—Final decision-making body unless appealed				
A1—Appeal Body on first appeal						A2—Appeal body on second appeal				
PH—Public Hearing						PM—Public Meeting				
CP—Comment Period										

Notes:

- A. Permits can be processed concurrently with other applications, at the discretion of the Director of Community Development.
- B. Projects with combined applications shall be processed at the highest level of approval in conformance with Section 19.04.090.
- C. Public Hearing: Projects types that need noticing pursuant to the CA Government Code; Public Meeting: Project types that need only a mailed notice and no newspaper notices; Comment Period: Project types that need only a mailed notice and do not need a public hearing or public meeting.
- D. Noticing Radius of an application in a combined application shall correspond to the maximum noticing radius required for any one of the applications.
- E. Expiration date of an application in a combined application shall correspond to the maximum expiration date allowed for any one of the development applications (not including Subdivision Map Act applications, General Plan Amendments and Zoning Map or Text Amendments.)
- F. Major General Plan Amendment, Conditional Use Permit, Development Permit application - for more than ten thousand square feet of commercial and/or industrial and/or office and/or other non-residential use, or greater than six residential units.
- G. Minor General Plan Amendment, Conditional Use Permit, Development Permit application - for ten thousand square feet or less of commercial and/or industrial and/or office and/or other non-residential use, or six or less residential units.
- H. City Council review for applications with new development greater than fifty thousand square feet of commercial, and/or greater than one hundred thousand square feet of industrial and/or office and/or other non-residential use, and/or greater than fifty residential units.

Planning Commission review for all other applications.
- I. Please see specific zoning district regulations or chapters in this title that apply to the subject property or project for approval authority.
- J. Major Architectural and Site Approval application - architectural and site approval for all projects that are not a Minor Architectural and Site Approval application.

K. Minor Architectural and Site Approval application - single family home in a planned development zoning district, minor building architectural modifications, landscaping, signs and lighting for new development, redevelopment or modification in such zones where review is required and minor modifications of duplex and multi-family buildings.

L. Meeting type and noticing are dependent on the underlying permit being modified.

~~M. Appeals of Design Review Committee decisions shall be heard by the City Council.~~

NM. Parking Exceptions approved by the Director of Community Development need a comment period.

~~—Parking Exceptions approved by the Design Review Committee need a public meeting.~~

ON. Parking Exceptions in Single-family residential (R1) zones and Duplex (R2) zones need adjacent noticing.

All other Parking Exceptions need notices within three hundred feet of the exterior boundary of the subject property.

PO. Application must be filed prior to expiration date of permit. Permit is extended until decision of the Approval Body on the extension.

19.12.050 ~~Authority of the Design Review Committee.~~

~~—Subject to the provisions of this chapter and general purpose and intent of this title, the authority of the Design Review Committee is as follows:~~

~~—A. Grant any permits and exceptions which are authorized to be issued by the Design Review Committee pursuant to Section 19.12.030 and any other provisions of this code;~~

~~—B. Grant parking exceptions for projects that are in conjunction with permits which are authorized to be issued by the Design Review Committee pursuant to Section 19.12.030. [repealed]~~

19.12.120 Action by Director of Community Development–Administrative.

A. For applications requiring Administrative review with no public meeting, public hearing or comment period, the Director of Community Development or his or her designee may, subject to the requirements of Section 19.12.100, issue his or her decision no later than thirty days from receipt of all information, unless referred to a different approval authority for a decision.

B. For applications requiring Administrative review with a public meeting, public hearing or comment period, the Director of Community Development or his or her designee may, subject to the requirements of Section 19.12.100:

1. Issue his or her decision at the conclusion of the public meeting, public hearing or comment period;

2. Continue the item for additional public hearings, public meetings or comment period; or

3. Defer action by taking the item under advisement and issuing the decision no later than thirty days following the public meeting, public hearing or comment period.

No additional noticing is required if a project is continued.

C. For applications where a public meeting or public hearing is required to be held before the Director of Community Development, the meeting shall be held in the same manner as a ~~Design Review Committee~~ Planning Commission meeting.

19.12.130 Action by ~~Design Review Committee~~ and Planning Commission.

A. For applications where the ~~Design Review Committee~~ or Planning Commission is the Approval Body, it shall render a decision, which is supported by the evidence contained in the application or presented at the meeting, at the meeting, or at a subsequent meeting after conclusion of the public hearing or public meeting, subject to the requirements of Section 19.12.100.

B. For zoning map amendments, on the basis of evidence and testimony presented to the Planning Commission at the public hearing, the Planning Commission may determine that the public interest will be served, either by revising the area being considered for reclassification to include properties not originally part of the application, or by giving consideration to district classifications not originally requested by the application. The Planning Commission may, solely at its option, consider additional properties or district classifications, or both.

C. For applications requiring City Council approval, the reviewing body shall forward its written findings, determinations and recommendation to the City Council for final action, subject to the requirements of Section 19.12.100.

19.12.150 Notice of Decision and Reports.

A. Notice of decision:

1. The decision for applications approved with a public meeting or public hearing shall be mailed to the property owner and applicant at the address shown on the application.

2. The decision for applications approved with a comment period shall be mailed to the property owner and the applicant at the address shown on the application and any person who has commented on the proposed project within the comment period or during revocation proceedings.

3. The decision shall contain the following:

a. Applicable findings;

b. Any reasonable conditions or restrictions deemed necessary to secure the purpose of this title and to assure operation of the development and/or use in a manner compatible with existing and potential uses on adjoining properties and in the general vicinity; and

c. Reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the health, safety and welfare of the City.

4. The decision of the Director of Community Development, ~~Design Review Committee~~ or Planning Commission shall be final unless appealed in accord with Section 19.12.170. A decision of the City Council shall be final.

B. Reports: The Director of Community Development shall endeavor to forward reports, within five calendar days from the date of the decision, to the:

1. Planning Commission and the City Council of a decision by the Director of Community Development.

~~2. Planning Commission and the City Council of a decision by the Design Review Committee.~~

32. City Council of a decision by the Planning Commission.

19.28.040 Permits Required for Development.

Table 19.28.040 sets forth the planning permits required for development in the Single-Family Residential district.

Table 19.28.040 Permits Required			
Planning permit required prior to building permit application	Approval authority	Type of Project	Approval Authority
A. None		One-story single-family project that does not require exception or variance from the requirements of this chapter	<u>Admin.</u>
B. Minor Residential Permit, pursuant to Chapter 19.12, Administration	Admin.	1. One-story encroachment into a required rear yard setback, subject to requirements of Section 19.28.070	<u>Admin</u>
		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 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%	

Table 19.28.040 Permits Required			
Planning permit required prior to building permit application	Approval authority	Type of Project	Approval Authority
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	<u>Admin</u>
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	<u>Admin</u>
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: <ol style="list-style-type: none"> 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 	<u>Admin. with design review</u>
	DRC with design review	Two-story addition, new two-story home, and/or second story deck in the R1-a zone	<u>PC</u>
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].	<u>PC</u>
G. Hillside Exception, pursuant to Chapter 19.12, Administration		Development (area greater than 500 square feet) on slopes greater than 30%	
H. Architectural and Site Approval, pursuant to Chapter 19.12, Administration	<u>PC</u>	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 where the cut plus fill of the site exceeds 2,500 cubic yards	<u>PC</u>
I. Conditional Use Permit, pursuant to Chapter 19.12, Administration		Two-story addition or new two-story home in an R1 zoning district with an “i” suffix	

Table 19.28.040 Permits Required			
Planning permit required prior to building permit application	Approval authority	Type of Project	Approval Authority
J. Single-Story Overlay District Application, pursuant to Chapter 19.12, Administration	CC	Establishment or removal of a Single-Story Overlay District in a Single Family Residential District (Addition or removal of the "I" suffix in an R1 zoning district)	CC
K. Miscellaneous Ministerial Permit	Admin	<ol style="list-style-type: none"> 1. New one or two-story duplex project in an R1 zoning district pursuant to Government Code Section 65852.21 2. 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 	Admin

19.28.130 Exceptions.

Where results inconsistent with the purpose and intent of this chapter result from the strict application of the provisions hereof, exceptions to Sections 19.28.070, 19.28.080, and 19.28.110 may be granted by the ~~Design Review Committee~~ Planning Commission. The specific procedural requirements shall follow Chapter 19.12.

19.104.140 Permanent Wall Signs.

Table 19.104.140 sets forth the rules, regulations and processing applicable to permanent wall signs.

Table 19.104.140 Wall Signs						
Use/ zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed area and length	Max. Area			
Commercial & Industrial	1. One sign per business with exterior frontage 2. One additional for: – Businesses with no ground sign and adjacent to more than one street or shopping center driveway. – Sign directed to interior of project and not visible from any public right- of- way. – Single tenant building pad with more than 5,000 s.f.	1. 1 s.f. per linear ft of store frontage on which sign is located. 2. 70% of store frontage maximum 3. Length = total combined length of each row of sign copy 4. Minimum area = 20 s.f.	200 s.f.	1. No more than one wall sign per frontage 2. Shall not project above the roof or top of parapet, unless it is an integral part of the face of an architectural projection. 3. No projecting wall sign shall extend into a 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.	CDD	Meets Design Criteria in Section 19.104.220
Office & Institutional	1. One sign per business with exterior frontage 2. One additional for: – Businesses with no ground sign and adjacent to more than one street or major shopping center driveway. – Sign directed to interior of project and not visible from any public right- of- way.	1. 1 s.f. per linear ft. of business frontage on which sign is located. 2. 70% of business frontage maximum 3. Length = total combined length of each row of copy	40 s.f.	Same as above	CDD	Same as above

Table 19.104.140 Wall Signs						
Use/ zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed area and length	Max. Area			
CDD - Community Development Director; PC - Planning Commission; DRC – Design Review Committee; s.f. = square feet; ft = feet						

19.104.150 Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias.

Table 19.104.150 sets forth the rules, regulations and processing applicable to Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias.

Table 19.104.150: Permanent Window Signs, Blade Signs & Logos, Symbols or Insignias						
	Use/Zoning	Number	Maximum Area	Location	Review Authority	Review Criteria
A. Permanent Window Signs	All	One or more	<ul style="list-style-type: none"> ▪ Considered part of wall sign area ▪ 25% of window surface of each storefront bay. ▪ Neon window sign = 4 s.f. 	Perimeter neon window signage not allowed	CDD	Meets Design Criteria in Sec. 19.104.220
			<ul style="list-style-type: none"> ▪ One “open” sign less than two s.f. exempt 			
B. Blade Signs	All except residential districts	One on each frontage up to a maximum of two	6.5 s.f.	Between 8 ft. and 12 ft. above pedestrian walkways.	<ul style="list-style-type: none"> ▪ Illuminated – CDD ▪ Not illuminated - Exempt 	Shall be pedestrian oriented only and shall meet Design Review Criteria in Sec. 19.104.220
C. Logos, Symbols or Insignia	All except residential districts	Same as Sec. 14.24.050	9 s.f.	Same as Sec. 19.104.140	<ul style="list-style-type: none"> ▪ Illuminated – CDD ▪ Not illuminated - exempt 	Shall meet Design Review Criteria in Sec. 19.104.220 and restrictions in Sec. 19.104.190
CDD - Community Development Director; PC - Planning Commission; DRC – Design Review Committee; s.f. = square feet; ft = feet						

19.104.160 Ground Signs.

Table 19.104.160 sets forth the rules, regulations and processing applicable to Ground Signs.

Table 19.104.160: Ground Signs

Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed Area & Length	Maximum Height			
All non-residential areas	<ul style="list-style-type: none"> ▪ One sign if minimum 100 ft. street frontage ▪ Two signs if 500 ft. street frontage 	<ul style="list-style-type: none"> ▪ One s.f. per four linear ft. of street frontage. ▪ Maximum area = 100 s.f. ▪ V-shaped and signs with more than two faces: Area of all faces of sign = Total Sign Area. ▪ Double faced signs: Area of larger face of sign = Total Sign Area ▪ Maximum number of tenants on sign = six 	<ul style="list-style-type: none"> ▪ Eight ft. ▪ Street address numbers or range of numbers for businesses shall be clearly identified in numbers not less than 5 inches in height 	<ul style="list-style-type: none"> ▪ Corner property: Sign has to be located on street frontage with the site’s address. ▪ Every ground sign shall be located wholly on the property for the use which the sign is advertising is located on. ▪ No portion of any ground sign shall be located closer than one foot from the public right-of-way. ▪ No portion of any sign over three feet in height shall be located within a corner triangle or sidewalk site triangle. ▪ Signs on interior lots <200 ft. of frontage shall be located within the center 50% of the lot frontage. ▪ Interior lots > 200 ft. of frontage shall locate ground signs no closer than 50 ft 	CDD	<ul style="list-style-type: none"> ▪ Shopping Center or multitenant commercial development with a center name shall emphasize that name ▪ Shall meet Design Criteria in Section 19.104.220

Table 19.104.160: Ground Signs						
Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
		Allowed Area & Length	Maximum Height			
				from a side property line (See Appendix A) <ul style="list-style-type: none"> No ground sign shall be located closer than one hundred feet from any other ground sign on the same property 		

CDD - Community Development Director; PC - Planning Commission; ~~DRC - Design Review Committee~~; s.f. = square feet; ft = feet

19.104.170 Gasoline Station Signs.

Table 19.104.170 sets forth the rules, regulations and processing applicable to Gasoline Station Signs.

Table 19.104.170: Gasoline Station Signs					
Type of Sign	Number	Size, Maximum Area and Allowable Area	Location	Review Authority	Review Criteria
A. Wall Sign	Same as Sec. 19.104.140	Same as Sec. 19.104.140	Same as Sec. 19.104.140	CDD	<ul style="list-style-type: none"> Meets Design Criteria in Sec. 19.104.220
B. Ground Sign	1 ground sign regardless of frontage	Same as Sec. 19.104.160	Same as Sec. 19.104.160	CDD	<ul style="list-style-type: none"> Meets Design Criteria in Sec. 19.104.220
C. Fuel Price Ground Sign	Fuel price sign to be incorporated into the design of the ground sign	Computes toward Allowable Ground Sign Area	See above	CDD	<ul style="list-style-type: none"> Is incorporated into the design of the ground sign Letter size of price display on fuel price sign shall not exceed minimum specifications contained in Sec. 13532 of the California Business and Professions Code Meets Design Criteria in Sec. 19.104.220

<p>D. Fuel Price Wall Sign</p>	<p>If service station is not identified on ground sign, in addition to any wall sign allowed to the service station per Sec. 19.104.140, a second fuel price sign is allowed</p>	<p>Number of product prices on fuel price sign not to exceed eight per face.</p>	<p>Attached to the wall of the building facing the public street</p>	<p>CDD</p>	<ul style="list-style-type: none"> ▪ Same as above.
<p>CDD - Community Development Director; PC - Planning Commission; DRC - Design Review Committee</p>					

19.104.180 Electronic Readerboard Signs, Changeable Copy Signs, Exposed & Visible Neon Signs, Decorative Statuary and Beverage Container Recycling Signs.

Table 19.104.180 sets forth the rules, regulations and processing applicable to Electronic Readerboard Signs, Changeable Copy Signs, Exposed & Visible Neon Signs, Decorative Statuary and Beverage Container Recycling Signs.

<p>Table 19.104.180 Electronic Readerboard Signs, Changeable Copy Signs, Exposed or Visible Neon Signs, Decorative Statuary & Beverage Container Recycling Signs</p>						
	Use/ Zoning	Number	Size and Height	Location	Review Authority	Review Criteria
<p>A. Electronic Readerboard Signs</p>	<p>Commercial</p>	<p>One sign for centers with 20 tenants or more and 50,000 s.f. of gross floor area</p>	<p>Same as Sec. 19.104.160</p>	<ul style="list-style-type: none"> ▪ No closer than 500 ft from any residential district on the same street as the sign ▪ Same as Sec. 19.104.160 	<p>PC</p>	<p>Background of electronic readerboard will be the same color as the primary background. If not practical, then a color that is complementary to the background color shall be used</p>
<p>B. Change- able Copy Signs</p>	<p>Commercial</p>	<p>N/A</p>	<p>Included in total allowable</p>	<p>N/A</p>	<p>CDD</p>	<p>Deemed necessary to the type of merchandising of that business. Shall consist of permanent sign and symbols</p>

			wall sign area			or letters made of high quality and durable materials
C. Exposed or visible neon signs	All	N/A	N/A	N/A	DRC CDD	Shall meet Illumination Restrictions in Section 19.104.230
D. Decorative Statuary	All except residential districts	N/A	N/A	N/A	<p>If DRC determine s it is Fine Art, it may refer to another commission is CDD</p> <p>If not publicly visible, then exempt</p>	In conjunction with the overall architectural design of the building, the landscaping scheme and the sign program for the business.
E. Beverage Container Recycling	Where allowed	<ul style="list-style-type: none"> ▪ Wall signs-as allowed by Sec. 19.104.140 ▪ Ground signs- as allowed by Sec. 19.104.160 ▪ One building mounted sign 	10 s.f. maximum	N/A	N/A	<ul style="list-style-type: none"> ▪ Dealer subject to provisions of California Beverage Container Recycling and Litter Reduction Act of 1986. ▪ Sign should contain information concerning a certified recycling center as described in Sections 14570 and 14571 of Public Resources Code. ▪ Certified Redemption Center sign - subject to limitations and review procedure of zoning district where it is located.
<p>CDD - Community Development Director; PC - Planning Commission; DRC Design Review Committee; s.f. = square feet; ft = feet</p>						

19.104.190 Signs in and Near Residential Districts.

Table 19.104.190 sets forth the rules, regulations and processing applicable to Signs in and near Residential Districts.

Table 19.104.190 Signs in and near Residential Districts							
	Use/ Zoning	Number	Size		Location	Review Authority	Review Criteria
			Area	Height			
A. Signs near residential districts	All except residential	<ul style="list-style-type: none"> ▪ Wall Sign- Same as Sec. 19.104.140 ▪ Ground Sign - Same as Sec. 19.104.160 	<ul style="list-style-type: none"> ▪ Wall Sign - Same as Sec. 19.104.140 ▪ Ground Sign - Same as Sec. 19.104.160 	<ul style="list-style-type: none"> ▪ Wall Sign - Same as Sec. 19.104.140 ▪ Ground Sign - Same as Section 19.104.160 	No internally illuminated sign permitted within 100 ft from any residential districts except if the sign face is mounted so it is not visible to any residence within 100 ft of the sign	CDD	Shall meet design criteria specified in Sec. 19.104.220
B. Name plates, streets or Unit numbers	Residential	One or more	2 s.f. or less	N/A	N/A	CDD	
C. Development Identification Signs	Residential	<ul style="list-style-type: none"> ▪ One sign for interior lot ▪ Two signs for corner development 	32 s.f.	5 ft	<ul style="list-style-type: none"> ▪ If one sign allowed, at major entry ▪ If two allowed, one on each street front 	CDD	<ul style="list-style-type: none"> ▪ Shall contain only name and address of development. ▪ Shall meet design criteria specified in Sec. 19.104.220
CDD - Community Development Director; PC - Planning Commission; DRC - Design Review Committee ; s.f. = square feet; ft = feet							

19.124.050 Exceptions—Approval Authority.

A. The Director of Community Development may approve the following exceptions upon making the written findings in Section 19.124.060:

1. Exceptions to this chapter for properties located in:
 - a. The Single-Family (R-1) Residential Zoning District;

- b. The Duplex (R2) Zoning District;
 - 2. Single Family homes or duplexes in a Planned Development District;
 - ~~3. —2.—Tandem parking arrangements in residential zoning districts;~~
 - 4. Parking exceptions for Minor applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060.
- B. ~~The Design Review Committee may approve parking exceptions for Minor applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060;~~
- ~~C.—The Planning Commission may approve parking exceptions for Major applications as identified in Section 19.12.030, upon making written findings in Section 19.124.060.~~