



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

CITY HALL
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CITY COUNCIL STAFF REPORT

Meeting: April 6, 2021

Subject

Second reading of Ordinance No. 21-2225 adopting Municipal Code Amendments for glazing and lighting regulations to implement the Fiscal Year 2019/20 City Council Work Program items related to Dark Sky and Bird-Safe Design. (Application No. MCA-2019-003 and MCA-2019-004; Applicant: City of Cupertino; Location: City-wide)

Recommended Action

Conduct the Second Reading and enact Ordinance No. 21-2225 "An Ordinance of the City Council of the City of Cupertino Amending City Code to add 19.102: Glass and Lighting Standards and to Amend Chapter 19.40 Residential Hillside (RHS) Zones, Chapter 19.60 General Commercial (GC) Zones, Chapter 19.72 Light Industrial (ML) and Industrial Park (MP) Zones, and Chapter 19.124 Parking Regulations to Implement Bird-safe and Dark Sky Policies," which includes a finding that the proposed actions are exempt from CEQA.

Discussion

On March 16, 2021, the City Council introduced and conducted the first reading of Ordinance No. 21-2225. The motion passed on a 5-0 vote. The motion to adopt the ordinance included the following amendments and clarifications:

- Bird-safe glass exemption amended to exempt only first floor retail storefronts, up to a height of 15'. The ordinance had previously exempted all commercial storefronts, up to a height of 15',
- Lighting spill-over onto adjacent or nearby property was amended to zero point one (0.1) foot-candles instead of 1 foot-candle.
- For parking lots, sidewalks, and certain other areas accessible to pedestrians and automobiles, the minimum average horizontal maintained illumination (one foot-candle) was removed,
- Enumeration under the string lighting subsection was corrected, and
- The lighting color for Parking Lot and Structured Parking Lighting under Chapter 19.124: Parking Regulations was changed to be consistent with the dark sky provisions to be 3,000 Kelvin or less.

Council motion included a request to present a one-year review on implementation of the ordinance. This will be presented in Spring 2022.

Environmental Review

The proposed ordinance is exempt from environmental review under California Environmental Quality Act (“CEQA”) Guidelines section 15308 because these regulations are being adopted to assure the maintenance, restoration, enhancement, or protection of the environment; CEQA Guidelines section 15301 because the regulations would result in the minor alteration of existing public or private structures without any expansion of use; CEQA Guidelines section 15305 because the regulations involve minor alterations in land use limitations that do not alter permitted uses or density; and CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that these regulations related to bird safety will have no possibility of a significant effect on the environment; and that none of the exceptions in CEQA Guidelines section 15300.2 apply to the proposed ordinance.

Public Noticing & Outreach

The following noticing has been conducted for this project:

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Legal ad placed in newspaper (<i>at least 10 days prior to hearing</i>)▪ Display ad placed in newspaper (<i>at least 10 days prior to hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>four days prior to hearing</i>)▪ Posted on the City of Cupertino’s Web site (<i>four days prior to hearing</i>)

Sustainability Impact

The proposed ordinance has no sustainability impact.

Fiscal Impact

There are no fiscal impacts to the City’s General Fund.

Next Steps

The ordinance will be effective 30 days after the second reading/adoption.

Prepared by: Erick Serrano, Senior Planner

Reviewed by: Piu Ghosh, Planning Manager

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Ordinance No. 21-2225

B – Redlines from March 16, 2021