

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO TO
UPDATE THE MUNICIPAL CODE TO IMPROVE CITY OPERATIONS AND
BRING THE CUPERTINO MUNICIPAL CODE UP TO DATE BY (1) ENACTING
CITY CODE SECTIONS 2.36.085 AND 2.74.075 AND CHAPTER 2.110;
(2)AMENDING SECTIONS 1.12.010, 2.48.020, 2.60.050, 2.68.050, 2.74.040, 2.80.090,
2.86.070, 2.92.090, 3.23.060, 8.06.030, 14.04.125, 14.18.090, 16.52.043, 16.52.053, 18.04.020,
19.102.030, AND 19.104.220 AND TABLE 19.124.040; AND (3) REPEALING SECTION
11.08.020**

WHEREAS, the City Code of the City of Cupertino requires periodic updates in order to improve City operations and bring the Code up to date with current law and policy; and

WHEREAS, this Ordinance makes minor revisions to the Cupertino Municipal Code to reflect changes in law, provide clarification to the community, and provide for improved customer service and administration of City business.

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

SECTION 1. Adoption.

The Cupertino Municipal Code is hereby amended as set forth in Attachment 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. 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 proposed action would have no or only a de minimis effect on the environment because it makes only minor, non-substantive revisions to the Municipal Code. 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 November 16, 2021 and **ENACTED** at a regular meeting of the Cupertino City Council on _____, 2021 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

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

**ATTACHMENT A – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CUPERTINO TO UPDATE THE MUNICIPAL CODE TO IMPROVE CITY
OPERATIONS AND BRING THE CUPERTINO MUNICIPAL CODE UP TO DATE BY
(1) ENACTING CITY CODE SECTIONS 2.36.085 AND 2.74.075 AND CHAPTER 2.110;
(2)AMENDING SECTIONS 1.12.010, 2.48.020, 2.60.050, 2.68.050, 2.74.040, 2.80.090,
2.86.070, 2.92.090, 3.23.060, 8.06.030, 14.04.125, 14.18.090, 16.52.043, 16.52.053, 18.04.020,
19.102.030, AND 19.104.220 AND TABLE 19.124.040; AND (3) REPEALING SECTION
11.08.020**

*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.*

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

1. Amendments to Section 1.12.010 (Fines for Violations of Code)

1.12.010 Violation of Code.

A. It is unlawful for any person to perform any act that is prohibited, made or declared to be unlawful or an offense by the code, or to violate any provision or fail to comply with any of the requirements of this code. A violation of any provision or failing to comply with any of the mandatory requirements of the code shall constitute a misdemeanor, except where the violation is specifically declared to be an infraction.

B. Notwithstanding the above, any violation constituting a misdemeanor may, in the discretion of the City Attorney, be charged and prosecuted as an infraction.

C. When a violation of a provision of this code which otherwise constitutes an infraction continues to occur and the violator has been charged with a violation of the same provision as an infraction on at least four separate occasions and within one year has forfeited bail on each such occasion, in that event, the City Attorney, in his or her discretion, may charge a violation of any such provision as a misdemeanor.

D. Unless otherwise specified by this code, an infraction is punishable by:

1. A fine not to exceed \$100 for the first violation of a code provision;
2. A fine not to exceed \$20s0 for a second violation of the same code provision within one year; and
3. A fine not to exceed \$500 for each subsequent violation of the same code provision within one year.

E. Unless otherwise specified by this code, a misdemeanor is punishable by a fine not to exceed \$1,000, imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

~~F. Notwithstanding the foregoing and unless otherwise specified by this code, a code violation of § 8.01.030, Animals Running at Large, § 8.01.030, Public Nuisance, § 8.03.010, Restraint of Dogs, § 13.04.130D, Behavior of Persons in Parks, and § 13.04.130P, Feeding Waterfowl Prohibited, shall be subject to a maximum fine as follows:~~

- ~~1. Fifty dollars for the first violation of a code provision;~~
- ~~2. One hundred dollars for the second violation of the same code provision within one year; and~~
- ~~3. Two hundred dollars for each subsequent violation of the same code provision within one year~~

2. Addition of Sections 2.36.085 and 2.74.075; Amendments to Sections 2.60.050, 2.68.050, 2.80.090, 2.86.070, and 2.92.090

New Section 2.36.085 Added to the Municipal Code

2.36.085 Compensation–Expenses.

Members of the Park and Recreation Commission shall serve without compensation. Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

2.60.050 Compensation–Expenses.

~~Members of the Public Safety Commission shall serve without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacities shall be paid by appropriate action of the City Council.~~ Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

2.68.050 Compensation–Expenses.

~~Members of the Library Commission shall serve without compensation, but all necessary expenses reasonably incurred by them while acting in their official capacities shall be paid by appropriate action of the City Council.~~ Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

New Section 2.74.075 Added to the Municipal Code

2.74.075 Compensation–Expenses.

Members of the Technology, Information, and Communications Commission shall serve without compensation. Commissioners may be reimbursed for necessary

expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

2.80.090 Compensation–Expenses.

Members of the Fine Arts Commission shall serve without compensation, ~~but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid by appropriate action of the City Council.~~ Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

2.86.070 Compensation–Expenses.

~~Members shall serve on the Housing Commission without compensation.~~ Members of the Housing Commission shall serve without compensation. Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

2.92.090 Compensation–Expenses.

Members of the Bicycle Pedestrian Commission shall serve without compensation, ~~but all necessary expenses reasonably incurred by them while acting in their official capacity shall be paid by appropriate action of the City Council.~~ Commissioners may be reimbursed for necessary expenses reasonably incurred by them while acting in their official capacity subject to the approval of the City Manager.

3. Amendments to Section 2.48.020 (Departments and Divisions)

2.48.020 Departments and Divisions.

The following departments are established:

A. Department of Administrative Services.

1. This department shall consist of the following divisions:

~~— a. City Clerk Division. This division shall be charged with the duties and responsibilities of a City Clerk as set forth by State statute and Chapter 2.20 of the Municipal Code.~~

ab. Finance Division. This division shall be responsible for the day-to-day processing of fiscal records, the preparation of financial statements and the annual operating budget, the compilation of fiscal data from which a capital improvements budget may be constructed, and the preparation of other statistical and fiscal analysis.

be. Human Resources Division. This division shall be responsible for code enforcement, personnel, disaster preparedness, risk management and special projects.

2. The Director of Administrative Services shall be head of this department, ~~with the City Clerk being responsible for the activities within the City Clerk Division,~~ the

Finance Officer being responsible for the activities within the Finance Division, and the Personnel Officer being responsible for activities within the Human ~~Services~~ Resources Division.

3. The Director of Administrative Services also shall be appointed Treasurer and also shall act as ex officio Assessor and shall assess and collect all City taxes save and except for those collected by State and County officers for the City.

B. Department of Community Development.

1. This department shall have the following divisions:

a. Planning Division. This division shall be responsible for current and long-range planning, the development and maintenance of the general plan and specific plans, and the processing of applications for planned development permits, use permits, variances, and changes of zoning, and the sign ordinance.

b. Building Division. This division shall be responsible for the enforcement of the building codes, the sign ordinance and other similar regulatory ordinances.

2. The Director of Community Development shall be the head of this department, with the Building Official being responsible for activities within the Building Division.

C. Department of Public Works.

1. This department shall have the following divisions:

a. Administrative Division. This division shall be responsible for providing general administration for the Department of Public Works, including general oversight and management of the municipal water system lease.

b. Development Services Division. This division shall be responsible for all coordination of reviews for private development applications as well as permitting for encroachments into the public right of way.

c. Streets Division. This division shall be responsible for the maintenance of all streets, storm drains, street lights, sidewalks, curbs, gutters, easements and medians.

d. Facilities and Fleet Division. This division shall be responsible for all buildings, and the maintenance of the city's vehicle and equipment fleet.

e. Grounds Division. This division shall be responsible for the maintenance of all park sites, leased school sites and grounds around other City owned properties.

f. Trees and Right of Way Division. This division shall be responsible for public trees, street medians, and other landscaped areas within the public right of way.

g. Transportation Division. This division shall be responsible for the planning and design of transportation facilities, oversight of the Safe Routes to Schools Program, and the operation and maintenance of the city's traffic signals.

h. Environmental Programs Division. This division shall be responsible for the garbage and recycling franchised hauler contract and provides garbage and recycling customer service for residents and business owners, as well as overseeing compliance with the state stormwater permit.

i. Capital Improvement Program (CIP) Division. This division shall be responsible for the design and construction administration for all capital improvement projects including streets, storm drainage, buildings, parks, and other public facilities.

2. The Director of Public Works shall be the head of this department.

D. Department of Parks and Recreation.

1. This department shall be responsible for:

- a. All recreational programs and services sponsored by the City;
- b. Management of all recreation facilities including Quinlan Community Center, Sports Center, Senior Center, and Monta Vista Recreation Center;
- c. Operation and management of Blackberry Farm golf course and picnic grounds;
- d. Planning and development of existing and future park sites.

2. The Director of Parks and Recreation shall be the head of this department.

E. Department of Public Safety.

1. This department shall be responsible for law enforcement and fire protection services. However, since these services are presently contracted for or provided by a special district, this department shall not be implemented, and the Director of Public Safety shall not be appointed, until the City Council, by appropriate ordinance, resolution, or other action, determines to administer its own law enforcement and/or fire protection services.

2. The Director of Public Safety shall be the head of this department. He shall also be appointed Chief of Police and Fire Chief.

F. Department of Innovation & Technology.

1. This department shall have the following divisions:

- a. Applications Division. This division is responsible for development, procurement, project management, implementation and ongoing maintenance of all enterprise-level and online applications, and the maintenance of the City's website.
 - b. Infrastructure Division. This division provides for all technology-related expenses for the citywide management of information technology services.
 - c. GIS Division. This division captures, manages, analyzes, and displays all forms of geographically referenced information for the City.
 - d. Innovation Technology Division. This division is responsible for strategic planning, governance, policy setting, and overall administration of the department.
2. The Chief Technology Officer shall be the head of this department.

4. Amendment of Section 2.74.040 (Technology, Information, and Communications Commission Meetings)

2.74.040 Meeting–Quorum–Officers–Staff.

A. The Technology, Information, and Communications Commission shall hold regular meetings at least once every three months and at the discretion of the Commission shall hold other meetings as may be necessary or expedient. A majority of the Commission shall constitute a quorum for the purpose of transacting the business of the Commission.

B. The Commission shall elect a chairperson and a vice chairperson, both of whom shall serve at the pleasure of the Commission. The terms of office shall be for one year.

C. The City Manager shall appoint a staff member to attend Commission meetings and to provide liaison and support as needed.

~~D. The Foothill De Anza Community College District shall appoint a staff member to attend Commission meetings and to provide liaison and support as needed.~~

5. Addition of Chapter 2.110 (Teleconference Meetings)

CHAPTER 2.110: TELECONFERENCE MEETINGS

2.110.010 Teleconference Meetings.

A. Notwithstanding Section 2.04.030 or any other provision of this Title, the City Council may meet by teleconference without providing a physical meeting location if it complies with the requirements of Government Code Section 54593(e).

B. The City Council may by resolution require or permit any other commission, board, or committee organized under this Title to meet by teleconference without providing a physical meeting location, provided that the requirements of Government Code Section 54593(e) are satisfied.

C. For meetings where a physical location is provided, the City Council may adopt rules, policies, and procedures to allow for public access to the meeting via teleconference.

6. Amendment of Section 3.23.060 (Public Works Contracts – Opening Bids)

3.23.060 Opening Bids.

Bids shall be opened ~~in public at the time and place on the date~~ stated in the notice inviting bids. ~~A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than fifteen calendar days after the bid opening. Any bid which is received after the time specified in the notice shall be returned unopened.~~ A tabulation of all bids received shall be posted on the City's

website within 48 hours of the bid opening and will remain posted for a period of not less than fifteen calendar days after the bid opening. Any bid which is submitted after the time specified in the notice shall not be considered.

7. Amendments to Section 8.06.030 (Fees for Keeping a Dangerous Animal)

8.06.030 Permit Period and Fee.

The fee for a permit to keep or maintain one or more dangerous animals shall be ~~fifty dollars~~ for a twelve-month term, and ~~the fee for each additional dangerous animal~~ shall be ~~one hundred dollars set by resolution of the City Council~~. The permit shall expire and be renewable as set forth in Section 8.05.040.

8. Repeal of Sections 11.08.020 (Registration and Licensing of Bicycles)

11.08.020 Reserved. Compliance Required.

~~—It is unlawful for any resident of the City to operate any bicycle on any street, road, highway or other property within the jurisdiction of the City, unless the bicycle is registered and licensed as provided in this chapter.~~

9. Amendments to Sections 14.04.125, 14.18.090, 18.04.020, 19.102.030, and 19.104.220 and Table 19.124.040 (References to Department of Community Development and Planning Division)

14.04.125 Rules and Regulations for Installation, Modification or Removal of Traffic Diverters.

A. Definitions.

1. A “diagonal diverter” extends through the center of an intersection from one corner to the opposite corner across an intersection forcing a turn to the right or left.
2. A “full diverter” (cul-de-sac type) is placed across both lanes of traffic and prohibits both exit from and entrance to a street
3. “Local street” means any street other than a major or minor collector as shown in Table 4-B of the circulation element of the General Plan. The circulation element calls for the deliberate discouragement of through traffic of such streets.
4. “Official traffic-control signs” means the signs approved by Caltrans in accordance with the California Vehicle Code Section 21400.
5. A “semidiverter” is placed across one lane of traffic and prohibits entry to or exit from a street.
6. “Traffic diverter” means a roadway design feature which is placed upon a street or roadway in order to prohibit vehicular traffic from entering to or exiting from or both to and from any street.

B. Rules.

1. Traffic diverters shall be placed only on streets under the jurisdiction of the City.
2. Traffic diverters shall be placed only on local streets.
3. The diverter shall be in conformance with the policies of the circulation element of the General Plan.
4. Placement of diverters shall be consistent with the responsibility of the City to provide for the health and safety of its citizens, including provision of emergency vehicle access, effective decreases in exposure to noise and pollution, and decreasing accidents and energy use.
5. Appropriate traffic-control signs shall be placed on and in the vicinity of each diverter.

C. Regulations.

1. A request for installation, removal or modification of a diverter may be initiated by the Department of Public Works or by the City Council. The request shall specify the proposed action and state reasons for the suggested installation, removal or modification of a diverter.

2. Each request for installation, removal or modification of a diverter shall be reviewed by staff, who shall prepare a written report containing the following information to be submitted to the City Council:

a. The actions proposed and the reasons for support of the request For existing diverters, the report shall include the history of the diverter, including the date of installation, reason why it was installed, complaints received, if any, and statements of support received, if any;

b. Existing conditions in the area which would be affected by the proposed installation, removal or modification include, but are not limited to:

- i. Traffic volumes, patterns and speeds,
- ii. Existing traffic control and traffic-control and traffic-management devices,
- iii. On-street parking levels and patterns,
- iv. Accident data, and
- v. Emergency-vehicle access routes, public transit and school bus routes, and other public service and delivery routes.

Both the streets directly affected by the diverter and the streets which would be expected to handle diverted traffic shall be considered. For existing diverters, the accident data should include an assessment of the role, if any, that the diverter may have played (both positive and negative);

- c. Design options of the diverter or diverters;
- d. Probable impacts of the proposed installation, removal or modification, including but not limited to impacts on the conditions described under subsection C2b of this section; on air pollution, fuel use, and noise; on transit service; on emergency-vehicle access times; on residential quality of life, and estimated costs. Both streets

directly affected by the diverter or diverters and the streets which would be expected to handle diverted traffic shall be considered;

e. Staff shall request comments on the proposed diverter from the Departments of Public Safety and ~~Planning and~~ Community Development and the County Transit District if any routes are impacted, and shall attach these comments to the report;

f. Alternatives to the proposed action;

g. Statements or findings necessary to comply with the California Environmental Quality Act;

h. Staff recommendation.

3. In addition to transmitting the staff report to the City Council, staff shall also send copies of the report to the initiator of the request, to neighborhood organizations in the area of the proposed action, to individuals who have stated an interest in such matters, and to the County Transit District if any bus routes are impacted.

4. Notice of a public hearing shall be given pursuant to the manner set forth in Chapter 19.116 of the Cupertino Municipal Code.

5. After the close of the public hearing, the City Council may order a report recommending that a diverter or diverters be installed or removed or modified, or that no change be made. The report shall contain written findings that the proposed action meets each of the requirements set forth in subsection B of this section, shall specify the effect of the proposed action on traffic volume and on the health and safety of Cupertino citizens as outlined in subsection B4 of this section, and that the action complies with CEQA. The City Council may adopt the staff report as the findings in support of its decision.

6. The Public Works Department shall process the appropriate environmental document.

7. The Director of Public Works shall submit all reports generated pursuant to these regulations to the City Council.

8. The City Council shall by resolution authorize the installation, removal or modification of any diverter. If the proposal is for the installation of a new diverter, then the Director of Public Works shall review the diverter after six months of operation concerning any and report the conclusions of operation concerning any impacts as outlined in subsection C2b of this section and report the conclusions of such review to the City Council.

D. Improvements. The Department of Public Works shall consider physical improvements for the designated diverters during each year's budget process. Any such improvements shall be processed in the same manner as any capital improvement in the City, except that the Department of Public Works may accept contributions in cash or in kind to provide for improvements of diverters. First priority shall be given to improving any diverter to enhance public health and safety. Second priority for

placement of physical improvements shall be given to diverters in order of their date of installation.

14.18.090 Heritage Tree Identification Tag.

Heritage trees shall have on them an identification tag, purchased and placed by the City, inscribed with the following information:

CITY OF CUPERTINO
HERITAGE TREE NO. ____
is protected by the Protected Trees Ordinance.
Do not prune or cut
before contacting the City Planning ~~Department~~ Division
at (408) 777-3308.

18.04.020 Purpose.

It is the purpose of this title to regulate and control the division of land within the City and to supplement the provisions of the Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the Planning Commission, the City Engineer, the Department of ~~Planning and Community~~ Development and City Council regarding such maps. To accomplish this purpose, the regulations outlined in this title are determined to be necessary for the preservation of the public safety and general welfare, to promote orderly growth and development and to promote open space, conservation, protection, and proper use of land and to insure provisions for adequate traffic circulation, utilities and services.

19.102.030 Bird-safe Development Requirements.

A. Application submittal requirements: All projects that are subject to the bird-safe development requirements shall submit the following:

1. Elevation drawings indicating the bird-safe treatment and how the proposed treatment meets the requirements of Section 19.102.030(B) and (D);
2. Cross sections, if required;
3. Other exhibits indicating consideration and incorporation of the regulations in Section 19.102.030(B), (C), and (D); and
4. Biologist report in support of alternative compliance method pursuant to Section 19.102.030(B)(3), if proposed.

B. Fenestration and Glass Requirements

1. Façades of all projects subject to bird-safe development requirements shall have:
 - a. No more than 10% of the surface area of the façade be untreated glass between the ground and 60 feet above ground.

b. No more than 5% of the surface area of the façade be untreated glass between 60 feet above ground and up.

2. Standard Compliance Treatments: The Planning Division may maintain a list of acceptable bird-safe treatments that may be updated from time to time. The list may include, but not be limited to, permanent treatments such as opaque glass, window muntins, exterior insect screens, exterior netting, or special glass treatments such as fritting to provide visual cues and reduce the likelihood of bird collisions. Glass treatments must have high color contrast with the glass and be applied to the outermost surface. Prior to publication of the list, the Planning ~~Department~~ Division may review information available from interest groups, such as the National Audubon Society.

3. Alternative Compliance Method: Property owners/applicants may propose an alternate compliance method recommended by a qualified biologist to meet the requirements and intent of this section. The alternate compliance method shall be peer-reviewed by a third-party consultant, paid for by the applicant, and subject to the approval of the Director of Community Development.

C. Non-residential Indoor Lighting Requirements:

1. Install time switch control devices or automatic occupancy sensors on non-emergency interior lights that are programmed to turn off at eleven p.m. or within two hours after the business is closed.

2. Businesses that involve the direct retailing of goods to the general public may have downward directed, low voltage, and fully shielded lighting for window displays at any time when there is a display of such goods.

D. Bird-safe Design Requirements. All projects shall:

1. Avoid the funneling of flight paths along buildings or trees towards a building façade.

2. Avoid use of highly reflective glass or highly transparent glass.

3. Not include skyways or walkways, balconies, freestanding walls, or building corners made of untreated glass or other transparent materials, or any other design elements that are untreated and through which trees, landscape areas, water features or the sky are visible from the exterior or from one side of the transparent element to the other.

E. Exemptions: The following are exempted from bird-safe treatment regulations of subsection 19.102.030(B):

1. Any historic structure, either as set forth in the General Plan Figure LU-3 Historic Resources or listed on the State or National Historical Registers;

2. First floor retail storefronts, up to a height of 15'; and,

3. Residential development in R1 zoning districts outside of Bird-Sensitive Areas.

F. California Building Code. All windows, doors, or other features must comply with the requirements of the California Building Code. Should a conflict exist with the provisions of this Chapter, the standards in the California Building Code shall prevail.

19.104.220 Design Criteria–Permanent Signs.

Although the aesthetic appearance of signs is subjective, the City recognizes that certain basic design guidelines are needed in order to maintain the City's high quality appearance. The following criteria shall be incorporated into the design of signs.

A. Ground signs shall be either housed in a frame or set onto a base, presenting a solid, attractive, well proportioned and balanced appearance. The size and shape of the frame or base shall be proportionate to the size and weight of the sign. Low signs are generally more appropriate on a base, whereas taller signs are generally more appropriate in a frame. (See Appendix C, Examples of Well Proportioned Signs, Examples of Signs Not Well Proportioned, on file in the City Clerk and the Planning ~~Department~~ Division, for examples.)

B. Ground signs shall be located within a landscaped area proportionate to the size of the sign. Appropriate landscaping should be placed at the base of the sign.

C. All signs shall be architecturally compatible and in harmony with the building with which it is principally associated, by incorporating its colors, materials, shape and design. The sign shall also be compatible with the aesthetic character of the surrounding developments and neighborhood.

D. Background panels for multi-tenant ground signs should be harmonious in muted colors.

E. Sign copy shall be simple and concise, without excessive description of services or products.

F. Internally illuminated signs shall not have a directly visible light source.

G. The sign's color and illumination shall not produce distraction to motorists or nearby residents.

Table 19.124.040 - Regulations for Off-Street Parking (Cont.)		
N. (Cont.)		
3.	Landscape Planter Strip	At least three feet wide by the length of the parking space.
4.	Placement of Trees	Shall be offset to prevent vehicles from bumping into them. The Planning Department <u>Division</u> shall review and approve final tree locations.
5.	Landscape Buffer (inclusive of curbing and vehicle overhang allowance)	i. When parking lot is adjacent to a street, landscape buffer = ten feet wide ii. When adjacent to a side or rear property line, landscape buffer = five feet wide,

		iii. Buffer between double loading stalls = four feet.
6.	Flat and Raised Curbs, Wheel Stops and Overhang into landscaped areas	<p>i. Landscape areas shall be enclosed by a six-inch wide continuous flat curb allowing parking lot run off into landscaping area, infiltration islands or swales.</p> <p>ii. Concrete wheel stops shall be placed on top of the flat curb and shall be provided at a rate of one per two stalls.</p> <p>iii. Landscape planter strips at the end of the parking aisles adjacent to a driveway shall be enclosed by a six-inch raised concreted curb with drainage outlets to help delineate the driveways or aisles.</p> <p>iv. Parking stall length may be decreased by up to two feet but must provide an equivalent vehicle overhang into landscaped areas.</p>
7.	Planter Strips	<p>i. Curbed planter strips shall be provided at the end of each parking aisle.</p> <p>ii. Landscape planter strip shall be at least three feet wide and the length of a parking stall.</p>
8.	Pedestrian Paths	Where appropriate, provision shall be made to ensure that adequate pedestrian paths are provided throughout the parking lot/landscaped areas.
9.	Minimum Tree Size	Trees require to meet any section of this title shall be a minimum of fifteen gallon size.
10.	Tree Protection	All trees shall be protected by wheel stops, curbing, bollards or other similar barriers as appropriate.
11.	Maintenance	All landscaping shall be continuously maintained.
O.	Swales and Permeable Surfaces	In order to reduce urban runoff and provide water quality benefits in parking lots, all new parking lots or any substantial alterations to existing parking lots shall incorporate the

		following design measures to the maximum extent possible:
1.	Bio-swales	Incorporate bio-swales in the required landscaping buffers.

10. Amendments to Sections 16.52.043 and 16.52.053 (Prevention of Flood Damage)

16.52.043 Elevation and Floodproofing.

A. Residential construction. All new ~~or substantial improvements, construction,~~ substantial improvements, or reconstruction due to substantial damage of residential structures shall have the lowest floor, including basement, machinery, and/or equipment floors:

1. In AE, AH, A1-30 Zones, elevated to one foot or more above the base flood elevation.
2. In an AO zone, elevated above the highest adjacent grade to a height one foot or more above the depth number specified in feet on the FIRM, or elevated at least 3 feet above the highest adjacent grade if no depth number is specified.
3. In an A zone, without BFEs specified on the FIRM [unnumbered A zone], elevated to one foot or more above the base flood elevation; as determined under Section 16.5.021.C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, machinery, and/or equipment floors, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

B. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 16.52.043.A or:

1. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 16.52.043.A, so that the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered civil engineer or architect that the standards of Section 16.52.043.B.1 and 2 are satisfied. Such certification shall be provided to the Floodplain Administrator.

C. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on

exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

1. For non-engineered openings:
 - a. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade;
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - d. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 2. Be certified by a registered civil engineer or architect.
- D. Manufactured homes.
1. See Section 16.52.053.
- E. Garages and low cost accessory structures.
1. Attached garages.
 - a. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 16.52.043.C. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 16.52.042.
 - b. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
 2. Detached garages and accessory structures.
 - a. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 16.52.010, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - 1) Use of the accessory structure must be limited to parking or limited storage;
 - 2) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - 3) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - 4) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to one foot or more above the BFE;
 - 5) The accessory structure must comply with floodplain encroachment provisions in Section 16.52.055; and
 - 6) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 16.52.043.C.

2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Sections 16.52.040 through 16.52.043.

16.52.053 Standards for Manufactured Homes.

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community’s Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home, including any basement, machinery, and/or equipment floor, is elevated to one foot or more above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s Flood Insurance Rate Map that are not subject to the provisions of Section 16.52.053.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home, including any basement, machinery, and/or equipment floor, is at one foot or more above the base flood elevation; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor ~~including basement~~, including any basement, machinery, and/or equipment floor, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.