

Draft Ordinance No. 16-XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING TITLE 19, CHAPTER 19.124 SECTION 19.124.030 "REGULATIONS FOR PARKING AND KEEPING VEHICLES IN VARIOUS ZONES" AND SECTION 19.124.040 "REGULATIONS FOR OFF-STREET PARKING", REGARDING LEGAL NON-CONFORMING SINGLE-FAMILY GARAGES, AND MAKING STANDARDS FOR BICYCLE PARKING AND FACILITIES CONSISTENT WITH THE CITY OF CUPERTINO 2016 BICYCLE TRANSPORTATION PLAN.

WHEREAS, this Ordinance is determined to be not a project under the requirements of the California Quality Act of 1970, together with related State CEQA Guidelines (collectively, "CEQA") in that proposed Ordinance is not a project within the meaning of section 15378 of the California Environmental Quality Act ("CEQA") Guidelines because it has no potential for resulting in physical change in the environment, either directly or ultimately. 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 of a significant effect on the environment.

WHEREAS, the City Council is the decision-making body for this Ordinance; and

WHEREAS, the City Council before taking action on this Ordinance has reviewed the not a project determination and exemption, and using its independent judgment, determines the Ordinance to be not a project or exempt from CEQA as stated above;

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

SECTION 1. Table 19.124.030A of Section 19.124.30 of Chapter 19.124 of Title 19 of the Cupertino Municipal Code is hereby amended as follows:

Table 19.124.030A - Regulations for Parking and Keeping Vehicles in Various Zones		
1.	Front yard, Street side setback area or within 12 feet of a public right-of-way in a rear yardarea	Vehicles may be placed, kept or parked in these areas subject to the restrictions below.
		i. Residential zoning district requiring a lot size ≤ 10,000 square feet = four. ii. Other residential zoning districts = six.

a.	Maximum Number of Vehicles	<p>iii. A greater number of vehicles may be approved by the City in conjunction with a development permit.</p> <p>iv. For purposes of counting vehicles, vertically stacked components which belong together shall be counted as a single vehicle. E.g., a camper mounted on a pickup truck.</p> <p>v. Horizontal groupings shall be counted as two vehicles.</p>
b.	Vehicle with trash or debris	Open vehicles containing trash or debris are prohibited.
c.	Overhang	No portion of any vehicle may overhang any public right-of-way.

Table 19.124.030A - Regulations for Parking and Keeping Vehicles in Various Zones (Cont.)

1. (Cont.)	Front yard, Street side setback area or within 12 feet of a public right-of-way in a rear yard area	Vehicles may be placed, kept or parked in these areas subject to the restrictions below.
d.	Parking pad materials	<p>i. All vehicles must be parked on a permanent impervious or semi-pervious surface.</p> <p>ii. Semi-pervious surfaces include unit pavers, turf block, brick, cobbles, gravel or other like materials that must allow for partial filtration of water and must prevent direct contact with soil.</p> <p>iii. Impervious surfaces include concrete, asphalt or other like materials that do not allow infiltration of water.</p>
e.	Front yard Impervious Area Limitation	<p>i. Lots > 60 feet in width, maximum impervious area = 40% of front yard area.</p> <p>ii. Lots ≤ 60 feet in width, maximum impervious area = 50% of front yard area.</p>
f.	Registration/PNO required	<p>i. Vehicles must be either currently registered, where registration is required for legal operation and in good operating conditions or</p> <p>ii. Vehicles must have a planned non-operation permit on file with the Department of Motor Vehicles</p>
g.	Driveway width for detached garage or carport	<p>i. Lots ≤ 150 feet in length, driveway width = 10 feet</p> <p>ii. Lots > 150 feet in length, driveway width = 12 feet</p>
h.	Driveway clearance	In new residential development, driveways shall have a minimum clearance of two feet from a building wall, fence, or property line.
		i. All vehicles parked in the front or street yard setback area must be parked perpendicular to the

i.	Orientation of Parked Vehicles	street, except on lots with circular driveways which conform to the provisions of this code. ii. On lots with circular driveways which conform to the provisions of this code, all vehicles parked in the front or street side yard setback area are limited to less than twenty feet in length, unless parked perpendicular to the street.
j.	Commercial Vehicles with GVW > 10,000 pounds or more or oversize vehicles	The following vehicles are not permitted: i. Any commercial vehicle with a manufacturer's gross vehicle weight rating of ten thousand pounds or more, ii. A total combination of motor truck, truck tractor and/or trailers that exceeds sixty feet in length.
2.	Areas outside those in A(1) above	Vehicles may be placed, kept or parked these areas, provided a minimum clearance of three feet is maintained from any structure.

Table 19.124.030A - Regulations for Parking and Keeping Vehicles in Various Zones (Cont.)

3.	Parking within Structures	Vehicles are permitted to be placed, kept or parked in any legal structure, provided that A(4)(ii) is met.
4.	Non-Self-Propelled Vehicles	i. A maximum of two such vehicles are permitted to be placed, kept or parked outside a legal structure on a lot. ii. A maximum of one such vehicle can occupy a required parking space inside a legal structure.
5.	Enclosed Garage Size	i. Shall consist an internal area encompassing two parking spaces measuring ten feet by twenty feet each (a total of 20 feet by 20 feet) and ii. Shall provide unobstructed (i.e., by walls, appliances, etc.) between six inches from finished floor up to six feet from finished floor.
6.	Legal Non-conforming Single-Family Dwelling Garages	i. May continue nonconformity provided that the square footage necessary to accommodate a conforming garage be reserved from the allowable floor area ratio for a future garage upgrade. ii. A legal non-conforming parking facility may be structurally altered, improved, and/or enlarged in conformance with other provisions of this code. No reduction in size is permitted.
7.	Mobilehomes	Mobilehomes, excluding travel trailers, are not permitted within the residential zones of the City, except in a mobilehome park or as provided by State law.

8.	Living or Sleeping Quarters	No vehicle shall be used for living or sleeping quarters, except as permitted below.
a.	Mobilehome park	Vehicles located in a mobilehome park and used consistent with any City regulations applicable to mobilehome parks are permitted.
b.	Trailers, Campers or Recreational Vehicles	Trailers, campers or recreational vehicles may be used by a bona fide guest of a City resident for a period not to exceed seventy-two hours where the trailer, camper or recreational vehicle is located on the resident's property.

SECTION 2. Table 19.124.040 (A) of Section 19.124.040 of Chapter 19.124 of Title 19 of the Cupertino Municipal Code is hereby amended as follows:

Table 19.124.040(A)					
Land Use	Zones	Parking Ratio ⁽²⁾	Bicycle Parking	Bicycle Parking Class ⁽⁴⁾	Stall Dimensions ⁽³⁾
Residential					
Single-Family	R-1/R HS/ A1/P	4/DU (2 garage+ 2 open)			10 x 20 ea.
Small Lot Single-family, Townhouse	P	2.8/DU (2 garage + 0.8open)			10 x 20 ea.
Duplex	R2	3/DU (1 ½ enclosed + 1½ open)			10 x 20 ea.
High Density Multiple-Family, High Density Multiple Story Condominium	R3/P	2/DU (1 covered + 1 open)	1 space per 2 residential units; and 1 space per 10 residential units	Class I Class II	9.5 x 20 ea.
Public/Quasi-Public/Agriculture					
Churches, Clubs, Lodges, Theaters	BQ/CG	1/4 seats +1/employee +1/special-purpose vehicle	2% of seats. Minimum two spaces	Class II	Uni-size
		1/employee +	1 space per	Class II	

Schools and School Offices	BA/BQ	1/56 sq. ft. multipurpose room + 8 visitor spaces/school + 1/3 students at senior H.S. or college level	5 students		Uni-size
Daycare Centers	CG	1/6.5 students			Uni-size
Martial Arts, CG Dance/Art/Music Studios, Tutorial Services, specialized schools (does not include adult tutorial schools or services)	CG	1/4 students plus 1/1 staff at any given time or 1/250 whichever is more restrictive	1 space per 5 students	Class II	Uni-size
Agriculture	A	2 garage + 2 open			10 x 20 ea.
Sanitariums and Rest Homes	BQ	1/doctor + 1/3 employees + 1/6 beds			Uni-size

Table 19.124.040(A) (Cont.)

Land Use	Zones	Parking Ratio ⁽²⁾	Bicycle Parking	Bicycle Parking Class ⁽⁴⁾	Stall Dimensions (3)
Private Recreation	FP	1/4 seats + 1/employee	1/5,000 sq.ft. Minimum two spaces	Class II	Uni-size
Gyms, Auditoriums, floor area used Skating Rinks for seating without fixed seats	BA/BQ	1/56 sq. ft. purposes + 1/employee	1/5,000 sq.ft. Minimum two spaces	Class II	Uni-size
Commercial					
Motels/Hotels/ Lodging	CG	1/unit 1/employee (2) (3)	1/20,000 sq.ft. Minimum two spaces.	Class II	Uni-size
Restaurant/Bar and		1/3 seats + 1/employee +	1/2,000 sq.ft. Minimum		

Nightclubs	CG	1/36 sq. ft. of dance floor	two spaces	Class II	Uni-size
Restaurants without Separate Bar	CG	1/4 seats + 1/employee + 1/36 sq. ft. of dance floor	1/2,000 sq.ft. Minimum two spaces	Class II	Uni-size
Restaurant - Fast Food	CG	1/3 seats + 1/employee	1/2,000 sq.ft. Minimum two spaces	Class II	Uni-size
Specialty Foods	CG	1/3 seats or 1/250 sq. ft. whichever is more	1/2,000 sq.ft. Minimum two spaces	Class II	Uni-size
Bowling Alleys	CG	7/lane + 1/employee	1/5,000 sq.ft. Minimum two spaces	Class II	Uni-size
General	CG	1/250 sq. ft.	1/ 1,250 sq.ft. up to 25,000 sq.ft. 1/2,500 sq.ft. between 25,000 – 50,000 sq.ft. 1/5,000 sq.ft. over 50,000 sq.ft. 1/5,000 sq.ft. Bulky Merchandise (5)	Class II	Uni-size
Industrial					
Manufacturing	ML	1/450 sq. ft.	1/12,000 sq.ft. Minimum two spaces	Class I	Uni-size
Office/Prototype Manufacturing	ML/OA	1/285 sq. ft.	1/1,250 sq.ft. or 1/15 employees, whichever is more restrictive.	Class I	Uni-size
Office					
Corporate/ Administrative/ General Multi-Tenant	CG/OP	1/285 sq. ft.	1/1,250 sq.ft. or 1/15 employees, whichever is more	Class I	Uni-size

			restrictive.		
Medical and Dental Office	CG	1/175 sq.ft.	1/1,250 sq.ft.	Class II	Uni-size

Notes:

1. Refer to Table 19.124.040(B) for uni-size stall dimensions.
2. Refer to standard details table for requirements for handicapped parking.
3. See 19.124.040(J) for stall dimensions in parking structures.
4. See 19.124.040(P) for description of bicycle parking classes.
5. Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture, excluding grocery stores.

SECTION 3: Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 4: Effective Date. This Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5: Certification.

The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

SECTION 6: Continuity.

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 amendments of the earlier provisions.

INTRODUCED at a regular meeting of the Cupertino City Council the ____ day
of _____ 2016 and **ENACTED** at a regular meeting of the Cupertino City Council
on this ____ of _____ 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

City Clerk

Mayor of the City of Cupertino