

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

RESOLUTION NO. 6914

OF THE CUPERTINO PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO ADD CHAPTER 19.102: GLASS AND LIGHTING STANDARDS AND TO AMEND CHAPTER 19.08 DEFINITIONS, 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

The Planning Commission recommends the City Council:

1. Find that the 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 glazing and lighting will have no possibility of a significant effect on the environment; and that none of the exceptions in CEQA Guidelines section 15300.2 apply; and
2. Adopt the proposed Ordinance, with the findings reflected in the proposed Ordinance, which the Planning Commission makes as though set forth in their entirety in this Resolution, in substantially the form as shown in said Exhibit entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CITY CODE TO ADD CHAPTER 19.102: GLASS AND LIGHTING STANDARDS AND TO AMEND CHAPTER 19.08 DEFINITIONS, 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

PASSED AND ADOPTED this 27th day of October 2020, at a Regular Meeting of the Planning Commission of the City of Cupertino, State of California, by the following roll call vote:

AYES: COMMISSIONERS: Chair Moore, Takahashi, Saxena, Fung
NOES: COMMISSIONERS: Vice Chair Wang
ABSTAIN: COMMISSIONERS: none
ABSENT: COMMISSIONERS: none

ATTEST:

APPROVED:

/s/Benjamin Fu
Benjamin Fu
Director of Community Development

/s/Kitty Moore
Kitty Moore
Chair, Planning Commission

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE TO ADD CHAPTER 19.102: GLASS AND LIGHTING
STANDARDS AND TO AMEND CHAPTER 19.08 DEFINITIONS, 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**

The City Council of the City of Cupertino finds that:

WHEREAS, while the City has certain General Plan Goals, Policies and Strategies that support bird-safe and dark sky goals, it does not have regulations to promote effective Bird-safe and Dark Sky policies, and that the proposed new Chapter 19.102: Glass and Lighting and amendments to Chapter 19.08, 19.40, 19.60, 19.72, and 19.124 will provide effective standards to promote Bird-safe and Dark Sky policies;

WHEREAS, on October 28, 2019, Planning Commission provided staff guidance on potential Bird-safe and Dark Sky policies and guidelines;

WHEREAS, community meetings were held on February 12, 2020 and February 20, 2020 to allow the public an opportunity to review and provide comments on the preliminary development standards;

WHEREAS, following public notices given as required by the procedural ordinances of the City of Cupertino and the Government Code, the Planning Commission held a public hearing on August 11, 2020 and October 27, 2020 to consider the Ordinance; and

WHEREAS, with Resolution No. XXXX the Planning Commission has recommended on a X-X vote that the City Council adopt the Ordinance amending the Municipal Code in substantially similar form as presented in Planning Commission Resolution No. XXXX; and

WHEREAS, on _____, 2020 upon due notice, the City Council has held at least one public hearing to consider the Planning Commission's recommendation and the Ordinance; and

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

WHEREAS, the City Council does find as follows:

- a. That the proposed zoning is in accord with this title of the Municipal Code and the City's Comprehensive General Plan.

The Ordinance does not change any zoning designations, but rather it modifies Title 19: Zoning by adding a new chapter to create development standards for the implementation of regulations that support Bird-Safe and Dark Sky policies. The proposed amendments do not render existing provisions of the Municipal Code inconsistent with those proposed.

The proposed amendments will also support the following General Plan Goals, Policies, and Strategies:

- *Goal LU-3: Ensure that project site planning and building design enhance the public realm through a high sense of identity and connectivity.*
- *Policy LU-3.3: Building Design: Ensure that building layouts and design are compatible with the surrounding environment and enhance the streetscape and pedestrian activity.*
- *Strategy LU-3.3.1: Attractive Design – Emphasize attractive building and site design by paying careful attention to building scale, mass, placement, architecture, materials, landscaping, screening of equipment, loading areas, signage and other design considerations.*
- *Goal LU-12: Preserve and protect the City’s hillside natural habitat and aesthetic values.*
- *Goal ES-5: Protect the city’s urban and rural ecosystems.*
- *Policy ES-5.1: Urban Ecosystem – Manage the public and private development to ensure the protection and enhancement of its urban ecosystem.*
- *Strategy ES-5.2.1: Riparian Corridor Protection – Require the protection of riparian corridors through the development approval process.*

The adopted regulations will support protection of riparian corridors by allowing native wildlife, particularly nocturnal wildlife, corridors to travel along without interruptions by light intrusion. The regulations will also minimize bird fatalities by reducing overall illumination, which works to confuse birds and their migration patterns. The regulations will also encourage incorporation of bird-safe mitigations which will reduce the number of bird collisions. Further, the proposed ordinance includes policies to reduce the negative effects of light pollution on humans by ensuring adequate lighting to a site, preventing light trespass to adjacent properties, and ensuring that unnecessary lighting is extinguished at night.

- b. The proposed zoning is in compliance with the provisions of the California Environmental Quality Act (CEQA).

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 glazing and lighting will have no possibility of a significant effect on the environment; and that none of the exceptions in CEQA Guidelines section 15300.2 apply.

- c. The site is physically suitable (including, but not limited to, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designation(s) and anticipated land use development(s).

Not applicable. The proposed ordinance amendments do not change the zoning designation for any properties, nor does it change any land uses allowed. The amendments also do not propose any physical changes in the environment or increased development.

- d. The proposed zoning will promote orderly development of the City.

By creating regulations for Bird-Safe and Dark-Sky development standards, the ordinance will promote orderly and consistent implementation of the regulations for development in the City.

- e. That the proposed zoning is not detrimental to the health, safety, peace, morals and general welfare of persons residing or working in the neighborhood of subject parcels.

The proposed ordinance provides regulation to maintain the health, safety, peace, morals and general welfare of persons residing or working in the City by providing regulations that limit adverse impacts of development on the natural and built environment pertaining to birds and the night sky.

- f. The proposed amendments are internally consistent with this title.

All the necessary chapters and sections of Title 19: Zoning have been amended to ensure internal consistency with the proposed regulations.

**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.

The proposed ordinance is exempt from environmental review under the California Environmental Quality Act ("CEQA") Guidelines Section 15308 since these regulations are being adopted to assure the maintenance, restoration, enhancement, or protection of the environment. Further, the proposed ordinance is exempt from CEQA under CEQA Guidelines section 15301 because it would result in the minor alteration of existing public or private structures without any expansion of use and under CEQA Guidelines Section 15305 because the proposed ordinance involves minor alteration in land use limitations that do not alter permitted uses or density. Finally, the proposed ordinance is exempt from CEQA under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty the Ordinance's regulation related to glazing and lighting will have no possible significant effect on the environment. None of the exceptions listed in CEQA Guidelines section 15300.2 apply to the proposed ordinance

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 _____, 2020 and **ENACTED** at a regular meeting of the Cupertino City Council on _____, 2020 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Steven Scharf, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date
APPROVED AS TO FORM: _____ Heather Minner, City Attorney	_____ Date

**Attachment A – An Ordinance of the City of Cupertino to implement Bird-safe
and Dark Sky policies and guidelines**

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. Each portion is shown beginning on a separate page.

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.

1. Amendments to Title 19: Zoning adding Chapter 19.102: Glazing and Lighting Standards

19.102 GLASS AND LIGHTING STANDARDS

19.102.010 Purpose

19.102.020 Applicability of regulations

19.102.030 Bird-safe Development Requirements

19.102.040 Outdoor Lighting Requirements

19.102.010 Purpose

The purpose of this chapter is to regulate design and construction of structures and accessory elements in all zoning districts to protect the natural environment, particularly enhancing bird-safety and reducing light pollution. This Chapter establishes regulations to reduce bird mortality from windows or other specific glass features that are known to increase the risk of bird collisions and to reduce light pollution that is known to contribute to bird mortality and reduced visibility of the night sky.

19.102.020 Applicability of regulations

Whenever an applicant is required to obtain a building permit or a Permit pursuant to Title 19, the project shall meet the requirements of this Chapter. The following table indicates the applicability of regulations by type of project:

Type of Development	Applicable Sections
A. New primary or accessory building or structure construction	Sections 19.102.030 and 19.102.040
B. Complete or Partial Remodel of primary or accessory buildings or structures	Sections 19.102.030 and 19.102.040 apply to remodeled portions
C. Landscaping projects (in conjunction with or separate from a construction project)	Section 19.102.040
D. New or replacement glass windows, doors, or features	Section 19.102.030 applies to new windows, doors, or features
E. New or replacement exterior lighting	Section 19.102.040
F. Exemptions	See Sections 19.102.030(E) and 19.102.040 (D)

19.102.030 Bird-safe Development Requirements

- A. Application submittal requirements: In addition to the applicable application submittal requirements of Section 19.12.080, all projects that are subject to the bird-safe development requirements shall also submit the following:
1. Elevation drawings indicating the bird-safe treatment and how the proposed treatment meets the requirements;
 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)(4), 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 acceptable 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.
 3. Alternative Compliance Method: Property owners/applicants may propose an alternate compliance method recommended by a qualified biologist, in order 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: 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.
- D. Bird-safe Design Requirements. All projects subject to bird-safe development requirements 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. Avoid glass skyways or walkways, freestanding glass walls, transparent building corners, glass features, or other design elements 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 commercial storefronts, up to a height of 15'.
 - 3. Residential development in R1 zoning districts outside of Bird-Sensitive Areas;
 - 4. 100% affordable housing developments.

19.102.040 Outdoor Lighting Requirements

- A. Submittal Requirements: In addition to the applicable submittal requirements of Section 19.12.080, projects subject to outdoor lighting regulations must submit the following information:
 - 1. A site plan indicating the location of all outdoor lighting fixtures.
 - 2. A description of each lighting fixture. This description may include, but not be limited to, manufacturer's catalog cuts and drawings (including sections if requested), lamp types, and lumen outputs.
 - 3. Photometric plans, prepared, stamped and signed by a licensed electrical engineer, depicting the location of all outdoor lighting fixtures and building-mounted lighting fixtures and a maximum ten-foot by ten-foot grid of both the initial and maintained lighting levels on the site, including any impact on adjacent properties.
 - 4. The project lighting plan shall indicate how lighting has been coordinated with any associated landscaping plan to prevent site planning conflicts.
 - 5. Any other information the Director may determine is necessary to ensure that the proposed lighting is in compliance with the provisions of this chapter.

6. Any of the above requirements may be waived by the Director of Community Development when determined to be unnecessary for determining compliance with the provisions of this Chapter.

B. Outdoor Lighting Standards

1. All outdoor lighting shall be fully shielded fixtures, directed downward to meet the particular need and away from adjacent properties and rights-of way to avoid light trespass, except:
 - a. Low-voltage Landscape Lighting. Low-voltage landscape lighting, such as that used to illuminate fountains, shrubbery, trees, and walkways, do not have to be shielded fixtures and may use uplighting, provided that they use no more than ten (10) watt equivalent LED and not directed toward the right-of-way.
 - b. Architectural Features: Uplighting may be used to highlight special architectural features.
 - c. Public Art: Alternative lighting standards may be used to illuminate public art or serve as public art subject to the review and approval by the Fine Arts Commission.
 - d. Historic Lighting Fixtures: Lighting fixtures that are historic or that exhibit a historical period appearance, as determined by the Director of Community Development, need not be fully shielded.
2. Illumination Levels
 - a. No light, combination of lights, or activity shall cast light exceeding one (1) foot-candle onto an adjacent or nearby property, with the illumination level measured at the property line between the lot on which the light is located and the adjacent lot, at the point nearest to the light source.
 - b. No direct off-site glare from a light source shall be visible above three feet at a public right-of-way.
 - c. The maximum light intensity on a site shall not exceed a maintained value of ten foot-candles, when measured at finished grade.
 - d. Parking lots, sidewalks and other areas accessible to pedestrians and automobiles on properties with four or more units, mixed-use development, and non-residential development shall be illuminated with uniform and adequate intensity. Typical standards to achieve uniform and adequate intensity are:
 - i. Average horizontal maintained illumination should be between one and three foot-candles
 - ii. Maximum to minimum ratio should be between 6:1 and 10:1
 - e. Critical areas of illumination such as stairways, ramps and main walkways may have a higher illumination.

3. All light sources shall have a maintained correlated color temperature of three thousand (3,000) Kelvin or less.
4. All outdoor lighting shall be extinguished by 11:00 pm or when people are no longer present in exterior areas, whichever is later, except for:
 - i. Critical lighting pursuant to section 2 (e) above
 - ii. Any lighting at building entrances, parking areas, and driveways area required to remain illuminated after 11:00 pm by the California Building Code or state law
 - iii. Lighting of an appropriate intensity, allowed in conjunction with uses that are permitted to operate past 11:00 p.m., with a conditional use permit.
5. Automated control systems, such as motion sensors and timers, shall be used to meet the outdoor lighting requirements.
 - a. Photocells or photocontrols shall be used to extinguish all outdoor lighting automatically when sufficient daylight is available.
 - b. All lighting activated by motion sensors shall extinguish no more than 10 minutes after activation.
 - c. Automated controls shall be full programmable and supported by battery or similar backup.
6. Security lighting may be provided when necessary to protect persons and property. When security lighting is utilized the following standards shall apply, in addition to other applicable standards:
 - a. Security lighting shall be controlled by a programmable motion-sensor device, except where continuous lighting is required by the California Building Code.
 - b. Floodlights shall not be permitted.
 - c. Security lights intended to illuminate a perimeter, such as a fence line, are permitted only if such lights do not result in light trespass.
 - d. Motion-activated security lights shall not use lamps that exceed 100 watts.
7. Lighting design standards:
 - a. Lighting fixtures must be of a design that complements building and landscaping design.
 - b. Lighting fixtures shall be appropriate in height, intensity, and scale to the use they are serving. Parking lot lights in non-residential zones shall not exceed a height of 21 feet, and any wall-mounted lights shall not exceed a height of 12 feet, measured from the adjacent grade to the bottom of the fixture.
8. Service Station Canopies: The following standards shall apply to service station canopy lighting, in addition to all other applicable standards:
 - a. Lighting fixtures in the ceiling of canopies shall be fully recessed in the canopy.
 - b. Light fixtures shall not be mounted on top of the fascia of such canopies.

- c. The fascia of such canopies shall not be illuminated, except for approved signage in compliance with Chapter 19.104.
 9. Areas around Automatic Teller Machines shall meet minimum standards required by the State of California Business and Professions Code.
 10. All lighting 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.
 11. Lighting in ML zones shall additionally comply with the standards in Chapter 19.72.
- C. Prohibited Lighting: The following types of lighting are prohibited:
1. Outdoor lighting that blinks, flashes, or rotates except those that may be permitted pursuant to Chapter 10.26.
 2. Outdoor flood lights that project above the horizontal plane.
 3. Lighting that unnecessarily illuminates any other lot or substantially interferes with use or enjoyment of that lot.
 4. High-intensity discharge lighting for recreation courts on private property.
 5. Spotlights.
- D. Exemptions: The following types of lighting are exempt from the lighting requirements of the Chapter:
1. Lighting within the public right-of-way and public parks
 2. Permitted lighting for signs
 3. Lighting to illuminate address signs
 4. Temporary construction or emergency lighting
 5. Short-term lighting authorized by a special events permit
 6. Holiday seasonal lighting during the period of October 15 through January 15 of each year
 7. Required lighting to comply with Building Code or state law

2. Amendments to Chapter 19.08 concerning Definitions

19.08.30 Definitions.

Throughout this title the following words and phrases shall have the meanings ascribed in this section.

A. "A" Definitions:

"Abandon" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

"Abutting" means having property or district lines in common.

"Accessory building" means a building which is incidental to and customarily associated with a specific principal use or facility and which meets the applicable conditions set forth in Chapter 19.100, Accessory Buildings/Structures.

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code.
3. "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure. Junior accessory dwelling units must include an efficiency kitchen, which must include both a cooking facility with appliances and a food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the unit. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure, as defined in California Government Code Section 6582.22.

"Accessory structure" means a subordinate structure, the use of which is purely incidental to that of the main building and which shall not contain living or sleeping quarters. Examples include a deck, tennis courts, trellis or car shelter. Fences eight feet or less are excluded.

"Addition" means any construction which increases the size of a building or facility in terms of site coverage, height, length, width, or gross floor area ratio.

"Adjacent property" means property that abuts the subject property, including property whose only contiguity to the subject site is a single point and property directly opposite the subject property and located across a street.

"Adult bookstore" means a building or portion thereof used by an establishment having as a substantial or significant portion of its stock in trade for sale to the public or certain members thereof, books, magazines, and other publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined.

"Adult cabaret" means a building or portion thereof used for dancing purposes thereof or area used for presentation or exhibition or featuring of topless or bottomless dancers, strippers, male or female impersonators or similar entertainers, for observations by patrons or customers.

"Adult motion picture theater" means a building or portion thereof or area, open or enclosed, used for the presentation of motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as hereinafter defined, for observation by patrons or customers.

"Advertising statuary" means a structure or device of any kind or character for outdoor advertising purposes which displays or promotes a particular product or service, but without name identification.

"Aerial" means a stationary transmitting and/or receiving wireless communication device consisting of one or any combination of the elements listed below:

1. "Antenna" means a horizontal or vertical element or array, panel or dish that may be attached to a mast or a tower for the purpose of transmitting or receiving radio or microwave frequency signals.
2. "Mast" means a vertical element consisting of a tube or rod which supports an antenna.
3. "Tower" means a vertical framework of cross elements which supports either an antenna, mast or both.
4. "Guy wires" means wires necessary to insure the safety and stability of an antenna, mast or both.

"Affordable housing cost" means the amount set forth in the Health and Safety Code Section 50052.5, as may be amended.

"Affordable rent" means the amount set forth in the Health and Safety Code Section 50053, as may be amended. "Affordable units" means housing units available at affordable rent or affordable housing cost to lower or moderate income households.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, agriculture, livestock farming, dairying, or animal husbandry, including slaughterhouses, fertilizer yards, bone yard, or plants for the reduction of animal matter or any other similar use.

"Alley" means a public or private vehicular way less than thirty feet in width affording a secondary means of vehicular access to abutting property.

"Alteration", for purposes of the Sign Ordinance, means any permanent change to a sign.

"Alteration" means any construction or physical change in the arrangement of rooms or the supporting members of a building or structure, or change in the relative position of buildings or structures on a site, or substantial change in appearances of any building or structure.

1. "Incidental alteration" means any alteration to interior partitions or interior

supporting members of a structure which does not increase the structural strength of the structure; any alteration to electrical, plumbing, heating, air conditioning, ventilating, or other utility services, fixtures, or appliances; any addition, closing, or change in size of doors or windows in the exterior walls; or any replacement of a building facade which does not increase the structural strength of the structure.

2. "Structural alteration" means any alteration not deemed an incidental alteration.

"Amusement park" means a commercial facility which supplies various forms of indoor and outdoor entertainment and refreshments.

Animal:

1. Animal, Adult. "Adult animal" means any animal four months of age or older.
2. Animal, Large. "Large animal" means any equine, bovine, sheep, goat or swine or similar domestic or wild animal, as determined by the Planning Commission.
3. Animal, Small. "Small animal" means animals which are commonly found in single-family residential areas such as chickens, ducks, geese, rabbits, dogs, cats, etc.

"Animal care" means a use providing grooming, housing, medical care, or other services to animals, including veterinary services, animal hospitals, overnight or short-term boarding ancillary to veterinary care, indoor or outdoor kennels, and similar services.

"Apartment" means a room or a suite of two or more rooms which is designed for, intended for, and occupied by one family doing its cooking there.

"Apartment house" means a building designed and used to house three or more families, living independently of each other.

"Apartment project" means a rental housing development consisting of two or more dwelling units.

"Approval Body" means the Director of Community Development and his/her designee, the Planning Commission or City Council depending upon context.

"Architectural feature" means any part or appurtenance of a building or structure which is not a portion of the living area of the building or structure. Examples include: cornices, canopies, eaves, awnings, fireplaces, or projecting window elements. Patio covers or any projection of the floor area shall not constitute an architectural projection.

"Architectural projection," for purposes of the Sign Ordinance, means any permanent extension from the structure of a building, including the likes of canopies, awnings and fascia.

"Atrium" means a courtyard completely enclosed by walls and/or fences.

"Attic" means an area between the ceiling and roof of a structure, which is unconditioned (not heated or cooled) and uninhabitable.

"Automotive service station" means a use providing gasoline, oil, tires, small parts and accessories, and services incidental thereto, for automobiles, light trucks, and similar motor vehicles. Automotive maintenance and repair (minor) may be conducted on the site. The sale of food or grocery items on the same site is prohibited except for soft drinks and snack foods, either from automatic vending machines or from shelves. The sale of alcoholic beverages on the site is governed by Chapter 19.132, Concurrent Sale of Alcoholic Beverages and Gasoline.

"Automotive repair and maintenance (minor)" means the supplying of routine automotive services such as lubrication, engine tune-ups, smog certificates, servicing of tires, brakes, batteries and similar accessories, and minor repairs involving engine accessories. Any repair which requires the engine, drive train, transmission assembly, exhaust system, or drive train parts to be removed from a motor vehicle or requires the removal of internal parts shall not be considered minor. Body and paint shop operations are not minor repairs or maintenance.

"Average slope" means the ratio between vertical and horizontal distance expressed in percent; the mathematical expression is based upon the formula described below:

$$S = \frac{I \times L \times 100}{A}$$

A

S = Average slope of ground in percent;

L = Combined length in feet of all contours on parcel;

I = Contour interval in feet;

A = Area of parcel in square feet.

B. "B" Definitions:

"Banks" means financial institutions including federally-chartered banks, savings and loan associations, industrial loan companies, and credit unions providing retail banking services to individuals and businesses. This classification does not include payday lending businesses or check cashing businesses. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code Section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check cashier" as that term is defined in California Civil Code Section 1789.31 as amended from time to time.

"Basement" means any floor below the first story in a building that is fully submerged below grade except for lightwells required for light, ventilation and emergency egress. A basement may have a maximum exterior wall height of two feet between natural grade and ceiling.

"Bird-safe design" means when building design, site planning, design features, materials, exterior and interior lighting, are designed and developed to reduce hazardous conditions for birds.

"Bird-safe development" means development that incorporates bird-safe design and bird-safe treatment.

"Bird-safe treatment" means treatment to glass that provides visual cues to birds and reduce the likelihood of bird collisions.

"Bird-sensitive area", for purposes of Chapter 19.102, Glass and Lighting Standards, means parcels that are in or within 300' of the Wildland Urban Interface; within 300 feet of watercourses; in Residential Hillside areas; and within 300 feet of public and private, open spaces and parks that are dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands.

"Block" means any lot or group of contiguous lots bounded on all sides by streets, railroad rights-of-way, or waterways, and not traversed by any street, railroad right-of-way or waterway.

"Boarding house" means any building used for the renting of rooms or providing of table board for from three to five persons, inclusive, over the age of sixteen years, who are not members of the same family.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy when any portion of a building is completely separated from every other portion by a "Fire Barrier" as defined by the California Building Code, then each portion shall be deemed to be a separate building.

1. "Attached building" means buildings which are structurally connected by any structural members or wall, excluding decks, patios or fences.

"Building coverage" means that portion of the net lot area encompassed within the outermost wall line which defines a building enclosure.

"Building frontage" means the length or the surface of the building wall which faces, and is visible to the general public from, a private or public right-of-way or driveway.

"Business" or "commerce" means the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and structures, hotels and motels, and recreational and amusement enterprises conducted for profit.

"Business or trade school" means a use, except a college or university, providing education or training in business, commerce, language, or similar activity or pursuit, and not otherwise defined as a home occupation.

C. "C" Definitions:

"Canopy" means any roof-like structure, either attached to another structure or freestanding, or any extension of a roof line, constructed for the purpose of protection from the elements or aesthetic purposes in connection with outdoor living.

"Car shelter" means a roofed structure or a part of a building not enclosed by walls, intended and designed to accommodate one or more vehicles.

"Caretaker" means a person or persons employed for the purpose of protecting the principal use of the property or structure.

"Centerline" means the centerline as established by the County Surveyor of Santa Clara County, the City Engineer, or by the State Division of Highways of the State of California.

"Changeable copy sign" means any sign, or portion, which provides for each manual changes to the visible message without changing structural surfaces, including the likes of theater marquees and gasoline service station price signs, but excluding electronic reader board signs and signs which display the current time or temperature.

"Change of face" means any changes to the letter style, size, color, background, or message.

"Change of use" means the replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change in ownership, tenancy or management where the previous nature of the use, line of business, or other function is substantially unchanged.

"Child" means a person who is under eighteen years of age.

"Child day care facility" means a facility, licensed by the State or County, which provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. Child day care facility includes day care centers, employer sponsored child-care centers and family day care homes.

"Church" means a use providing facilities for organized religious worship and religious education incidental thereto, but excluding a private educational facility. A property tax exemption obtained pursuant to Section 3(f) of Article XIII of the Constitution of the State of California and Section 206 of the Revenue and Taxation Code of the State of California, or successor legislation, constitutes prima facie evidence that such use is a church as defined in this section.

"College" or "university" means an educational institution of higher learning which offers a course of studies designed to culminate in the issuance of a degree or

defined by Section 94110 of the Education Code of the State of California, or successor legislation.

"Collocation" means the placement of aerials and other facilities belonging to two or more communication service providers on a single mast or building.

"Commercial recreation" means a use providing recreation, amusement, or entertainment services, including theaters, bowling lanes, billiard parlors, skating arenas, and similar services, operated on a private or for-profit basis, but excluding uses defined as outdoor recreation services.

"Community center" means a place, structure, area, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designated to accommodate and serve a significant segment of the community.

"Commercial district," for purposes of the Sign Ordinance, means an area of land designated for commercial use in the current Cupertino General Plan.

"Common interest development" means the following, all definitions of which are based upon Civil Code Section 4100 or subsequent amendments:

1. A condominium project,
2. A community apartment project,
3. A stock cooperative, or
4. A planned development.

"Community organization" means a nonprofit organization based in the City and whose activities benefit the City, its residents, employees, or businesses.

"Concession" means a benefit offered by the City to facilitate construction of eligible projects as defined by the provisions of Chapter 19.56, Density Bonus. Benefits may include, but are not limited to, priority processing, fee deferments and waivers, granting of variances, and relaxation of otherwise applicable permit conditions or other concessions required by law.

"Condominium conversion" or "Conversion" means a change in the type of ownership of a parcel (or parcels) of land, together with the existing attached structures, to that defined as a common interest development, regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structure.

"Condominium project" or "project" includes the real property and any structures thereon, or any structures to be constructed thereon, which are to be divided into condominium ownership.

"Condominium units" or "units" means the individual spaces within a condominium project owned as individual estates.

"Congregate residence" means any building or portion which contains facilities for living, sleeping and sanitation, as required by the California Building Code and may

include facilities for eating and cooking for occupancies other than a family. A congregate residence may be a shelter, convent or monastery but does not include jails, hospitals, nursing homes, hotels or lodging houses.

"Convalescent facility" means a use other than a residential care home providing inpatient services for persons requiring medical attention, but not providing surgical or emergency medical services.

"Convenience market" means a use or activity that includes the retail sale of food, beverages, and small personal convenience items, including sale of food in disposable containers primarily for off-premises consumption, and typically found in establishments with long or late hours of operation and in relatively small buildings, but excluding delicatessens and other specialty food shops and establishments which have a sizable assortment of fresh fruits, vegetables, and fresh-cut meats.

"Corner triangle" means a triangular-shaped area bounded by the following, unless deemed otherwise by the City Engineer:

1. The intersection of the tangential extension of front and street side property lines as formed by the intersection of two public rights-of-way abutting the said property lines; and
2. The third boundary of the triangular-shaped area shall be a line connecting the front and side property lines at a distance of forty feet from the intersection of the tangential extension of front and side property lines.

"Corner triangle," for purposes of the Sign Ordinance, means a triangular-shaped area of land adjacent to an intersection of public rights-of-way, as further defined in Cupertino Standard Details Drawings Nos. 7-2 and 7-4. (See Appendix A, Cupertino Standard Detail 7-2; Corner Triangle–Controlled Intersections, and B, Cupertino Standard Detail 7-4; Corner Triangle–Uncontrolled Intersections for details.)

"Court" means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a house court or court apartment providing access.

"Covered parking" means a carport or garage that provides full overhead protection from the elements with ordinary roof coverings. Canvas, lath, fiberglass and vegetation are not ordinary roof coverings and cannot be used in providing a covered parking space.

D. "D" Definitions:

"Day care center" means any child day care facility, licensed by the State or County, other than a family day care home, and includes infant centers, preschools, and extended day care facilities.

Day Care Home, Family. "Family day care home" means a home, licensed by the State or County, which regularly provides care, protection and supervision for fourteen or fewer children, in the provider's own home, for periods of less than twenty-four hours per day, while the parents or guardian are away, and includes the following:

1. "Large-family day care home," which means a home which provides family day care for seven to fourteen children, inclusive, including children under the age of ten years who reside at the home, as set forth in the California Health and Safety Code Section 1597.465;
2. "Small-family day care home," which means a home which provides family day care to eight or fewer children, including children under the age of ten years who resides at the home, as set forth in the California Health and Safety Code Section 1597.44.

"Decorative statuary," for purposes of the Sign Ordinance, means any structure or device of any kind or character placed solely for aesthetic purposes and not to promote any product or service.

"Demonstrated safety" means a condition requiring protection from the threat of danger, harm, or loss, including but not limited to the steepness of a roadway or driveway that may create a hazardous parking situation in front of a gate.

"Demonstrated security" means a condition requiring protection from the potential threat of danger, harm or loss, including but not limited to a location that is isolated and invisible from public view or that has experienced documented burglary, theft, vandalism or trespassing incidences.

"Density bonus" means a density increase over the otherwise maximum allowable residential density in accordance with the provisions of Chapter 19.56 as of the date of the project application.

"Developer" means the owner or subdivider with a controlling proprietary interest in the proposed common interest development, or the person or organization making application, or a qualified applicant who has entered into a development agreement pursuant to the procedures specified in Chapter 19.144.

"Development agreement" means a development agreement enacted by legislation between the City and a qualified applicant pursuant to Government Code Sections 65864 through 65869.5.

"Development standard" means a site or construction regulation, including, but not limited to, a setback requirement, a floor area ratio, and onsite open-space requirement, or a parking ratio that applies to a development pursuant to any

ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

"District" means a portion of the property within the City within which certain uses of land, premises and buildings are permitted and certain other uses of land, premises and buildings are prohibited, and within which certain yards and other open spaces are required and certain building site areas are established for buildings, all as set forth and specified in this title.

"Drinking establishment" means an activity that is primarily devoted to the selling of alcoholic beverages for consumption on the premises.

"Drive-through establishment" means an activity where a portion of retailing or the provision of service can be conducted without requiring the customer to leave his or her car.

"Driveway" means any driveway that provides direct access to a public or private street.

Driveway, Curved. "Curved driveway" means a driveway with access to the front property line which enters the garage from the side at an angle of sixty degrees or greater to the front curblin and which contains a functional twenty-foot-deep parking area that does not overhang the front property line.

"Duplex" means a building, on a lot under one ownership, containing not more than two kitchens, designed and used as two dwelling units, of comparable size independent of each other.

"Dwelling unit" means a room or group of rooms including living, sleeping, eating, cooking and sanitation facilities, constituting a separate and independent housekeeping unit, occupied or intended for occupancy on a non-transient basis and having not more than one kitchen.

E. "E" Definitions:

"Economically feasible" means when a housing development can be built with a reasonable rate of return. The housing developer's financial ability to build the project shall not be a factor.

Emergency Shelter:

"Emergency shelter, rotating" means a facility that provides temporary housing with minimal supportive services and meets criteria in Section 19.76.030(2).

"Emergency shelter, permanent" means a permanently operated facility that provides temporary housing with minimal supportive services and meets criteria in Section 19.76.030(3).

"Employee Housing" means accommodations for employees as defined by Health and Safety Code 17008, as may be amended.

"Enclosed" means a covered space fully surrounded by walls, including windows, doors and similar openings or architectural features, or an open space of less than one hundred square feet fully surrounded by a building or walls exceeding eight feet in height.

"Entry feature" means a structural element, which leads to an entry door.

"Equestrian center" means a facility for the shelter, display, exhibition, keeping, exercise or riding of horses, ponies or mules, or vehicles drawn by such animals, with related pasture lands, corrals and trails.

"Equipment yard" means a use providing for maintenance, servicing or storage of motor vehicles, equipment or supplies; or for the dispatching of service vehicles; or distribution of supplies or construction materials required in connection with a business activity, public utility service, transportation service, or similar activity, including but not limited to, a construction material yard, corporation yard, vehicular service center or similar use.

F. "F" Definitions:

"Facility" means a structure, building or other physical contrivance or object.

1. "Accessory facility" means a facility which is incidental to, and customarily associated with a specified principal facility and which meets the applicable conditions set forth in Chapter 19.80.

2. "Noncomplying facility" means a facility which is in violation of any of the site development regulations or other regulations established by this title, but was lawfully existing on October 10, 1955, or any amendment to this title, or the application of any district to the property involved by reason of which the adoption or application the facility becomes noncomplying.

3. "Principal facilities" means a main building or other facility which is designed and constructed for or occupied by a principal use.

"Family" means an individual or group of persons living together who constitute a bona fide single housekeeping unit in a dwelling unit. "Family" shall not be construed to include a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

"Fence" means a man-made structure which is designed, intended or used to protect, defend or obscure the interior property of the owner from the view, trespass or passage of others upon that property.

"Fence height" means the vertical distance from the highest point of the fence (excluding post caps) to the finish grade adjoining the fence. In a case where the finish grade is different for each side of the fence, the grade with the highest elevation shall be utilized in determining the fence height.

"Financial institutions" means a company engaged in the business of dealing with monetary transactions, such as deposits, loans, investments and currency exchange. This classification does not include payday lending businesses or check cashing businesses. The term "payday lending business" as used herein means retail businesses owned or operated by a "licensee" as that term is defined in California Financial Code Section 23001(d), as amended from time to time. The term "check cashing business" as used herein means a retail business owned or operated by a "check casher" as that term is defined in California Civil Code Section 1789.31 as amended from time to time.

"First floor" means that portion of a structure less than or equal to twenty feet in height, through which a vertical line extending from the highest point of exterior construction to the appropriate adjoining grade, passes through one story.

"Flag" means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

"Floor area" means the total area of all floors of a building measured to the outside surfaces of exterior walls, and including the following:

1. Halls;
2. Base of stairwells;
3. Base of elevator shafts;
4. Services and mechanical equipment rooms;
5. Interior building area above fifteen feet in height between any floor level and the ceiling above;
6. Basements with lightwells that do not conform to Section 19.28.070(I);
7. Residential garages;
8. Roofed arcades, plazas, walkways, porches, breezeways, porticos, courts, and similar features substantially enclosed by exterior walls;
9. Sheds and accessory structures.

"Floor area" shall not include the following:

1. Basements with lightwells that conform to Section 19.28.070(I);
2. Lightwells;
3. Attic areas;
4. Parking facilities, other than residential garages, accessory to a permitted conditional use and located on the same site;
5. Roofed arcades, plazas, walkways, porches, breezeways, porticos, courts and similar features not substantially enclosed by exterior walls.

"Floor area ratio" means the ratio of gross floor area on a lot to the lot area.

"Foot-lambert" means a unit measurement of the brightness of light transmitted through or reflected from an object or surface.

"Freeway" means any public roadway so designated by the State of California.

"Front wall" means the wall of a building or other structure nearest the street upon which the building faces, but excluding certain architectural features as defined in this chapter.

G. "G" Definitions:

"Garage" means an accessory building (completely enclosed) or an attached building used primarily for the storage of motor vehicles.

"Gasoline service station" means any place of business which offers for sale any motor vehicle fuel to the public.

"Glare" means the effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, which causes annoyance, discomfort, or loss of visual performance and ability.

"Glass features", for purposes of Chapter 19.102, Glass and Lighting Standards, means such features as free-standing glass walls, wind barriers, skywalks, balconies, greenhouses, and rooftop appurtenances.

"Grade" or "finished grade" means the lowest point of adjacent ground elevation of the finished surface of the ground

paving, or sidewalk, excluding areas where grade has been raised by means of a berm, planter box, or similar landscaping

feature, unless required for drainage, within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Gross lot area" means the horizontal area included within the property lines of a site plus the street area bounded by the street centerline up to thirty feet distant from the property line, the street right-of-way line and the extended side yard to the street centerline.

"Guest room" means a room which is intended, arranged or designed to be occupied by occasional visitors or nonpaying guests of the occupants of the dwelling unit in which the room is located, and which contains no kitchen facilities.

H. "H" Definitions:

"Habitable floor" means the horizontal space between a floor area of at least seventy square feet and the ceiling height measuring at least seven feet six inches above it, except for a kitchen which shall have a ceiling height not less than seven feet above the floor.

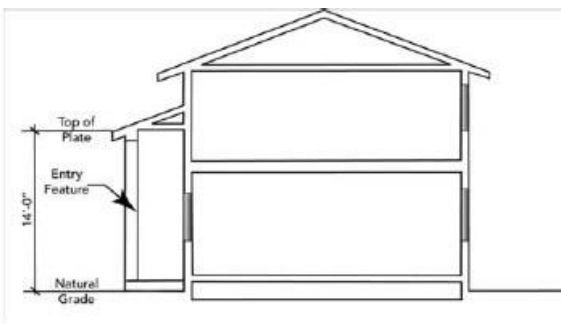
"Habitable space" means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartment, closets, halls, storage or utility space and similar areas are not considered habitable space.

"Heavy equipment" means any mechanical or motorized device that is not a vehicle or a commercial vehicle as defined in Section 19.08.030(V), including, but not limited to, a backhoe, cement mixer, crane, ditch witch, dozer, earth mover, generator, grader, tractor or any similar device.

"Height" means a vertical distance measured parallel to the natural grade to the highest point of exterior construction, exclusive of chimneys, antennas or other appurtenances, except that entry features are measured to the top of the wall plate.

Height restriction shall be established by establishing a line parallel to the natural grade.

"Height", for purposes of the Accessory Buildings/Structures, encompasses the entire wall plane nearest the property line, including roof, eaves, and any portion of the foundation visible above the adjoining finished grade.



HEIGHT LIMIT FOR ENTRY FEATURES

"Home occupation" means a business, profession, occupation or trade activity which is performed by the resident(s) of a dwelling unit within that dwelling unit, or a yard area or garage associated with that dwelling unit, or a yard area or garage associated with that unit, for purposes of generating income, by means of the manufacture, and/or sale of goods and/or services, but which activity is clearly incidental to the use of the dwelling for residential purposes.

"Hospital" means a facility for providing medical, psychiatric or surgical services for sick or injured persons, primarily on an inpatient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research, administration, and service to patients, employees or visitors.

"Hotel" means a facility containing rooms or groups of rooms, generally without individual kitchen facilities, used or intended to be used by temporary overnight occupants, whether on a transient or residential occupancy basis, and whether or not

eating facilities are available on the premises. Hotel includes motel, motor hotel, tourist court, or similar use, but does not include mobilehome parks or similar uses.

"Household pets" means small animals commonly found in residential areas such as chickens, ducks, geese, rabbits, dogs, and cats, but excluding animals such as any bovine or equine animal, or any goat, sheep or swine. This title does not regulate the keeping of small household pets, such as fish, birds or hamsters, which is incidental to any permitted use.

However, no animal including household pets may be kept, maintained and/or raised for commercial purposes except where permitted with required permits.

"Household type" means whether the occupants of the housing units are very low income, lower income, moderate income, or senior citizens.

"Housing development" means for the purposes of Chapter 19.56, Density Bonus, a development project for five or more residential units. For the purposes of that chapter, "housing development" also includes a subdivision or common interest development, approved by the City that consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in Government Code Section 65863.4(d), where the result of the rehabilitation would be a net increase in available residential units.

I. "I" Definitions:

"Industrial district," for purposes of the Sign Ordinance, means all ML districts and any other zoning classifications which are consistent with the industrial designation of the Cupertino general plan.

"Institutional district," for purposes of the Sign Ordinance, means all BQ, PR, FP, and BA districts and other zoning classifications and uses which are considered institutional in nature and are consistent with the institutional or quasi-public designation of the general plan.

J. "J" Definitions:

"Junkyard" means the use of more than two hundred square feet of the area of any lot for the storage or keeping of junk, including scrap metals or other scrap material, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery.

K. "K" Definitions:

"Kitchen" means an area in habitable space used for the preparation of food and including at least three of the following:

1. Cooking appliance(s) or provision for a cooking appliance (such as 220V outlets, gas connections and space for appliances between counters;
2. Counter;

3. Refrigerator;

4. Sink.

L. "L" Definitions:

"Landscaping" means an area devoted to or developed and maintained with native or exotic planting, lawn, ground cover, gardens, trees, shrubs, and other plant materials, decorative outdoor landscape elements, pools, fountains, water features, paved or decorated surfaces of rock, stone, brick, block or similar material (excluding driveways, parking, loading or storage areas), and sculptural elements.

"Late evening activities" means an activity which maintains any hours of operation during the period of eleven p.m. to seven a.m.

"Legal substandard lot" means any parcel of land or lot recorded and legally created by the County or City prior to March 17, 1980, which lot or parcel is of less area than required in the zone; or lots or parcels of record which are reduced to a substandard lot size as a result of required street dedication unless otherwise provided in the City of Cupertino General Plan. The owner of a legally created, substandard property which is less than six thousand square feet but equal to or greater than five thousand square feet may utilize such parcel for residential purposes. The owner of a legally created parcel of less than five thousand square feet may also develop the site as a single-family residential building site if it can be demonstrated that the property was not under the same ownership as any contiguous property on the same street frontage as of or after July 1, 1984.

"Light Fixture" means a complete lighting unit consisting of one or more lamps, and ballast(s), where applicable, together with the parts designed to distribute the light, position and protect the lamp(s) and ballast(s), and connect the lamp(s) to the power supply.

"Light trespass" means light emitted by a light fixture that shines beyond the property on which it is installed.

"Lightwell" means an excavated area required by the Uniform Building Code to provide emergency egress, light and ventilation for below grade rooms.

"Liquor store" means a use requiring a State of California "off-sale general license" (sale for off-site consumption of wine, beer and/or hard liquor) and having fifty percent or more of the total dollar sales accounted for by beverage covered under the off-sale general license.

"Living space" means, for the purposes of Chapter 19.112, the same as that set forth for "living area" in California Government Code Section 65852.2(j)(4). All attic and basement square footage proposed as part of an Accessory Dwelling Unit shall be limited by the maximum size allowed per Chapter 19.112.

"Loading space" means an area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

"Lodging" means the furnishing of rooms or groups of rooms within a dwelling unit or an accessory building on a transient basis, whether or not meals are provided to the person. Lodging shall be subject to the residential density requirements of the district in which the use is located.

"Lodging unit" means a room or group of rooms not including a kitchen, used or intended for use by overnight or transient occupants as a single unit, whether located in a hotel or a dwelling unit providing lodging where designed or used for occupancy by more than two persons; each two-person capacity shall be deemed a separate lodging unit for the purpose of determining residential density; each two lodging units shall be considered the equivalent of one dwelling unit.

"Lot" means a parcel or portion of land separated from other parcels or portions by description, as on a subdivision or record of survey map, or by metes and bounds, for purpose of sale, lease or separate use.

1. "Corner lot" means a lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.
2. "Flag lot" means a lot having access to a street by means of a private driveway or parcel of land not otherwise meeting the requirement of this title for lot width.
3. "Interior lot" means a lot other than a corner lot.
4. "Key lot" means the first lot to the rear of a corner lot, the front line of which is a continuation of the side line of the corner lot, and fronting on the street which intersects or intercepts the street on which the corner lot fronts.

"Lot area" means the area of a lot measured horizontally between boundary lot lines, but excluding a portion of a flag lot providing access to a street and lying between a front lot line and the street, and excluding any portion of a lot within the lines of any natural watercourse, river, stream, creek, waterway, channel or flood control or drainage easement and excluding any portion of a lot acquired, for access and street right-of-way purposes, in fee, easement or otherwise.

"Lot coverage" means the following:

1. "Single-family residential use" means the total land area within a site that is covered by buildings, including all projections, but excluding ground-level paving, landscape features, lightwells, and open recreational facilities. Sheds are included in lot coverage.
2. "All other uses except single-family residential" means the total land area within a site that is covered by buildings, but excluding all projections, ground-level paving, landscape features, and open recreational facilities.

"Lot depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no clear rear lot line.

"Lot line" means any boundary of a lot.

1. "Front lot line" means on an interior lot, the lot line abutting a street, or on a corner lot, the shorter lot line abutting a street, or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained. Lot line length does not include arc as identified on corner parcels.
2. "Interior lot line" means any lot line not abutting a street.
3. "Rear lot line" means the lot line not intersecting a front lot line which is most distant from and the most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.
4. "Side lot line" means any lot line which is not a front or rear lot line.
5. "Street lot line" means any lot line abutting a street.

"Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds which has been recorded.

"Lot width" means the horizontal distance between side lot lines, measured at the required front setback line.

"Lower-income household" means a household whose gross income does not exceed that established by Health and Safety Code Section 50079.5, as may be amended.

M. "M" Definitions:

"Major renovation," for purposes of Chapter 19.116, Conversions of Apartment Projects to Common Interest Development, means any renovation for which an expenditure of more than one thousand dollars was made.

"Major repair," for purposes of Chapter 19.116, Conversions of Apartment Projects to Common Interest Development, means any repair for which an expenditure of more than one thousand dollars was made.

"Major Transit Stop," for purposes of Chapter 19.56, Density Bonus, means an existing site, or a site included in the regional transportation plan, that contains a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A housing development is considered to be within one-half mile of a major transit stop if all parcels within the housing development have no more than 25 percent of their area farther than one-half mile from the stop and if not more than 10 percent of the

units or 100 units, whichever is less, in the housing development are farther than one-half mile from the stop as set forth in Government Code Section 65915(p)(3)(A), as may be amended.

"Manufacturing" means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing fabrication, assembly, treatment, packaging of products, but excluding basic industrial processing of extracted or raw materials, processes utilizing inflammable or explosive material (i.e., materials which ignite easily under normal manufacturing conditions), and processes which create hazardous or commonly recognized offensive conditions.

"Massage" means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external parts of the human body with the hands or with any mechanical or electrical apparatus or other appliances or devices with or without such supplementary aides as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations.

"Massage parlor" means a building or portion thereof, or a place where massage is administered for compensation or from which a massage business or service for compensation is operated which is not exempted or regulated by the Massage Establishment Ordinance as contained in Title 9, Health and Sanitation of the Cupertino Municipal Code, Chapter 9.06.

"Maximum allowable residential density," for purposes of Chapter 19.56, Density Bonus, means the maximum density allowed under the zoning ordinance and land use element of the general plan. For purposes of that Chapter, if the maximum density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.

"Minor change" means an alteration or modification of an existing plan, development or project which is substantially inferior in bulk, degree or importance to the overall dimension and design of the plan, development or project with no change proposed for the use of the land in question, no change proposed in the character of the structure or structures involved, and no variance required.

"Mobilehome" means a vehicle, other than a motor vehicle, designed or used as semi-permanent housing, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle, and shall include a trailer coach.

"Mobilehome park" means any area or tract of land where lots are sold, rented, or held out for rent to one or more owners or users of mobilehomes, excluding travel-trailers, for the purpose of permanent or semi-permanent housing.

"Moderate income household" means a household whose gross income does not exceed that established by Section 50093 of the Health and Safety Code, as may be amended.

"Multiple-family use" means the use of a parcel for three or more dwelling units which may be in the same building or in separate buildings on the same parcel.

"Muntins" means strips of wood, metal, or other materials that physically separate and support individual panes of glass in a window or visually separate a single pane of glass in a window into different sections.

N. "N" Definitions:

"Natural grade" means the contour of the land prior to improvements or development, unless otherwise established by a City approved grading plan that is part of a subdivision map approval.

"Nightclub" means an establishment providing alcoholic beverage service and late evening (past eleven p.m.) entertainment, with or without food service.

O. "O" Definitions:

"Office" means:

1. "Administrative or executive offices" including those pertaining to the management of office operations or the direction of enterprise but not including merchandising or sales services.
2. "Medical office" means a use providing consultation, diagnosis, therapeutic, preventative or corrective personal treatment services by doctors, dentists, medical and dental laboratories, and similar practitioners of medical and healing arts for humans, licensed for such practice by the State of California and including services related to medical research, testing and analysis.
3. "Professional offices" such as those pertaining to the practice of the professions and arts including, but not limited to, accounting, architecture, dentistry, design, engineering, including associated testing and prototype development, but excluding product manufacturing and/or assembly, law and medicine, but not including sale of drugs or prescriptions except as incidental to the principal uses and where there is external evidence of such incidental use.
4. "Office district," for purposes of the Sign Ordinance, means those buildings or groups of buildings for which the permitted uses are professional offices, is within an OA or OP zone or which are designated for offices on the general plan.

"Offset" means the indentation or projection of a wall plane.

"Open" means a space on the ground or on the roof of a structure, uncovered and unenclosed.

"Organizational documents" means the declaration of restrictions, articles of incorporation, bylaws and any contracts for the maintenance, management or operation of all or any part of a common interest development.

"Outdoor recreation use" means a privately owned or operated use providing facilities for outdoor recreation activities, including golf, tennis, swimming, riding or other outdoor sport or recreation, operated predominantly in the open, except for accessory or incidental enclosed services or facilities.

P. "P" Definitions:

"Park" means any open space, reservation, playground, swimming pool, golf course, recreation center, or any other area in the City owned or used by the City or County and devoted to active or passive recreations.

"Parking area" means an unroofed, paved area, delineated by painted or similar markings, intended and designed to accommodate one or more vehicles.

"Parking facility" means an area on a lot or within a building, or both, including one or more parking spaces, together with driveways, aisles, turning and maneuvering areas, clearances and similar features, and meeting the requirements established by this title. Parking facility includes parking lots, garages and parking structures.

1. "Temporary parking facility" means parking lots which are not required under this title and which are intended as interim improvements of property subject to removal at a later date.

"Parking space" means an area on a lot or within a building, used or intended for use for parking a motor vehicle, having permanent means of access to and from a public street or alley independently of any other parking space, and located in a parking facility meeting the requirements established by this title. Parking space is equivalent to the term "parking stall" and does not include driveways, aisles or other features comprising a parking facility as previously defined in this chapter.

"Pennant" means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

"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.

"Person" means an individual, group, partnership, firm, association, corporation, trust, governmental agency, governmental official, administrative body, or tribunal or any other form of business or legal entity.

"Personal fitness training center" means a facility providing space and equipment, with or without supervision, for group or individual athletic development, increased skill development in sports activity, or rehabilitative therapy for athletic injury.

"Perspective drawing" means a rendering of a three-dimensional view depicting the height, width, depth, and position of a proposed structure in relation to surrounding properties and structures when viewed from street level.

"Picnic area" means a facility providing tables and cooking devices for preparation and consumption of meals out of doors or within an unenclosed shelter structure.

"Practice range" means a facility providing controlled access to fixed or movable objects which are used to test and measure accuracy of discharge from a weapon.

"Private educational facility" means a privately owned school, including schools owned and operated by religious organizations, offering instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the State of California.

"Project improvements" means all public road improvements, undergrounding utility improvements, and improvements to the on-site utility networks as required by the City of Cupertino for a common interest development.

"Projection" means architectural elements, not part of the main building support, that cantilevers from a single building wall or roof, involving no supports to the ground other than the one building wall from which the element projects.

"Promotional device" means any sign, display, fixture, placard, vehicle or structure that uses color, form, graphic, symbol, illumination or writing to advertise a special event or the opening of a new business.

"Property" means real property which includes land, that which is affixed to the land, and that which is incidental or appurtenant to the land as defined in Civil Code Sections 658 through 662.

1. Property, Adjoining. "Adjoining property" means any unit of real property, excluding lands used as public streets, sharing one or more common points with another property.

"Provider" means a person who operates a child day care home and is licensed by the State of California.

"Public dancehall" is a building or portion used for dancing purposes to and in which the general public is admitted and permitted to dance, upon payment of any fee other than compensation, or upon payment of a charge for admission, or for which tickets or other devices are sold, or in which a charge is made for the privilege

of dancing with any other person employed for such purpose by the operator of the establishment, including but not limited to taxi dances, but excluding restaurants, hotel rooms and nightclubs in which the dancing is incidental only to other entertainment.

Q. "Q" Definitions:

"Qualified applicant" is a person who has a legal or equitable interest in real property which is the subject of a development agreement, determined pursuant to Section 19.116.070. Qualified applicant includes an authorized agent.

"Qualifying resident" for purposes of Chapter 19.56, Density Bonus, of this Code, means a senior citizen or other persons eligible to reside in a senior citizen housing development.

R. "R" Definitions:

"Recreational open space" means open space within a common interest development (exclusive of required front setback areas) which shall be used exclusively for leisure and recreational purposes, for the use and enjoyment of occupants (and their visitors) of units on the project and to which such occupants (and their visitors) have the right of use and enjoyment.

Accessory structures such as swimming pools, recreational buildings and landscaped areas may be included as open space.

"Recyclable materials" means discards or waste materials that may be separated or mixed, collected and processed, and used as raw materials for new products. For purposes of Chapter 19.108, Beverage Container Redemption and Recycling Centers, recyclable materials do not include hazardous materials.

"Recycling center" means a facility for the collection and/or processing of recyclable materials. Recycling center does not include storage containers or processing activity located on the premises of a commercial or manufacturing use and use solely for the recycling of material generated by that business or manufacturer.

1. "Recycling center, Certified" or "Certified Processor" means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986.

2. "Recycling center, Mobile" means an automobile, truck, trailer or van licensed by the Department of Motor Vehicles, which is used for the collection of recyclable material. A mobile recycling center also means the bins, boxes or containers transported by trucks, vans, or trailers and used for the collection of recyclable materials. A mobile recycling center may consist of an enclosed vehicle such as box cab or enclosed semi-trailer or an open vehicle such as a flatbed trailer with bins or boxes to contain recyclable materials.

"Recycling facilities" may include the following:

1. "Collection facility" means a facility for the acceptance (donation, redemption or sale) of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as indicated in Chapter 19.108, Beverage Container Redemption and Recycling Centers. Collection facilities may include the following:

- a. Reverse vending machine(s);
- b. Small collection facilities which occupy an area of not more than five hundred square feet, and may include:
 - i. A mobile recycling unit,
 - ii. Bulk reverse vending machine or a grouping of reverse vending machines occupying more than fifty square feet,
 - iii. Kiosk type units and bulk vending machines,
 - iv. Unattended containers placed for the donation of recyclable materials;
- c. Large collection facilities which may occupy an area of more than five hundred square feet, or is on a separate property not appurtenant to a host use, and may include permanent structures.

2. "Processing facility" means a building or enclosed space use for the collection and processing of recyclable materials. Processing means the preparation of material for efficient shipment or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facility includes the following:

- a. A light processing facility occupies an area of under forty-five thousand square feet of gross collection, processing and storage area and has up to two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials sufficient to qualify as a certified processing facility. A light processing facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
- b. A heavy processing facility is any processing facility other than a light processing facility.

"Religious institution" means a seminary, retreat, monastery, conference center, or similar use for the conduct of religious activities including accessory housing incidental thereto, but excluding a private educational facility. Any use for which a property tax exemption has been obtained pursuant to Section 3(f) of Article XIII of the Constitution of the State of California and Section 206 of the Revenue and

Taxation Code of the State of California, or successor legislation, or which is used in connection with any church which has received such an exemption, shall be prima facie presumed to be a religious institution.

"Research and development" means a use engaged in study, design, analysis and experimental development of products, processes or services, including incidental manufacturing of products or provisions of services to others.

"Residential care facility" means a building or portion designed or used for the purpose of providing twenty-four-hour-a-day nonmedical residential living accommodations pursuant to the Uniform Building, Housing and Fire Codes, in exchange for payment of money or other consideration, where the duration of tenancy is determined, in whole or in part, by the individual resident's participation in group or individual activities such as counseling, recovery planning, medical or therapeutic assistance. Residential care facility includes, but is not limited to, health facilities as defined in California Health and Safety Code (H&SC Section 1250 et seq.), community care facilities (H&SC Section 1500 et seq.), residential care facilities for the elderly (H&SC Section 1569 et seq.) or facilities for the mentally disordered or otherwise handicapped (W&I Code Section 5000 et seq.), alcoholism or drug abuse recovery or treatment facilities (H&SC Section 11384.11), and other similar care facilities.

"Residential district," for purposes of the Sign Ordinance, means the R1, RHS, R2, R3, R1C, A, and A1 zoning classifications which are consistent with the residential designation of the Cupertino general plan.

Restaurant:

1. Restaurant, Fast-Food. "Fast-food restaurant" means a retail food service establishment in which prepared foods or beverages are served or sold on or in disposable containers, including those establishments where a substantial portion of the patrons may serve themselves and may consume the food and beverages off-site. A separate bar facility for serving alcoholic beverages is not permitted. Any area, tables or rooms reserved for serving alcoholic beverages shall be considered a separate bar facility. Specialty food stores, such as ice cream stores, bakeries or shops, shall not be considered fast-food restaurants.

2. Restaurant, Full Service. "Full-service restaurant" means any restaurant which is not a fast-food restaurant. Alcoholic beverages may be served with meals at a customer's dining table; however, a separate bar facility for serving alcoholic beverages is not permitted without a use permit.

"Reverse vending machine(s)" means an automated mechanical device which accepts one or more types of empty beverage containers, including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the containers redemption value, as determined by the State. A reverse vending machine may sort and process

containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling center, multiple grouping of reverse vending machines may be necessary.

1. A bulk reverse vending machine is a reverse vending machine that is larger than fifty square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

S. "S" Definitions:

"Screened" means shielded, concealed, and effectively hidden from view at an elevation of up to eight feet above ground level on adjoining parcels, or from adjoining parcels, within ten feet of a lot line, by a fence, wall, hedge, berm, or similar structure, architectural or landscape feature, or combination thereof.

"Senior citizens" means:

1. Persons at least sixty-two years of age; or
2. Persons at least fifty-five years of age or otherwise qualified to reside in a senior citizen housing development, in accordance with State and federal law.

"Senior citizen housing development" means a housing development with at least thirty-five dwelling units as defined in the Civil Code Section 51.3, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code, as may be amended.

"Setback line" means a line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side or rear yard, or the boundary of any public right-of-way or private road, whether acquired in fee, easement, or otherwise, or a line otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line.

Setback Area, Required. "Required setback area" means open space, unoccupied and unobstructed from the ground upward, except as provided in this title, between the lot line and the setback line on the same parcel.

1. Setback Area, Required Front Yard. "Required front-yard setback area" means the setback area extending across the front of a lot between the front lot line and the setback line. Front yards shall be measured either by a line at right angles to the front lot line, or by a radial line in the case of a curved front lot line, except flag lots which is the area extending across the full extent of the buildable portion of the flag lot measured from the property line which is parallel to and nearest the street line and at which point the lot width equals a minimum of sixty

feet. The Director of Community Development shall have the discretion to modify the provisions of this definition when it improves the design relationship of the proposed buildings to adjacent buildings or parcels.

2. Setback Area, Required Rear Yard. "Required rear-yard setback area" means the area extending across the full width of the lot between the rear lot line and the nearest line or point of the main building.

3. Setback Area, Required Side Yard. "Required side-yard setback area" means the area between the side lot line and the nearest line of a building, and extending from the front setback line to the rear setback line.

"Shielded fixture" means a light fixture that is shielded or constructed so that light rays emitted by the lamp(s) are projected below the horizontal plane passing through the lowest point on the light fixture.

"Shopping center" means a group of commercial establishments, planned, developed, owned or managed as a unit, with off-street parking provided on the parcel.

"Shopping center," for purposes of the Sign Ordinance, means a retail entity encompassing three or more tenants within a single building or group of buildings, but within which individual business located in defined tenant spaces are owned and managed separately from the shopping center management.

"Sidewalk site triangle" is a triangular shaped area described in Cupertino Standard Detail 7-6. (See Appendix C, Cupertino Standard Detail; Sidewalk Site Triangle (Sidewalk Clearance at Driveway))

"Sign" means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, to communicate information of any kind to the public.

1. "Animated sign" means any sign which projects action, motion or the illusion thereof, changes intensity of illumination or changes colors, including the likes of balloons, banners and flags, and blowing or air-powered attractions, but excluding electronic readerboard signs and signs that display the current time or temperature.
2. "Blade sign" means a pedestrian oriented sign, adjacent to a pedestrian walkway or sidewalk, attached to a building wall, marquee, awning or arcade with the exposed face of the sign in a plane perpendicular to the plane of the building wall.
3. "Development Identification Sign" means a ground sign at the major entry to a residential development with twenty units or more meant to identify the name and address of the development.

4. "Directional sign" means any sign which primarily displays directions to a particular area, location or site.
5. "Directory sign" means any outdoor listing of occupants of a building or group of buildings.
6. "Electronic readerboard sign" means an electronic sign intended for a periodically-changing advertising message.
7. "Freeway oriented sign" means any sign which is located within six hundred sixty feet and visible from a freeway right- of-way as defined by Section 5200 of the California Business and Professions Code.
8. "Garage sale signs" means any sign used for advertising a garage or patio sale as defined in Chapter 5.16 of the Cupertino Municipal Code.
9. "Ground sign" means any sign permanently affixed to the ground and not supported by a building structure. The height of the sign shall be measured from the grade of the adjoining closest sidewalk to the top of the sign including trim.
10. "Identification sign" means any sign whose sole purpose is to display the name of the site and the names of the occupants, their products or their services.
11. "Illegal sign" means any sign or advertising statuary which was not lawfully erected, maintained, or was not in conformance with the provisions of this title in effect at the time of the erection of the sign or advertising statuary or which was not installed with a valid permit from the City.
12. "Illuminated sign" means any sign utilizing an artificial source of light to enhance its visibility.
13. "Informational sign" means any sign which promotes no products or services, but displays service or general information to the public, including the likes of hours of operation, rest room identifications and hazardous warnings.
14. "Landmark sign" means an existing, legal non-conforming ground sign that has a distinctive architectural style.
15. "Nonconforming sign" means any sign or advertising statuary that was legally erected and had obtained a valid permit in conformance with the ordinance in effect at the time of the erection of the sign but which became nonconforming due to the adoption of the ordinance codified in this title.
16. "Obsolete sign" means any sign that displays incorrect or misleading information, promotes products or services no longer available at that site

or identifies departed occupants.

17. "Off-site sign" means any sign not located on the premises of the business or entity indicated or advertised by the sign. This definition shall include billboards, poster panels, painted bulletins and other similar advertising displays.
18. "On-site sign" means a sign directing attention to a business, commodity, service or entertainment conducted, sold or offered upon the same premises as those upon which the sign is maintained.
19. "Political sign" means a temporary sign that encourages a particular vote in a scheduled election and is posted prior to the scheduled election.
20. "Portable Sign or Display" means any outdoor sign or display not permanently attached to the ground or a structure on the premises it is intended to occupy and displayed only during business hours. Portable sign or display includes A- frames, flower carts, statues, and other similar devices used for advertising as determined by the Director.
21. "Project announcement sign" means any temporary sign that displays information pertinent to a current or future site of construction, including the likes of the project name, developers, owners and operators, completion dates, availability and occupants.
22. "Projecting sign" means any sign other than a wall sign that is attached to and projects from a structure or building face or wall.
23. "Real estate sign" means a temporary sign indicating that a particular premises is for sale, lease or rent.
24. "Roof sign" means a sign erected between the lowest and highest points of a roof.
25. "Street address sign" means any sign that displays only the street address number(s) of the site and, at the option of the property owner, the street name.
26. "Temporary Sign" means any sign, display, banner or promotional device which is designed or intended to be displayed only during the allowable business hours or for short periods of time as specified by the Director of Community Development.
27. "V-shaped signs" means any sign consisting of two vertical faces, or essentially vertical faces, with one common edge and which appears as the letter V when viewed directly from above.
28. "Vehicle sign" means a sign painted on or attached to an operable or movable vehicle; in the case of motor vehicles, "operable" shall be defined as

having a valid license plate.

29. "Wall sign" means any sign that is attached, erected or painted on a structure attached to a building, a canopy structure, or the exterior wall of a building with the exposed face of the sign parallel to the wall.
30. "Window sign" means any sign that is intended to be read from outside of the structure or painted on a window facing a public street, parking lot, pedestrian plaza or walkway accessible to the public.

"Sign Area" for an individually lettered sign without a background, is measured by enclosing the sign copy with a continuous perimeter in simple rectilinear forms. (See Appendix D for examples of sign area calculation)

The sign area for a sign with borders and/or background is measured by enclosing the exterior limits of the border or background with a single continuous perimeter. The necessary supports, uprights, and/ or the base on which such sign is placed, shall be excluded from the sign area.

When a sign is separated by thirty-six inches or more, the area of each part may be computed separately.

"Single family residence," for purposes of Chapter 19.112, shall mean one dwelling unit located on a separately owned lot. Single family residence does not include property with only air parcels or condominiums.

"Specialty food stores" means uses such as bakeries, donut shops, ice cream stores, produce markets and meat markets, or similar establishments where food is prepared and/or sold primarily for consumption off the premises.

"Site," for purposes of the Sign Ordinance, means a piece of land as shown on a subdivision map, record of survey map or assessor's parcel map, which constitutes one development site and which may be composed of a single unit of land or contiguous units under common ownership, control, or development agreement.

"Special event," for purposes of the Sign Ordinance means a temporary promotional event including, but not limited to, a special sale on merchandise or services, or grand openings.

"Special Event Banner" means any temporary sign constructed of pliable materials such as canvas, fabric, vinyl plastic or similar materials which will withstand exposure to wind and rain without significant deterioration, and which does not require a building permit for its construction, or installation outside of a building.

"Special needs housing," for purposes of Chapter 19.56, Density Bonus, means any housing, including supportive housing, intended to benefit, in whole or in part, persons identified as having special needs relating to mental health; physical disabilities; developmental disabilities, including without limitation intellectual disability, cerebral palsy, epilepsy, and autism; and risk of homelessness, and housing intended to meet the housing needs of persons eligible for mental health

services funded in whole or in part by the Mental Health Services Fund, as set forth in Government Code Section 65915(p) (3)(C), as may be amended.

"Specified anatomical areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

"Story" means that portion of a building, excluding a basement, between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

"Street" means a public or private thoroughfare the design of which has been approved by the City which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare except an alley as defined in this chapter.

1. Street, Public. "Public street" means all streets, highways, lanes, places, avenues and portions and including extensions in the length and width, which have been dedicated by the owners to public use, acquired for public use, or in which a public easement for roadway purposes exists.

"Street frontage," for purposes of the Sign Ordinance, means the length of a site along or fronting on a public or private street, driveway or other principal thoroughfare, but does not include such length along an alley, watercourse, railroad right-of-way or limited access roadway or freeway. "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

1. Structure, Recreational. "Recreational structure" means any affixed accessory structure or portion, which functions for play, recreation or exercise (e.g., pool slides, playhouses, tree houses, swings, climbing apparatus, gazebos, decks, patios, hot tubs and pools) but does not include portable play structures, such as swings or climbing apparatus.

"Structurally attached" means any structure or accessory structure or portion thereof, which is substantially attached or connected by a roof structure or similar physical attachment.

"Supportive housing" (per Government Code Section 65582(f), as may be amended) means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

T. "T" Definitions:

"Target population" (per CA Government Code 65582(g), as may be amended) means persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code).

"Transient" means any individual who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days, and including any individual who actually physically occupies the premises, by permission of any other person entitled to occupancy.

"Transitional housing" (per CA Government Code 65582(h), as may be amended) means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from beginning of assistance.

"Trim" means the molding, battens, cappings, nailing strips, lattice and platforms which are attached to a sign.

U. "U" Definitions:

"Unobstructed Access," for purposes of Chapter 19.56, Density Bonus, means access to a location if a resident is able to access the location without encountering natural or constructed impediments, as set forth in Government Code Section 65915(p)(2), as may be amended.

"Uplighting" means the placement and orientation of light fixtures such that light rays are directed upward.

"Use" means the conduct of an activity, or the performance of a function or operation, on a parcel or in a building or facility.

1. "Accessory use" means a use which is incidental to and customarily

associated with a specified principal use.

2. "Conditional use" means a use listed by the regulations of any particular district as a conditional use within that district, and allowable solely on a discretionary or conditional basis, subject to issuance of a conditional use permit, and to all other regulations established by this title.

3. "Nonconforming use" means a use which is not a permitted use or conditional use authorized within the district in which it is located, but which was lawfully existing on October 10, 1955; or the date of any amendments thereto, or the application of any district to the property involved, by reason of which adoption or application the use became nonconforming.

4. "Permitted use" means a use listed by the regulations of any particular district as a permitted use within that district, and permitted therein as a matter of right when conducted in accord with the regulations established by this title.

5. "Principal use" means a use which fulfills a primary function of a household, establishment, institution, or other entity. "Useable rear yard" means that area bounded by the rear lot line(s) and the rear building line extended to the side lot lines. The side yard adjacent to a proposed minor addition (e.g., addition equaling ten percent or less of the principal structure) may be included in calculation of usable rear yard area.

V. "V" Definitions:

"Variance application" means an application for which an exception process is not identified in the Municipal Code. "Vehicle" means any boat, bus, trailer, motor home, van, camper (whether or not attached to a pickup truck or other vehicle), mobilehome, motorcycle, automobile, truck, pickup, airplane, boat trailer, truck tractor, truck trailer, utility trailer or recreational vehicle, or parts, or any device by which any person or property may be propelled, moved or drawn upon a public street, excepting a device moved exclusively by human power.

1. Vehicle, Commercial. "Commercial vehicle" means a vehicle of a type required to be registered under the California Vehicle Code used or maintained for the transportation of persons for hire, compensation, or profit or designed, used, or maintained primarily for the transportation of goods.

2. Vehicle, Recreation. "Recreation vehicle" means a vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreation vehicle includes, but is not limited to, trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

"Very low income household" means a household whose gross income does not exceed that established by Health and Safety Code Section 50105, as may be amended.

"Visual privacy intrusion" means uninterrupted visual access from a residential dwelling or structure into the interior or exterior areas of adjacent residential structures, which area is either completely or partially private, designed for the sole use of the occupant, and/or which serves to fulfill the interior and/or exterior privacy needs of the impacted residence or residences.

W. "W" Definitions:

~~None.~~ **"Watercourse", for purposes of Chapter 19.102, Glass and Lighting Standards, means any natural or artificial arroyo, canal, channel, conduit, creek, culvert, ditch, gully, lake, ravine river, stream, waterway, or wash or other topographic feature on or over which waters flow at least periodically and adjacent areas in which substantial flood damage may occur from overflow or inundation.**

X. "X" Definitions:

None.

Y. "Y" Definitions:

"Yard" means an area within a lot, adjoining a lot line, and measured horizontally, and perpendicular to the lot line for a specified distance, open and unobstructed except for activities and facilities allowed therein by this title.

1. "Front yard" means a yard measured into a lot from the front lot line, extending the full width of the lot between the side lot lines intersecting the front lot line.

2. "Rear yard" means a yard measured into a lot from the rear lot line, extending between the side yards; provided that for lots having no defined rear lot line, the rear yard shall be measured into the lot from the rearmost point of the lot depth to a line parallel to the front lot line.

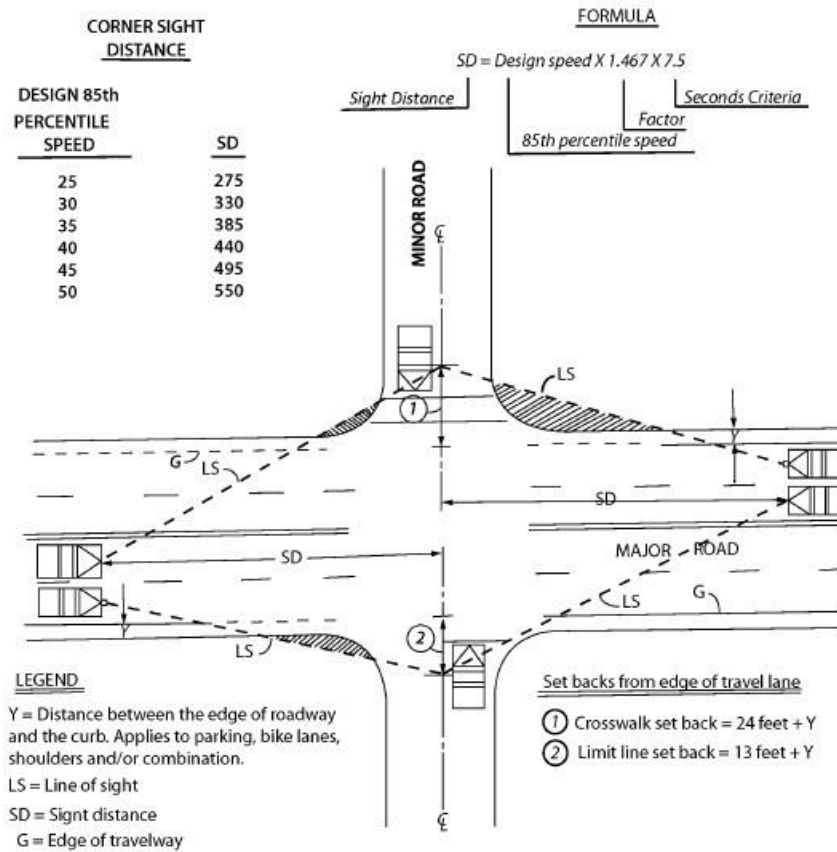
3. "Side yard" means a yard measured into a lot from a side lot line, extending between the front yard and rear lot line.

Z. "Z" Definitions:

None.

Appendix A: Cupertino Standard Detail 7-2 Corner Triangle - Controlled Intersections.

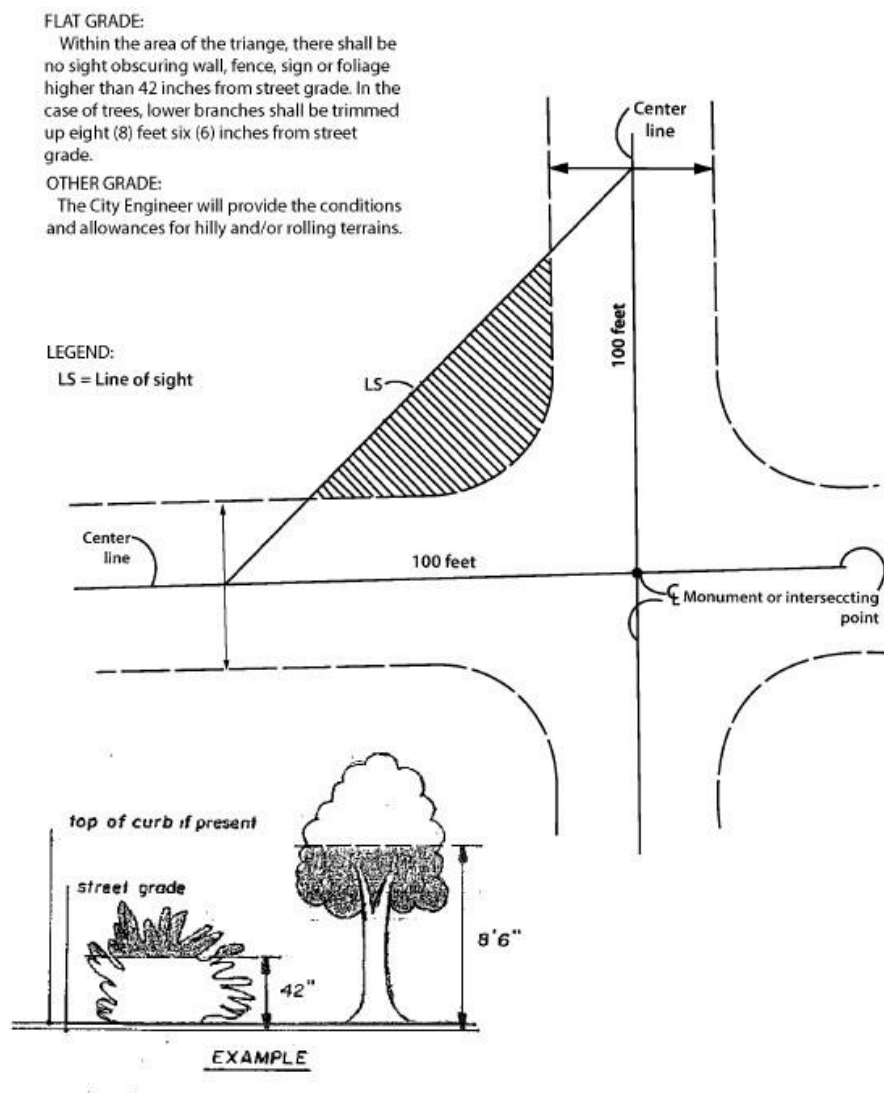
**APPENDIX A:
CUPERTINO STANDARD DETAIL 7-2
CORNER TRIANGLE - CONTROLLED INTERSECTIONS**



Note: To view this Appendix in PDF, click [HERE](#)

Appendix B: Cupertino Standard Detail 7-4 Corner Triangle - Uncontrolled Intersections.

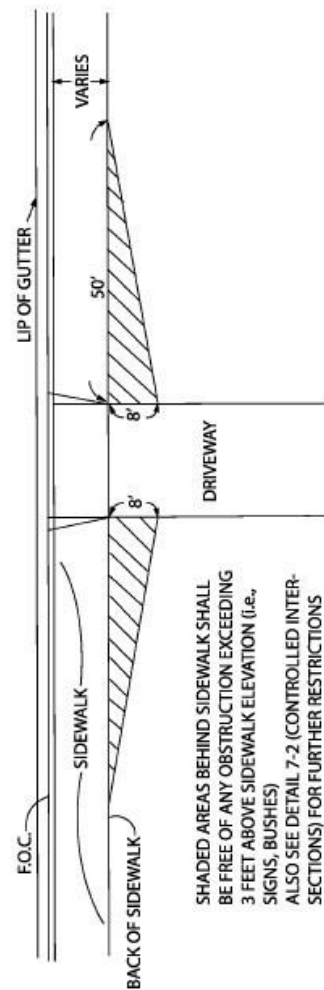
**APPENDIX B:
CUPERTINO STANDARD DETAIL 7-4
CORNER TRIANGLE - UNCONTROLLED INTERSECTIONS**



Note: To view this Appendix in PDF, click [HERE](#)

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

**APPENDIX C:
CUPERTINO STANDARD DETAIL 7-6
SIDEWALK SITE TRIANGLE (SIDEWALK CLEARANCE AT DRIVEWAYS)**



Note: To view this Appendix in PDF, click [HERE](#)

Appendix D: Examples of How to Measure Sign Area.

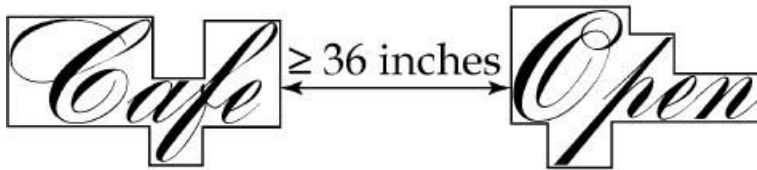
APPENDIX D:
EXAMPLES OF HOW TO MEASURE SIGN AREA



Individually lettered sign



Sign with background or borders



Sign separated by 36 inches or more

3. Amendments to Chapter 19.40.060 concerning lighting in Residential Hillside Zones

19.40.060 Building Development Regulations.

All provisions of this section may be deviated from upon obtaining a Hillside Exception in accordance with Section 19.40.070.

Table 19.40.060 sets forth the rules and regulations pertaining to the development of structures on property zoned Residential Hillside (RHS).

Table 19.40.060: Building Development Regulations				
A. Floor Area Ratio (FAR)				
1. Maximum Allowable Development	a. Net lot area < 10,000 square feet	Lesser of: · 6,500 square feet; or · 45% of net lot area times the slope adjustment factor pursuant to Section 19.40.060(A)(2)* * Formula = (0.45 x Net lot area) x (Slope adjustment factor)		
	b. Net lot area 10,000 square feet	Lesser of: · 6,500 square feet; or · 4,500 square feet plus 59.59 square feet for every 1,000 square feet over 10,000 square feet of net lot area, times the slope adjustment factor pursuant to Section 19.40.060(A)(2)* * Formula = (4,500 + ((Net lot area -10000)/1000) (59.59)) x (Slope adjustment factor)		
2. Adjustment Factor based on Average Slope of Net Lot Area			Average Slope	Reduction (1.5 x (Average Slope - 0.1))
	a. Average Slope 10%	No reduction in allowable floor area slope adjustment factor = 1	< 10%	0%
	b. Average slope between	A reduction in allowable floor area by one and one-half percent (1.5%) for each	11%	1.5%
			12%	3.0%
			13%	4.5%
			14%	6.0%
			15%	7.5%
			16%	9.0%
			17%	10.5%
			18%	12.0%
			19%	13.5%
			20%	15.0%
			21%	16.5%
			22%	18.0%
			23%	19.5%

	10% and 30%	percent of slope over 10%. Slope adjustment factor = (1-(1.5 × (average slope of net lot area - 0.1)))	24%	21.0%
			25%	22.5%
			26%	24.0%
			27%	25.5%
			28%	27.0%
			29%	28.5%
	c. Average slope > 30%	Allowable floor area shall be reduced by a constant 30% Slope adjustment factor=(1- 0.3)	30%	30.0%
3. Additional Regulations for Lots Within Clustered Subdivisions where Land is Reserved for Common Open Space				
a. Lot Area for calculating FAR	May count a proportionate share of the reserved private open space to arrive at lot area for purposes of calculating FAR.			
b. Maximum FAR prior to slope consideration	No developable lot in a cluster development can exceed forty-five-percent floor area ratio, prior to applying the slope adjustment factor, when a portion of the private open space is attributed to the lot area for calculating FAR.			
c. Average slope of lot	Calculated on the developable lot only.			
B. Height of Buildings and Structures	Limited to 30 feet			
C. Setbacks				
	First Floor		Second Floor	Habitable Third Floor (or portions of structures taller than 20 feet)
1. Front-yard				
a. Slope ≤ 20%	20 feet	Driveway and garage must be designed to enable vehicles to park off-street	25 feet	25 feet
b. Slope > 20%	10 feet		25 feet	25 feet
2. Side-yard				

a. Interior Side	10 feet	15 feet	20 feet
b. Street Side on Corner Lot	15 feet	15 feet	20 feet
3. Rear-yard	20 feet	25 feet	25 feet
D. Second Story Decks and Patios Minimum Setbacks			
1. Front Yard	-	17 feet	17 feet
2. Side Yard	-	15 feet	15 feet
3. Rear Yard	-	20 feet	20 feet
E. Downhill Facing Elevation			
1. Second Story Downhill Facing Wall Plane Offset			
a. Offset from First Floor Downhill Wall Plane	i. Average of 7 feet 6 inches for 75% of the second story downhill facing wall plane shall be setback and ii. Not less than five feet. iii. The remaining 25% may not extend past the first story wall plane.		
b. Multiple Downhill Facing Wall Planes	Offset shall apply only the primary setback affected.		
c. Offset from First Floor Roofed Porches	i. Offset may be measured from the outside perimeter of first-story roofed porches. ii. Roof of the porch must match, in pitch and style, the roof of the main structure. iii. Porch must be at least 5 feet in width and extend the length of the wall on which it is located.		
2. Maximum Wall Height on Downhill Elevation	15 feet		
F. Permitted Yard Encroachments			
1. Extension of a Legal Non-conforming Wall Plane for structures not located within a prominent	a. Where a building legally constructed according to existing first floor yard and setback regulations at the time of construction encroaches upon present required first floor setbacks, one encroaching side of the existing structure may be extended along existing building lines. b. Only one such extension shall be permitted for the life of the building. c. Encroachments into a required yard which are the result of the granting of a variance may not be further extended. d. Further encroachment into a required setback is not		

ridgeline site line	allowed. I.e., a non-conforming setback may not be further reduced. e. In no case shall any wall plane of a first-story addition be placed closer than three feet to any property line.
2. Architectural Features	a. May extend into a required yard a distance not exceeding three feet. b. No architectural feature, or combination thereof, whether a portion of a principal or accessory structure, may extend closer than three feet to any property line.
G. Accessory Structures (including attached patio covers)	As allowed by Chapter 19.100, Accessory Buildings/Structures
H. Design Standards	
1. Building and Roof Forms	
a. Natural Contours	Building shall follow as closely as possible the primary natural contour of the lot.
b. Building Mass and Roof Pitches	The main building mass shall be on the upslope side of the building and the roof pitches shall trend downslope.
c. Second Story Dormers	Permitted within the second story setbacks as long as they are minor in shape and size.
d. Downhill Elevation of main structure	Shall have a minimum of four offset building and roof elements to provide varied building forms to produce shadow patterns which reduce the impact of visual mass.
e. High Wall Planes	Wall planes exceeding one story or 20 feet in height, whichever is more restrictive, shall contain architectural elements in order to provide relief and to break up expansive wall planes.
2. Colors	
a. Natural Earth Tones	All structures on the lot shall use natural earth tone and/or vegetation colors which complement the natural surroundings. Natural earth-tone and vegetation colors include natural hues of brown, green and shades of gray.
b. Reflectivity Value	Shall not exceed 60 on a flat surface
3. Outdoor Lighting	All outdoor lighting shall <u>meet the requirements in Chapter 19.102.</u> be identified on the site development plan.
a. Tennis Court and Other Recreational Purposes	High intensity lights not permitted.

b. Motion-activated Security Lights	1. Shall not exceed 100 watts and 2. Must be shielded to avoid all off-site intrusion.
c. Other lighting	Must be directed to meet the particular need.
I. Geologic and Soils Reports	
1. Applicability	<p>A geological report prepared by a certified engineering geologist and a soils report prepared by a registered civil engineer qualified in soils mechanics by the State shall be submitted prior to issuance of permits for construction of any building or structure which:</p> <ul style="list-style-type: none"> a. Is located on property in an RHS zoning district which has been designated by the General Plan to be within a geological hazard area; and b. Where an addition, alteration or repair of an existing building or structure include at least one of the following: <ul style="list-style-type: none"> i. The improvements include increasing the occupancy capacity of the dwelling such as adding a bedroom or secondary unit, or ii. The cost of the completed addition, alteration or repairs will, during any period of twelve months, exceed twenty-five percent of the value of the existing improvements as determined by the building official based on current per foot value of the proposed structure to the existing structure's value on a parcel of property. For the purposes of this section, the value of existing improvements shall be deemed to be the estimated cost to rebuild the improvements in kind, which value shall be determined by the building official.

2. Content of Reports	<p>These reports shall contain, in addition to the requirements of Chapter 16.12 of this code, the following:</p> <ul style="list-style-type: none"> a. All pertinent data, interpretations and evaluations, based upon the most current professionally recognized soils and geologic data; b. The significance of the interpretations and evaluations with respect to the actual development or implementation of the intended land use through identification of any significant geologic problems, critically expansive soils or other unstable soil conditions which if not corrected may lead to structural damage or aggravation of these geologic problems both on- and off-site; c. Recommendations for corrective measures deemed necessary to prevent or significantly mitigate potential damages to the proposed project and adjacent properties or to otherwise insure safe development of the property; d. Recommendations for additional investigations that should be made to insure safe development of the property; e. Any other information deemed appropriate by the City Engineer.
3. Incorporation of Recommendations	<p>All building and site plans shall incorporate the above-described corrective measures and must be approved by the City Engineer, prior to building permit issuance.</p>
J. Private Roads and Driveways	
1. Pavement Width and Design	<p>The pavement width and design for a private road or common driveway serving two to five lots and a single-lot driveway shall comply with development standards contained in the Hillside Subdivision Ordinance, Chapter 18.52 of this code.</p>
2. Reciprocal Ingress/Egress Easement and Reciprocal Maintenance Agreement	<p>The property owner for a lot served by a private road or common driveway shall, prior to issuance of building permits, record an appropriate deed restriction guaranteeing the following, to adjoining property owners who utilize the private road or common driveway for the primary access to their lot(s):</p> <ul style="list-style-type: none"> a. Reciprocal ingress/egress easement, and b. Participation in a reciprocal maintenance agreement.

K. Solar Design	The setback and height restrictions provided in this chapter may be varied for a structure utilized for passive or active solar purposes, provided that no such structure shall infringe upon solar easements or adjoining property owners. Variation from the setback or height restrictions of this chapter may be allowed only upon issuance of an Administrative Conditional Use Permit subject to Chapter 19.12.
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4. Amendments to Section 19.60.060 concerning lighting in General Commercial Zoning Districts

19.60.060 Development Standards.

Table 19.60.060 sets forth the rules and regulations pertaining to the development of property located in the General Commercial (CG) zoning district.

Table 19.60.060: Development Standards	
A. Lot Area and Coverage	No minimum lot area or coverage. Must be in conformance with the General Plan or applicable Specific Plan. Must have sufficient area to satisfy off-street parking and loading requirements contained in this title.
B. Height of Buildings and Structures	30 feet unless otherwise permitted by the General Plan or applicable Specific Plan.
C. Required Setbacks for Buildings and Enclosed Patio/Atrium Space	
1. Front Yard	Established based upon special policies contained in the General Plan and/or applicable specific plan to: <ul style="list-style-type: none"> - Insure sufficient space to provide adequate light, air and visibility at intersections; - Assure general conformity to yard requirements of adjacent or nearby zones, lots or parcels; and - Promote excellence of development.

2. Minimum Side and Rear Yard	No side or rear yard setback required unless lot abuts any residential or agricultural-residential zone in which case the following regulations apply:
a. Side Yard Setback	
i. Interior Side	12 feet, or a total setback equal to one foot of additional setback for each foot of height of a commercial building measured from its eave line or top of parapet, whichever is more restrictive.
ii. Street Side of Corner Lot	12 feet
b. Rear Yard Setback	20 feet, or a total setback equal to one and one-half feet of additional setback for each foot of height of a commercial building measured from its eave line or top of parapet, whichever is more restrictive.
D. Noise Standards –	
1. New Construction and uses approved as a Conditional Use that have a high probability of generating noise that adjoin residential districts shall be:	
a. Exterior Walls	Designed to attenuate all noise emanating from interior retail space.
b. Loading Docks and Doors	Located away from residential districts. Required Fire Doors are excluded.
c. Mechanical and other equipment	Air conditioning, exhaust fans, and other mechanical equipment shall be acoustically isolated to comply with the noise ordinance
d. Sound Wall	Install a minimum eight-foot-high masonry sound wall on or adjacent to the common property line
e. Acoustical Engineer	Certified by an acoustical engineer that the above sound attenuation measures comply with the intent of the regulation and the City's community noise ordinance
2. In addition to (1) above, retail structures in a mixed use residential development shall employ noise attenuation techniques recommended by an acoustical engineer to comply with the community noise ordinance.	
E. Lighting – New lighting fixtures for any new site construction or building improvements <u>shall meet the requirements in Chapter 19.102.</u>	

1. Exterior Lighting	Shall be a white type light either metal halide or a comparable color corrected light unless otherwise approved as part of a development plan.
2. Off-site Glare	Light fixtures shall be oriented and designed to preclude any light and direct glare to adjacent residential properties. No direct off-site glare from a light source shall be visible above three feet at a public right of way.
3. Parking Lots, Sidewalks and other areas accessible to pedestrians and automobiles	Shall be illuminated with a uniform and adequate intensity. Typical standards to achieve uniform and adequate intensity are:
a. Average horizontal maintained illumination	Should be between one and three foot candles
b. Maximum to Minimum Ratio	Should be between 6:1 and 10:1
4. Critical Area Illumination	Such as stairways, ramps and main walkways may have a higher illumination
5. Areas around Automatic Teller Machines	Shall meet minimum standards required by the State of California Business and Professions Code.
F. Landscaping Plan	Shall be designed to provide an effective year-round landscaping screen in the setback area adjoining a residential property. The intent of the plan is to screen the building from the rear yard of a residence within five years.

G. Utilities	<p>1. The following amenities and utilities shall be installed subject to the specifications of the subdivision ordinance:</p> <ul style="list-style-type: none"> a. All utilities including water, gas, sanitary and storm sewers, underground power systems, and b. Amenities including, lighting electroliers, curbs, gutters, streets and sidewalks and c. Connections to main systems shall be installed subject to the specifications of the subdivision ordinance of the City. <p>2. All wires, pipes, cables, utilities and connections shall be placed in underground or subsurface conduits subject to the specifications of the subdivision ordinance of the City.</p> <p>3. Underground vaults, or, well screened areas, if underground vaults are deemed to be infeasible by the City Engineer and the Director of Community Development, must be provided for the installation of the necessary utilities.</p>
H. Mechanical Equipment	Air conditioning, exhaust fans, and other mechanical equipment shall be visually screened.

5. Amendments to Section 19.72.050 concerning lighting in Light Industrial (ML) and Industrial Park (MP) zoning districts

19.72.50 Restrictions Related to Emissions.

No use shall be allowed which is or will be offensive by reason of the emission of dust, gas, smoke, noise, fumes, odors, bright lights, vibrations, nuclear radiation, radio frequency interference, or otherwise. Every use shall be operated in such manner that

the volume of sound inherently and recurrently generated shall not exceed sixty-five decibels during the day and fifty-five decibels at night, at any point on the property line on which the use is located, or sixty decibels during the day and fifty-five decibels at night, at any point on the property line on which the use is located where such property line abuts property that is zoned for residential purposes. Noise and sounds shall be appropriately muffled in such manner so as not to be objectionable as to intermittent beat, frequency, or shrillness.

Provided further that prior to issuance of a building permit the Building Inspector may require evidence that adequate controls, measures, or devices have been provided to insure and protect the public interest, health, comfort, convenience, safety and general welfare from such nuisances.

Emissions of noise, vibrations, radiation, light, smoke, fumes or gas, odor, dust and toxic waste shall be limited to quantities indicated in this section. The limitations shall apply at any point outside the boundary of each lot in an ML zone, the boundary assumed, for the purpose of this title, to extend in a vertical plane and below ground. In case of further subdivision or lot split, the limitations shall not apply outside any resulting lot.

A. Vibration. Vibrations in the nonaudible range shall not be of such intensity that they can be perceived without instruments.

B. Radiation. Electromagnetic radiation shall not result in perceptible disturbance of television or radio reception.

C. Light. **In addition to the lighting standards in Chapter 19.102, all development shall meet the following lighting standards:**

1. The intensity of light at the boundary of each lot shall not exceed seventy-five footlamberts from a source of direct light, or one hundred footlamberts from a source of reflected light.

2. The intensity of light at the boundary of an industrial zone, or an industrial area in a planned development (P) zone, shall not exceed fifty footlamberts from a source of direct light, or seventy-five footlamberts from a source of reflected light.

3. In the event there is a conflict with Chapter 19.102, the less stringent lighting standards shall apply.

D. Smoke. No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 1 on the Ringelmann Smoke Chart, as published by the U.S. Department of Interior, Bureau of Mines,

Informational Circular 8333, May 1967; except that a visible grey smoke of a shade equal to No. 2 on the Ringelmann Smoke Chart may be emitted for four minutes in any thirty minutes.

E. Hazardous and Toxic Materials. The use, handling, storage, and transportation of toxic and hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Administrative Code, Title 22, Division 4). The use, storage, manufacture and disposal of hazardous materials shall be regulated and monitored according to the standards established by the U.S. Environmental Protection Agency (EPA), the California Environmental Protection Agency (Cal/EPA) and any delegated government agencies.

F. Odor. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable without the aid of instruments at the boundaries of the lot or in such concentrations as to create a public nuisance or hazard beyond such boundaries. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail. There is established as a guide in determining such quantities of offensive odors, Table III, Odors Thresholds, in Chapter 5 of Air Pollution Abatement Manual, copyrighted in 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.

G. Fly Ash, Dust, Fumes, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation or other forms of property, or that will result in the collection of heavy gases at ground level. No emission shall be permitted in excess of fifty percent of the standards specified in Table I, Chapter 5 of Industrial Hygiene Standards, Maximum Allowable Concentrations of the Air Pollution Abatement Manual, copyrighted in 1951 by Manufacturing Chemists Association, Inc., Washington, D.C. In no event shall any emission, from any chimney or otherwise, exceed one-tenth of a grain (0.1 grain) per cubic foot of the conveying gas. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees Fahrenheit and fifty percent excess air.

Wastes. No discharge shall be permitted into any public street or sewer, private sewage disposal system, stream, body of water, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, corrode or otherwise damage sewers or pipelines, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the California Environmental Protection Agency (Cal/EPA) and any other governmental agency having jurisdiction over the activities.

6. Amendments to Section 19.124.040 concerning lighting in off-street parking

19.124.040 Regulations for Off-Street Parking.

Table 19.124.040 sets for the rules and regulations for Off-Street Parking.

Table 19.124.040 - Regulations for Off-Street Parking		
A.	Parking Ratio and Dimensions	Table 19.124.040(A) defines the minimum and maximum required number of parking spaces by size and type for specific zoning districts and use within districts.
B.	Residential Lots Fronting on Public or Private Streets	If no on-street parking is available, two additional off-street spaces are required.
C.	Large-Family Day Care Home	Requirements are in addition to minimum requirements of the zoning district. May be on-street, in front of provider's residence. If the provider is relying on on-street parking and the roadway prohibits on-street parking, a semi-circular driveway may be provided, subject to other provisions of the Municipal Code.
1.	Non-resident Employee Parking	Minimum of one parking space for each non-resident employee.
2.	Drop-off Parking	Minimum of one parking space with direct access to the unit, not crossing a street.
D.	Aisle Dimensions	Aisle dimension shall be as required by standard details adopted by the City Engineer and shown in Table 19.124.040(B)
E.	Loading Areas	Loading areas, truck parking spaces and parking spaces for vehicles other than automobiles shall have ample dimensions for the particular use and type of operation, and be designed as required by the City Engineer except in the case of loading areas in the OP and MP zones which are specified in Chapters 19.68 and 19.72.
F.	Planned Development Districts	The parking requirement contained in Table 19.124.040(A) functions as guidelines for projects in planned development zoning districts.

Table 19.124.040 - Regulations for Off-Street Parking		
G.	Mixed-Use and Shared Parking	The minimum parking requirement for developments with more than one land use, or parking facilities being used by one or more properties, shall be determined using Table 19.124.040(C).
H.	Alternative Parking Standards	For all projects not meeting parking requirements in Table 19.124.040(A), (B) or (C), alternative parking arrangements may be approved per Section 19.124.060C
I.	Tandem, Valet and Other Special Parking Arrangements	Tandem, Valet, and other special forms of parking may be approved per Section 19.124.060C.
J.	Minimum Stall Dimensions in Parking Structures	Uni-size space located in a parking garage or other enclosed parking structure intended for non-residential uses is eight and one-half (8.5) feet by eighteen (18) feet.
1.	Space adjacent to a wall or structure on one side	Nine feet by eighteen feet.
2.	Space adjacent to a wall or structure on both sides	Nine and one-half feet by eighteen feet.
K.	Accessible Parking for the Disabled	The accessible parking requirement for the disabled is embodied in Section 1129 B of the California Building Code, as amended, is hereby incorporated into this chapter by reference.
L.	Heavy Equipment	<ol style="list-style-type: none"> 1. May only be stored within entirely enclosed structures or behind six-foot-high fencing in interior side yard and rear yard setback areas; and 2. In no case shall these items be visible from the street even when placed in permitted areas. 3. The provisions in L(1) and L(2) shall not apply to heavy equipment stored on site that is being used for construction or installation of improvements with a valid building or grading permit.
M.	Other Regulations	Outlined in Title 11 of the Municipal Code.

Table 19.124.040 - Regulations for Off-Street Parking			
N.	Landscape Requirements	Applicable to all new centers and centers with a twenty- five percent or greater increase in floor area or a twenty- five percent or greater change in floor area resulting from use permit or architectural and site approval within twelve months shall be required to meet the following minimum landscape requirements. However, the Planning Commission and/or City Council may recommend additional landscaping.	
1.	Minimum Interior Landscaping	As required in Table 19.124.040 (N)(1) below:	
		Table 19.124.040(N)(1):	
		Size of Parking Facility (Sq. Ft.)	Minimum Required Interior Landscaping (% of Total Parking Interior Facility Area)
		Under 14,999	5%
		15,000 - 29,000	7.5%
		30,000 plus	10%
2.	Parking Lot trees	<p>i. Shall be planted or exist at a rate of one tree for every five parking stalls for every ten spaces in a single row.</p> <p>ii. Only fifty percent of the trees located along the perimeter of the parking area may count towards the required number of trees.</p> <p>iii. A parking facility with larger trees with high canopies may be allowed to increase the number of parking stalls (up to 10 parking stalls per tree) depending on the size of the tree and canopy size.</p>	
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 shall review and approve final tree locations.	

Table 19.124.040 - Regulations for Off-Street Parking		
5.	Landscape Buffer (inclusive of curbing and vehicle overhang allowance)	<p>i. When parking lot is adjacent to a street, landscape buffer = ten feet wide</p> <p>ii. When adjacent to a side or rear property line, landscape buffer = five feet wide,</p> <p>iii. Buffer between double loading stalls = four feet.</p>
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.

Table 19.124.040 - Regulations for Off-Street Parking		
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.
a.	Standards for bio-swales	<p>i. Longitudinal slope of the swale shall be between one percent and five percent.</p> <p>ii. Swales of greater than three percent may be required to install check dams to reduce velocity through swale.</p> <p>iii. Side slope shall not exceed 3:1 (horizontal:vertical).</p> <p>iv. All swales shall be required to provide an adequate under-drain system to prevent ponding. Swales shall be designed to eliminate any ponding of water for more than forty-eight hours.</p>
2.	Permeable surfaces	Use permeable or semi-permeable materials for the parking stalls
P.	Bicycle Parking	Bicycle parking shall be provided in multi-family residential developments and in commercial districts. In commercial districts, bicycle parking shall be conveniently located and adjacent to on-site bicycle circulation pedestrian routes. The bicycle parking facilities shall be one of the following three classification types:
1.	Class I Facility	These facilities are intended for long-term parking and are intended to protect the entire bicycle or its individual components and accessories from theft. The facility also protects the cycle from inclement weather, including wind driven rain. The three design alternatives for Class I facilities are as follows:

Table 19.124.040 - Regulations for Off-Street Parking		
a.	Bicycle Locker	A fully enclosed space accessible only by the owner or operator of the bicycle. Bicycle lockers must be fitted with key locking mechanisms.
b.	Restricted Access	Class III bicycle parking facilities located within a locked room or locked enclosure accessible only to the owners and operators of the bicycle. The maximum capacity of each restricted room shall be ten bicycles. In multiple family residential developments, a common locked garage area with Class II parking facilities shall be deemed restricted access provided the garage is accessible only to the residents of the units for whom the garage is provided.
c.	Enclosed Cages	A fully enclosed chain link enclosure for individual bicycles, where contents are visible from the outside, which can be locked by a user provided lock. This facility may only be used for multiple family residential uses.
2.	Class II Facility	<p>i. Intended for short term parking. A stationary object which the user can lock the frame and both wheels with a user provided lock.</p> <p>ii. The facility shall be designed so that the lock is protected from physical assault.</p> <p>iii. A Class II facility must accept U-shaped locks and padlocks.</p> <p>iv. Class II facilities must be within constant visual range of persons within the adjacent building or located at street floor level.</p>
3.	Class III Facility	<p>i. Intended for short-term parking. A stationary object to which the user may lock the frame and both wheels with a user provided cable or chain and lock.</p> <p>ii. Spacing of the bicycle units shall be designed for a handlebar width of three feet, distance from bottom of wheel to top of handlebar of three feet and six inches</p>

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		and a maximum wheel-to-wheel distance of six feet.
Q.	Parking Lot <u>and</u> Structured Parking Lighting	Applicable to N new lighting fixtures for any new site construction shall meet the following requirements <u>in addition to the requirements of Chapter 19.102:</u>
1.	Exterior Light Color	All exterior lighting shall be a white type light either metal halide or a comparable color corrected light unless otherwise approved as part of a development plan for uniformity, not allowing any dark areas in the parking lot.
2.	Lighting Glare	<p>i. The light fixtures shall be oriented and designed to preclude any light and direct glare to adjacent residential properties.</p> <p>ii. No direct off-site glare from a light source shall be visible above three feet at a public right-of-way.</p>
3.	Lighting Intensity	Parking lots, sidewalks and other areas accessible to pedestrians and automobiles shall be illuminated with a uniform and adequate intensity. Typical standards to achieve uniform and adequate intensity are:
a.	Average Horizontal Maintained Illumination	Between one and three foot-candles
b.	Average Maximum to Minimum Ratio	Should be generally between six and ten to one
c.	Minimum Intensity above Parking Lot Surface	Minimum three foot-candles vertically above the parking lot surface shall be maintained.
4.	Critical Areas	Such as stairways, ramps and main walkways may have a higher illumination.
5.	Automatic Teller Machines (ATM)	Lighting around automatic teller machines shall meet minimum standards required by the State Business and Professions Code.
6-5.	Shatter Resistant Lenses	Shatter resistant lenses should be placed over the light to deter vandalism.

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7.6.	Underground <u>and</u> Structured Parking Lighting	i. Lighting should utilize vandal-resistant fixtures and ii. Maintain a minimum five lux level of color-corrected lighting for maximum efficiency.
8.7.	Parking Garage Entrances	Portal lighting should be provided inside all parking garages entrances.

R. Parking Space Dimension Chart. Parking space dimensions shall be as shown in Table 19.124.040(A):

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/RHS/A1/P	4/DU (2 garage + 2 open)			10 x 20 ea.
Small Lot Single-family, Townhouse	P	2.8/DU (2 garage + 0.8 open)			10 x 20 ea.
Duplex	R2	3/DU (1 ½ enclosed + 1 ½ open)			10 x 20 ea.
High Density Multiple-Family,	R3/P	2/DU (1 covered + 1 open)	1 space per 2 residential units; and	Class I	9.5 x 20 ea.
High Density Multiple Story Condominium			1 space per 10 residential units	Class II	
Public/Quasi-Public/Agriculture					

Table 19.124.040(A)					
Land Use	Zones	Parking Ratio⁽²⁾	Bicycle Parking	Bicycle Parking Class⁽⁴⁾	Stall Dimensions⁽³⁾
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
Schools and School Offices	BA/BQ	1/employee + 1/56 sq. ft. multipurpose room + 8 visitor spaces/school + 1/3 students at senior H.S. or college level	1 space per 5 students	Class II	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
Private Recreation	FP	1/4 seats + 1/employee	1/5,000 sq. ft. Minimum two spaces	Class II	Uni-size

Table 19.124.040(A)					
Land Use	Zones	Parking Ratio⁽²⁾	Bicycle Parking	Bicycle Parking Class⁽⁴⁾	Stall Dimensions⁽³⁾
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.	Class II	Uni-size
Restaurant/Bar and Nightclubs	CG	1/3 seats + 1/employee + 1/36 sq. ft. of dance floor	1/2,000 sq. ft.	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.	Class II	Uni-size
Restaurant - Fast Food	CG	1/3 seats + 1/employee	1/2,000 sq. ft.	Class II	Uni-size
Specialty Foods	CG	1/3 seats or 1/250 sq. ft. whichever is more	1/2,000 sq. ft.	Class II	Uni-size
Bowling Alleys	CG	7/lane + 1/employee	1/5,000 sq. ft.	Class II	Uni-size
			1/1,250 sq. ft. up to 25,000 sq. ft. 1/2,500 sq. ft. between 25,000 – 50,000 sq. ft.		

Table 19.124.040(A)					
Land Use	Zones	Parking Ratio ⁽²⁾	Bicycle Parking	Bicycle Parking Class ⁽⁴⁾	Stall Dimensions (3)
General	CG	1/250 sq. ft.	1/5,000 sq. ft. over 50,000 sq. ft.	Class II	Uni-size
			1/5,000 sq. ft. Bulky Merchandise (5)		
Industrial					
Manufacturing	ML	1/450 sq. ft.	1/12,000 sq. ft.	Class I	Uni-size
Office/Prototype Manufacturing	ML/OA	1/285 sq. ft.	/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 restrictive.	Class I	Uni-size
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.

Table 19.124.040(B)					
Type of Parking Stall	Angle (In Degrees)	Stall Width	Aisle Width (One-Way Aisle)	Aisle Width (Two-Way Aisle)	Car Space Depth
		(A)	(B)	(B)	(C)
Uni-Size	0°	8.5	10.0	18.0	22.0
	30°	8.5	10.0	18.0	18.0
	35°	8.5	10.0	18.0	18.0
	40°	8.5	10.0	18.0	18.0
	45°	8.5	10.0	18.0	18.0
	50°	8.5	10.0	18.0	18.0
	55°	8.5	11.5	18.5	18.0
	60°	8.5	13.0	19.0	18.0
	65°	8.5	14.5	19.5	18.0
	70°	8.5	16.0	20.0	18.0
	90°	8.5	N/A	22.0	18.0

NOTES TO TABLE:

* - For handicap accessible spaces, please refer to § 1118A.4 of 1994 Uniform Building Code.

* - For further information, please refer to the Public Works Department Standard Details.

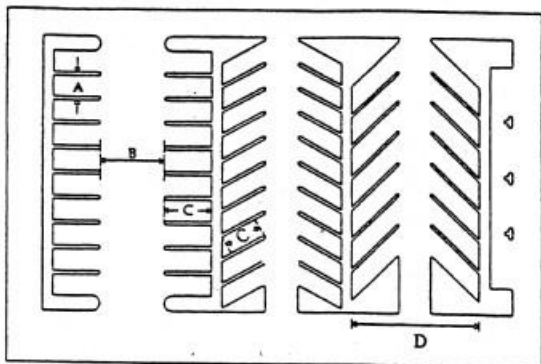


Table 19.124.040(C): Calculating Shared Parking for Mixed-Use Developments

Weekday Weekend Nighttime					
	Weekday		Weekend		Nighttime
	Daytime	Evening	Daytime	Evening	(midnight - 6:00 a.m.)
	(9:00 a.m. - 4:00 p.m.)	(6:00 p.m. - midnight)	(9:00 a.m. - 4:00 p.m.)	(6:00 p.m. - midnight)	
Residential	75%	100%	80%	100%	100%
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	10%
Restaurant	100%	100%	100%	100%	10%
Entertainment / Recreational	40%	100%	80%	100%	10%

1. Determine the minimum amount of parking required for each land use as though it were a separate use;
2. Multiply each amount by the corresponding percentage for each of the five time periods;
3. Calculate the column total for each time period;
4. The column total with the highest value is the parking space requirement.