

ORDINANCE NO. 21-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CITY CODE TO RENAME AND AMEND CHAPTER 19.102: BIRD
SAFE DEVELOPMENT STANDARDS TO CHAPTER 19.102: GLASS AND
LIGHTING STANDARDS AND TO AMEND CHAPTER 19.40 RESIDENTIAL
HILLSIDE (RHS) ZONES, CHAPTER 19.60 GENERAL COMMERCIAL (GC)
ZONES, CHAPTER 19.72 LIGHT INDUSTRIAL (ML) AND INDUSTRIAL PARK
(MP) ZONES, AND CHAPTER 19.124 PARKING REGULATIONS TO IMPLEMENT
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 Dark Sky policies, and that the proposed new Chapter 19.102: Glass and Lighting and amendments to Chapter 19.40, 19.60, 19.72, and 19.124 will provide effective standards to promote 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 a bird-safe and dark sky ordinance; and

WHEREAS, with Resolution No. 6914, the Planning Commission recommended on a 4-1-0 vote that the City Council adopt the bird-safe and dark sky ordinance amending the Municipal Code in substantially similar form as presented to the Planning Commission; and

WHEREAS, on December 1, 2020, December 15, 2020, and January 19, 2021 upon due notice, the City Council has held public hearings to consider the Planning Commission's recommendation and the bird-safe and dark sky ordinance;

WHEREAS, on December 15, 2020 the City Council introduced and approved a first reading of a bird-safe only ordinance, which included portions of the ordinance recommended by the Planning Commission; and

WHEREAS, the City Council is the decision-making body for this Ordinance, which proposes to adopt the dark sky components of the ordinance recommended by the Planning Commission; 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 modifying Chapter 19.102 to create development standards for the implementation of regulations that support 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. 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 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 light pollution.

- 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 _____, 2021 and **ENACTED** at a regular meeting of the Cupertino City Council on _____, 2021 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Darcy Paul, 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 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, Chapter 19.102: Bird-Safe Development Standards

19.102 BIRD-SAFE DEVELOPMENT 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, other specific glass features, and certain lighting elements that are known to increase the risk of bird collisions. This Chapter also establishes regulations to reduce light pollution, which is known to contribute to bird mortality, reduced visibility of the night sky, and adverse impacts to human health.

19.102.020 Applicability of regulations

Whenever an applicant is required to obtain a building permit or a Permit pursuant to Title 19, or whenever exterior lighting is added, ~~or replaced,~~ or altered (whether

temporary or permanent), the project shall meet the requirements of this Chapter. The following table indicates the applicability of regulations by type of project in which exterior glazing or interior or exterior lighting is added, replaced, or altered:

Type of Development	Applicable Sections
A. New primary or accessory building, structure, or site construction	Sections 19.102.030 <u>and 19.102.040</u>
B. Complete or Partial Remodel of primary or accessory building, structure, or site	Sections 19.102.030 <u>and 19.102.040</u> apply to remodeled portions
C. Parking lot upgrade or redesign, excluding maintenance or repair activities (i.e., restriping, resealing, or repaving)	Section 19.102.030 (D) <u>040</u>
D. New or replacement exterior glass windows, doors, or features	Section 19.102.030 (A), (B), and (DE) apply only to the new exterior glass windows, doors, or features
E. New or replacement exterior lighting	Section 19.102.030 (D) <u>040</u>
F. Exemptions	See Sections 19.102.030 (B)(4), (C)(2) , and <u>19.102.040 (D) (D)(14)</u>

19.102.030 Bird-safe Development Requirements

- A. Application submittal requirements: All projects that are subject to the bird-safe development requirements shall submit the following:
1. Elevation drawings indicating the bird-safe treatment and how the proposed treatment meets the requirements of Section 19.102.030 (B) and (D);
 2. Cross sections, if required;
 3. Other exhibits, plans and technical reports indicating consideration and incorporation of the regulations in Section 19.102.030 (B), (C), ~~(D)~~ and ~~(DE)~~; and
 4. Biologist report in support of alternative compliance method pursuant to Section 19.102.030 (B)(3), if proposed.

B. Fenestration and Glass Requirements

1. Façades of all projects subject to bird-safe development requirements shall have:
 - a. No more than 10% of the surface area of the façade be untreated glass between the ground and 60 feet above ground.
 - b. No more than 5% of the surface area of the façade be untreated glass between 60 feet above ground and up.
2. Standard Compliance Treatments: The Planning Division may maintain a list of acceptable bird-safe treatments that may be updated from time to time. The list may include, but not be limited to 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. Glass treatments must have high color contrast with the glass and be applied to the outermost glass. Prior to publication of the list, the Planning Department may review information available from interest groups, such as the National Audubon Society.

3. Alternative Compliance Method: Property owners/applicants may propose an alternate compliance method recommended by a qualified biologist, 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.
4. Exemptions: The following are exempted from subsection 19.102.030(B):
 - a. 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; and
 - b. First floor commercial storefronts, up to a height of 15'.

C. Non-residential Indoor Lighting Requirements:

1. Install time switch control devices or automatic occupancy sensors on non-emergency interior lights that are programmed to turn off at eleven p.m. or within two hours after the business is closed.
2. Businesses that involve the direct retailing of goods to the general public may have downward directed, low voltage, and fully shielded lighting for window displays at any time when there is a display of such goods.

~~D. Outdoor Lighting Requirements:~~

- ~~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 incandescent bulb or LED equivalent, or a maximum of 150 lumens (whichever is less), 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. Notwithstanding any other requirement in the Municipal Code, exterior lighting shall not exceed 100 watt incandescent bulb or LED equivalent, or a maximum of 1600 lumens (whichever is less).~~
- ~~3. Parking lots, sidewalks, and other pedestrian paths shall meet the requirements in Chapter 19.72, 19.60 and 19.124, as applicable. In the event there is a conflict with Chapter 19.72, the less stringent light standards shall apply.~~
- ~~4. Exterior lighting shall be fully extinguished or motion sensor operated after 11:00 p.m., or when people are no longer present in exterior areas, whichever is later, except for:~~
 - ~~a. Lights required to remain on in compliance with the California Building Code.~~
 - ~~b. Lighting of an appropriate intensity allowed in conjunction with uses permitted to operate past 11:00 p.m. with a conditional use permit.~~
 - ~~c. Outdoor solar powered pathway lights that do not exceed 25 lumens.~~
- ~~5. Automated control systems, such as motion sensors and timers, shall be used to ensure that outdoor lighting extinguishes 10 minutes after motion activation and turns off when sufficient daylight is available.~~
- ~~6. Security lighting, necessary to protect persons and property, shall be programmable, motion sensor activated, and may illuminate a perimeter, such as a fence line, if such lights do not result in light trespass, and do not use lamps that exceed 100 watts incandescent bulb or LED equivalent, or a maximum of 1600 lumens (whichever is less).~~
- ~~7. In addition to all other applicable standards, lighting fixtures in the ceiling of service station canopies shall be fully recessed in the canopy, and no light fixtures or illumination, other than approved signage, shall be allowed on top of the fascia of such canopies.~~
- ~~8. 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.~~
- ~~9. The use of High Intensity Discharge lighting, spot lighting, flood lighting, or similar lighting is prohibited.~~
- ~~10. The following are exempt from subsection 19.102.030 (D): lighting in the right of way, holiday seasonal lighting between October 15 and January 15 of each year, temporary construction or emergency lighting, temporary lighting associated with a special event, and lighting required pursuant to the Building Code, Fire Code, or state law. To the extent permitted by Building Code, Fire Code, or state law such required lighting shall additionally comply with the requirements of this Chapter.~~

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. Not include glass skyways or walkways, balconies, 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, if such elements are untreated.

19.102.040 Outdoor Lighting Requirements

A. Submittal Requirements: 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 incandescent bulb or LED equivalent, or a

- maximum of 150 lumens (whichever is less), 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.
 - e. String Lighting: String Lighting may be used in compliance with Section 19.102.040 (B) (12).
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, except if two adjacent properties are non-residential, or function as a shopping center, and agree to coordinate lighting.
 - 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 3,000 Kelvin or less.
4. All outdoor lighting shall be fully extinguished or be motion sensor operated by 11:00 p.m. or when people are no longer present in exterior areas, whichever is later, except for:
- a. Critical lighting pursuant to section 2 (e) above;

- b. Any lighting at building entrances, parking areas, walkways, and driveways area required to remain illuminated after 11:00 p.m. by the California Building Code or state law;
 - c. 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; and
 - d. Outdoor solar powered pathway lights that are 25 lumens or less.
 - e. Lighting that illuminates a pedestrian pathway (examples include bollard, in-place step, or building mounted), provided that such lighting is a maximum height of four (4) feet above the pathway, fully shielded, and downward directed.
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 watt incandescent bulb or LED equivalent, or a maximum of 1,600 lumens (whichever is less).
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.
12. String Lighting Regulations:
 - a. String lighting is different from holiday and/or seasonal lighting, and in addition to subsections (b) and (c) as applicable below, shall not be:
 - i. Blinking and/or chasing lights
 - ii. Secured with materials or in a manner that will puncture the skin or restrict the growth of any living landscape feature.
 - iii. Attached to a fence in a manner that permits light trespass to adjacent property.
 - iv. More than a 2.8-watt incandescent bulb system or equivalent LED system and emit no more than 42 lumens (whichever is less).
 - b. Residential Areas: String lighting is permitted subject to the following requirements:
 - i. It shall not illuminate more than fifty (50) percent of the rear yard or 500 sq. ft., whichever is more restrictive.
 - ii. It shall not be visible from the City right-of-way.
 - iii. It shall be used primarily to illuminate patio areas.
 - iv. It shall be extinguished by 11:00 p.m.
 - c. Commercial and Mixed-Use Commercial Areas: String lighting may be permitted subject to the following requirements, with approval of the Director of Community Development:
 - i. Any development or property is permitted to submit one application for string lighting, which shall include all uses of string lighting on the development or property.
 - ii. It shall not illuminate an area greater than:
 1. Five (5) percent of the building(s) footprint of a shopping center, and,
 2. Fifteen (15) percent for a freestanding commercial building not part of a shopping center.
 - i. It is limited to the lighting of the following:

1. Living landscape features (trees, shrubs, etc.), if used in combination with other highlighting or pedestrian lighting fixtures within the immediate area, and,
2. Designated outside dining or display areas.

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. Temporary construction or emergency lighting
4. Short-term lighting authorized by a special events permit
5. Holiday seasonal lighting during the period of October 15 through January 15 of each year
6. Required lighting to comply with Building Code, Fire Code, or state law. To the extent permitted by Building Code, Fire Code, or state law such lighting shall additionally comply with the requirements of this Chapter.

2. 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 = $(0.45 \times \text{Net lot area}) \times (\text{Slope adjustment factor})$		
	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 = $(4,500 + ((\text{Net lot area} - 10000)/1000) (59.59)) \times (\text{Slope adjustment factor})$		
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 10% and 30%	A reduction in allowable floor area by one and one-half percent (1.5%) for each percent of slope over 10%.	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%
			24%	21.0%
			25%	22.5%

		Slope adjustment factor = (1-(1.5 × (average slope of net lot area - 0.1)))	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	15 feet		15 feet	20 feet

on Corner Lot			
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 ridgeline site line	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 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	4. Shall not exceed 100 watts and

Lights	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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3. 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> <p>a. All utilities including water, gas, sanitary and storm sewers, underground power systems, and</p> <p>b. Amenities including, lighting electroliers, curbs, gutters, streets and sidewalks and</p> <p>c. Connections to main systems shall be installed subject to the specifications of the subdivision ordinance of the City.</p> <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	<p>Air conditioning, exhaust fans, and other mechanical equipment shall be visually screened.</p>

4. 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.

5. 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

Table 19.124.040 - Regulations for Off-Street Parking		
		planned development zoning districts.
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	<p>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</p> <p>2. In no case shall these items be visible from the street even when placed in permitted areas.</p> <p>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.</p>
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	<div>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.</div> <div>ii. Only fifty percent of the trees located along the perimeter of the parking area may count towards the required number of trees.</div> <div>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.</div>	
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.	
5.	Landscape Buffer (inclusive of curbing and vehicle overhang allowance)	<div>i. When parking lot is adjacent to a street, landscape buffer = ten feet wide</div> <div>ii. When adjacent to a side or rear property line, landscape buffer = five feet wide,</div>	

Table 19.124.040 - Regulations for Off-Street Parking		
		iii. Buffer between double loading stalls = four feet.
6.	Flat and Raised Curbs, Wheel Stops and Overhang into landscaped areas	<p>i. Landscape areas shall be enclosed by a six-inch wide continuous flat curb allowing parking lot run off into landscaping area, infiltration islands or swales.</p> <p>ii. Concrete wheel stops shall be placed on top of the flat curb and shall be provided at a rate of one per two stalls.</p> <p>iii. Landscape planter strips at the end of the parking aisles adjacent to a driveway shall be enclosed by a six-inch raised concreted curb with drainage outlets to help delineate the driveways or aisles.</p> <p>iv. Parking stall length may be decreased by up to two feet but must provide an equivalent vehicle overhang into landscaped areas.</p>
7.	Planter Strips	<p>i. Curbed planter strips shall be provided at the end of each parking aisle.</p> <p>ii. Landscape planter strip shall be at least three feet wide and the length of a parking stall.</p>
8.	Pedestrian Paths	Where appropriate, provision shall be made to ensure that adequate pedestrian paths are provided throughout the parking lot/landscaped areas.
9.	Minimum Tree Size	Trees require to meet any section of this title shall be a minimum of fifteen gallon size.
10.	Tree Protection	All trees shall be protected by wheel stops, curbing, bollards or other similar barriers as appropriate.
11.	Maintenance	All landscaping shall be continuously maintained.
O.	Swales and Permeable Surfaces	In order to reduce urban runoff and provide water quality benefits in parking lots, all new parking lots or any substantial alterations to existing parking lots shall incorporate the following design measures to the maximum extent possible:
1.	Bio-swales	Incorporate bio-swales in the required landscaping

Table 19.124.040 - Regulations for Off-Street Parking		
		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:
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

Table 19.124.040 - Regulations for Off-Street Parking		
		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 and a maximum wheel-to-wheel distance of six feet.</p>
Q.	Parking Lot <u>and</u> Structured Parking Lighting	Applicable to 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.

Table 19.124.040 - Regulations for Off-Street Parking		
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.
7.6.	<u>Underground and Structured Parking Lighting</u>	<p>i. Underground <u>Lighting</u> should shall utilize vandal-resistant fixtures and</p> <p>ii. Maintain a minimum five lux level of color-corrected lighting for maximum efficiency.</p>
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					
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

Table 19.124.040(A)					
Land Use	Zones	Parking Ratio ⁽²⁾	Bicycle Parking	Bicycle Parking Class ⁽⁴⁾	Stall Dimensions ⁽³⁾
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
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	1/2,000 sq. ft.	Class II	Uni-size

Table 19.124.040(A)					
Land Use	Zones	Parking Ratio ⁽²⁾	Bicycle Parking	Bicycle Parking Class ⁽⁴⁾	Stall Dimensions ⁽³⁾
		dance floor			
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
General	CG	1/250 sq. ft.	1/1,250 sq. ft. up to 25,000 sq. ft.	Class II	Uni-size
			1/2,500 sq. ft. between 25,000 – 50,000 sq. ft.		
			1/5,000 sq. ft. over 50,000 sq. ft.		
			1/5,000 sq. ft. Bulky Merchandise (5)		
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	CG	1/175 sq. ft.	1/1,250 sq. ft.	Class II	Uni-size

Table 19.124.040(A)					
Land Use	Zones	Parking Ratio ⁽²⁾	Bicycle Parking	Bicycle Parking Class ⁽⁴⁾	Stall Dimensions ⁽³⁾
Dental Office					

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.

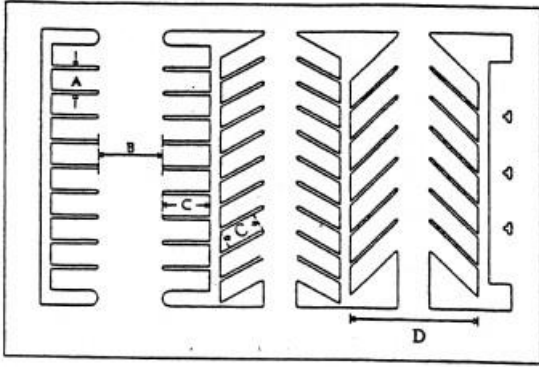


Table 19.124.040(C): Calculating Shared Parking for Mixed-Use Developments

	Weekday Weekend Nighttime				
	Weekday		Weekend		Nighttime
	Daytime	Evening	Daytime	Evening	
	(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)	(midnight - 6:00 a.m.)
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.