# CHAPTER 19.28: SINGLE-FAMILY RESIDENTIAL (R-1) ZONES

Section


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## 19.28.010 Purposes.

R-1 single-family residence districts are intended to create, preserve and enhance areas suitable for detached dwellings in order to:

A. Enhance the identity of residential neighborhoods;

B. Ensure provision of light, air and a reasonable level of privacy to individual residential parcels;

C. Ensure a reasonable level of compatibility in scale of structures within residential neighborhoods; and

D. Reinforce the predominantly low-intensity setting in the community. (Ord. 2085, § 2 (part), 2011; Ord. 2039, (part), 2009; Ord. 1954, (part), 2005; Ord. 1868, (part), 2001; Ord. 1860, § 1 (part), 2000; Ord. 1834, (part), 1999; Ord. 1601, Exh. A (part), 1992)

## 19.28.020 Applicability of Regulations.

A. No building, structure or land shall be used, and no building or structure shall be hereafter erected, structurally altered or enlarged in an R-1 single-family residence district other than in conformance with the provisions of this chapter and other applicable provisions of this title.

B. Reasonable Accommodation: Notwithstanding 19.28.020(A) above, a request for reasonable accommodation may be made by any person with a disability, when the strict application of the provisions in this chapter, act as a barrier to fair housing opportunities, pursuant to Chapter 19.52. (Ord. 2085, § 2 (part), 2011; Ord. 2039, (part), 2009; Ord. 1954, (part), 2005; Ord. 1860, § 1 (part), 2000; Ord. 1834, (part), 1999; Ord. 1601, Exh. A (part), 1992)

## 19.28.030 Permitted, Conditional and Excluded Uses.

Permitted, Conditional and Excluded Uses that may be conducted from property zoned Single Family Residential (R-1), are identified in Section 19.20.020. (Ord. 2085, § 2 (part), 2011)

## 19.28.040 Permits Required for Development.

Table 19.28.040 sets forth the planning permits required for development in the Single-Family Residential district.

[Table 19.28.040 begins on next page.]

| Table 19.28.040 Permits Required | | |
|---|---|---|
| **Planning permit required prior to building permit application** | **Approval authority** | **Type of Project** |
| A. None | Admin. | One-story project that does not require exception or variance from the requirements of this chapter |
| B. Minor Residential Permit, pursuant to Chapter 19.12 | | 1. One-story encroachment into a required rear yard setback, subject to requirements of Section 19.28.070 |
| | | 2. One-story extension of an existing side yard nonconforming building wall line, subject to requirements of Section 19.28.100 in all districts except R1-a |
| | | 3. One-story project with a gable end of a roof enclosing an attic space projecting outside the building envelope, subject to requirements of Section 19.28.070 or 19.28.080 |
| | | 4. New or expanded second story deck or balcony with views into neighboring residential side or rear yards in all districts except R1-a |
| | | 5. Any active or passive solar structure that requires variation from the setback or height restrictions of this chapter, provided that no such structure shall infringe upon solar easements or adjoining property owners |
| | | 6. One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded areas with actual slopes equal to or greater than 20% and with total floor area ratio of all structures on the lot greater than 35% |
| C. Director's Minor Modification, pursuant to Chapter 19.12 | | Encroachment of porch elements into the required front yard setback in the R1-a zone, subject to the requirements of Section 19.28.100 |
| D. Two-Story Permit, pursuant to Chapter 19.12 | | Two-story addition or new two-story home in all districts that do not require Residential Design Review per Section 19.28.040(E) except in an R1-a zone |

| Table 19.28.040 Permits Required (Cont.) | | |
|---|---|---|
| E. Residential Design Review, pursuant to Chapter 19.12 | Admin. with design review | Two-story addition or new two-story home in all districts except R1-a where:<br>1. Second floor to first floor area ratio is greater than 66%, except any second to first floor ratio for development on building pads/graded areas with actual slopes equal to or greater than 20%; and/or<br>2. Where second story side yard setback(s) are less than 15 feet to any interior side property line |
| | DRC with design review | Two-story addition, new two-story home, and/or second story deck in the R1-a zone |
| F. Exception, pursuant to Chapter 19.12 & Section 19.28.130 | DRC | One or two-story project requesting an exception from Sections 19.28.070, 19.28.080, and/or 19.28.110. |
| G. Hillside Exception, pursuant to Chapter 19.12 | PC | Development (area greater than 500 square feet) on slopes greater than 30% |
| H. Architectural and Site Approval, pursuant to Chapter 19.12 | PC | One or two-story addition or new home on a sloped single-family residential lot with development on building pads/graded areas with actual slopes equal to or greater than 20% and where the cut plus fill of the site exceeds 2,500 cubic yards |
| I. Conditional Use Permit, pursuant to Chapter 19.12 | PC | Two-story addition or new two-story home in an R-1 zoning district with an "i" suffix |

(Ord. 2085, § 2 (part), 2011)

**19.28.050 Zoning Districts Established.**

Table 19.28.050 sets forth the zoning districts established.

| Zoning Designation | Zoning Definition |
|---|---|
| R1-X | Single Family Residential District - Minimum lot area corresponds to the number (X), multiplied by 1,000 square feet |
| R1-Xi | Single Family Residential District Restricted to One Story (not to exceed 18 feet high) - [minimum lot area corresponds to the number (X), multiplied by 1,000 square feet preceding the 'i' symbol] |
| R1-6e | Single Family Residential Eichler District (6,000 minimum lot area) |
| R1-a | Single Family Residential District with Semi-Rural Characteristics (10,000 square foot minimum lot area) |

(Ord. 2085, § 2 (part), 2011)

**19.28.060 Site Development Regulations.**

Table 19.28.060 sets forth the rules and regulations for site development in the Single-Family Residential District.

[Table 19.28.060 begins on next page.]

| Table 19.28.060 Site Development Regulations | | | |
|---|---|---|---|
| | **R1-5** | **R1-6, 7.5, 8, 10, 20, etc., and R1-6e** | **R1-a** |
| A. Minimum net lot area[1] | 5,000 square feet | the number multiplied by 1,000 square feet | 10,000 square feet |
| B. Minimum lot width (at the front setback line) | 50 feet | 60 feet | 75 feet |
| C. Landscaping | See Chapter 14.15, Landscape Ordinance | | Landscaping plans are required for all additions or new homes. The purpose of the landscaping is to beautify the property and to achieve partial screening of building forms from the street and adjacent properties. Generally, the landscaping may include shrubbery, hedges, trees, or lattice with vines on fences. |
| D. Development proposed on building pads/graded area with slopes equal to or greater than 20% | | | |
| 1. Total site grading (cut plus fill)[2,3] | 2,500 cubic yards maximum. Projects that exceed the maximum quantity shall require Architectural and Site Approval per Section 19.28.040(H). | | |
| 2. Fences | See Chapter 19.48, Fence Ordinance | | |
| E. Development (structures, improvements, or grading) on actual slopes ≥ 30% | Limited to 500 square feet. Development greater than 500 square feet shall be subject to a Hillside Exception by the Planning Commission in accordance with section 19.40.080 of the RHS Ordinance. | | |

**Table 19.28.060 Site Development Regulations (Cont.)**

Notes:

1 Lots, which contain less area than required by its zoning designation, but not less than 5,000 square feet, may nevertheless be used as building sites, provided that all other applicable requirements of this title are fulfilled.

2 Maximum grading quantity includes grading for the building pad, yard areas, driveway, and all other areas requiring grading, but does not include basements. The graded area shall be limited to the building pad area to the greatest extent possible. Grading quantities for multiple driveways are divided equally among the participating lots, e.g. two lots sharing a driveway will divide the driveway grading quantity in half. The divided share will be charged against the grading quantity allowed for that lot development.

3 All cut and fill areas shall be rounded to follow the natural contours and planted with landscaping that meets the following requirements:

i. A landscape plan shall be prepared that addresses measures to prevent soil erosion and to screen cut and fill slopes.

ii. A tree planting plan shall be prepared for the site which will screen grading areas, and residential structures, to the greatest possible extent, as well as to reintroduce trees on barren slopes which were denuded by prior agricultural activities.

iii. Landscape improvements shall meet the requirements as established in the Landscape Ordinance, Chapter 14.15.

iv. Landscape improvements shall be installed prior to final occupancy unless such installation is impracticable, in which case, the applicant shall post a bond, cash, or other security to ensure installation within an 18-month period from occupancy. All such landscape areas shall be properly maintained.

(Ord. 2085, § 2 (part), 2011)

**19.28.070 Building Development Regulations.**

Table 19.28.070 sets forth the rules and regulations for principal building development on properties zoned R1-5, 6, 7.5, 8, 10, 20 etc., and R1-6e in the Single-Family Residential District.

[Table 19.28.070 begins on next page.]

| Table 19.28.070 Building Development Regulations | | |
|---|---|---|
| | **R1-5** | **R1-6, 7.5, 8, 10, 20, etc., and R1-6e** |
| A. Maximum lot coverage | 1. 45% of the net lot area<br>a. An additional 5% is allowed for roof overhangs, patios, porches, and other similar features not enclosed on by walls on at least three (3) sides | |
| B. Maximum floor area ratio | 1. 45% of the net lot area | |
| C. Maximum second to first floor ratio | 1. No limit<br>a. See Sections 19.28.040(D) and (E)(1) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C). | |
| D. Interior areas (measured from the floor to the top of roof rafters) with heights > 16 feet | 1. Floor area shall be double-counted as follows:<br>a. For one-story homes, the floor area shall be double-counted as first floor area.<br>b. For two-story homes, the floor area shall be counted once each for first floor and second floor area. | |
| E. Minimum first floor setbacks | | |
| 1. Front yard | | |
| a. Minimum setback | 20 feet | |
| b. Side entering garage with curved driveway | 15 feet. No more than two (2) 15-foot setbacks shall occur side by side. | |
| c. Three-car garage | For projects with three-car garages oriented to the public right of way, the wall plane of the third space shall be setback a minimum of two (2) feet from the wall plane of the other two (2) spaces. | |
| 2. Side yard – For lots that have more than two side yards, the setback shall be consistent for all side yards between the front property line and rear property line | | |
| a. Interior lot | 5 feet on both sides | 15 feet combined (no side yard setback shall be less than 5 feet) |
| b. Corner lot | | |

| Table 19.28.070 Building Development Regulations (Cont.) | |
|---|---|
| i. Interior side | 5 feet |
| ii. Street side | 12 feet |
| 3. Rear yard | a. 20 feet<br>i. May be reduced to 10 feet, with a Minor Residential Permit, subject to Chapter 19.12, if, after the reduction, the useable rear yard area is not less than 20 times the lot width as measured from the front setback line. |
| F. Minimum second floor setbacks | |
| 1. Front yard | 25 feet |
| 2. Side yard | |
| a. Interior Lot | 25 feet combined (no side yard setback shall be less than 10 feet)<br>i. See Section 19.28.040(E)(2) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C). |
| b. Corner lot | 25 feet combined side yard setback (no side yard setback shall be less than 10 feet) |
| i. Interior Side | 10 feet but not less than 20 feet from the rear property line of an adjacent single family dwelling<br>i. See Section 19.28.040(E)(2) for permitting requirements. Homes subject to design review shall comply with the design review principles in Section 19.28.110(C). |
| ii. Street Side | 12 feet |
| c. Flag lot | 20 feet from any property line |
| 3. Rear yard | 25 feet |
| G. Minimum setbacks for second story decks, patios, balconies, or any other similarly unenclosed features. All new or expanded second story decks with views into neighboring residential side or rear yards shall file for a Minor Residential Permit in accordance with Chapter 19.12, in order to protect the privacy of adjoining properties. The goal of this permit requirement is not to require complete visual protection but to address privacy protection to the greatest extent while still allowing the construction and use of an outdoor deck. | |
| 1. Front yard | 20 feet (may encroach up to 3 feet into the required front yard setback) |

| Table 19.28.070 Building Development Regulations (Cont.) | |
|---|---|
| 2. Side yard | 15 feet |
| 3. Rear yard | 20 feet |
| H. Corner triangle | No portion of a structure shall be located within a corner triangle. |
| I. Basements | |
| 1. Number, size, and volume of lightwells | Shall be the minimum required by the California Building Code for egress, light, and ventilation, except that in the case of a single-story house with a basement, one lightwell may be up to 10 feet wide and 10 feet long. |
| 2. Minimum setback for lightwell retaining wall | |
| a. Side yard | 5 feet |
| b. Rear yard | 10 feet |
| 3. Lightwell railings | Maximum height of 3 feet. The fence shall be located immediately adjacent to the lightwell. |
| 4. Lightwell screening | Lightwells that are visible from a public street shall be screened by landscaping. |
| 5. Root barrier measures | The perimeter of the basement and all lightwell retaining walls shall be treated and/or reinforced with the most effective root barrier measures as determined by the Director of Community Development. |
| J. Maximum height | |
| 1. Total principal building height | 28 feet, no more than two stories |
| 2. Zoning Districts with "i" suffix[1] | Limited to one story (not to exceed 18 feet) |
| 3. First floor building envelope | a. The maximum exterior wall height and building height on single-story structures and single-story sections of two-story structures must fit into the building envelope defined by:<br>i. A 10 foot high vertical line from natural grade measured at the property line; and<br>ii. A 25 degree roof line angle projected inward at the 10 foot high line referenced above;<br>b. Notwithstanding the building envelope, a gable end of a roof enclosing an attic space may have a maximum wall height of 17 feet to the peak of the roof as measured from natural grade, or up to 20 feet with a Minor Residential permit subject to Chapter 19.12. |

| Table 19.28.070 Building Development Regulations (Cont.) | |
|---|---|
| 4. Entry feature height | 14 feet from natural grade to top of plate |
| 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 a Minor Residential Permit subject to Chapter 19.12. |
| Note:<br>[1] Pertains to all buildings in a designated area limited to one story in height (not exceeding 18 feet) as prescribed by the City Council by affixing the designation "i" to the zoning district symbol. | |

(Ord. 2085, § 2 (part), 2011)

**19.28.080 Eichler (R1-e) Building Design Requirements.**

R1-e single-family residential "Eichler districts" protect a consistent architectural form through the establishment of district site development regulations. Nothing in these regulations is intended to preclude a harmonious two-story home or second story addition.

The following building design requirements shall be met for development in the R1-e district:

A. Entry features facing the street shall be integrated with the roofline of the house.

B. The maximum roof slope is 3:12 (rise over run).

C. Wood or other siding material located on walls facing a public street (not including the garage door) shall incorporate vertical grooves, up to 6 inches apart.

D. The building design shall incorporate straight architectural lines, rather than curved lines.

E. The first floor shall be no more than 12 inches above the existing grade.

F. Exterior walls located adjacent to side yards shall not exceed 9 feet in height measured from the top of the floor to the top of the wall plate. (Ord. 2085, § 2 (part), 2011)

**19.28.090 Development Regulations–(R1-a).**

R1-a districts are intended to reinforce the semi-rural setting in neighborhoods with large lots. Variation from the R1-a regulations shall require a Variance pursuant to Chapter 19.156 of the Cupertino Municipal Code in the R1-a district.

Table 19.28.090 sets forth the rules and regulations for building development in the R1-a district.

[Table 19.28.090 begins on next page.]

| Table 19.28.090 Development Regulations–(R1-a) | | |
|---|---|---|
| | **R1-a** | |
| A. Maximum lot coverage | Refer to Section 19.28.070(A) | |
| B. Maximum total floor area ratio | Refer to Section 19.28.070(B) | |
| C. Maximum second to first floor area ratio | 1. 40% of the existing or proposed first floor area, except as follows:<br>a. A second floor may be at least 750 square feet in area<br>b. In no case shall a second floor be more than 1,100 square feet in area | |
| D. Interior areas (measured from the floor to the top of roof rafters) with heights > 16 feet | Refer to Section 19.28.070(D) | |
| E. Minimum setbacks (measured from property line) | | |
| | **First floor** | **Second floor** |
| 1. Front yard | | |
| a. Minimum setback | 30 feet | 30 feet |
| b. Side entering garage with curved driveway | Refer to Section 19.28.070(E)(1)(b) | – |
| 2. Side Yard | | |
| a. Interior lot | 10 feet both sides | 35 feet combined (no side yard setback shall be less than 15 feet) |
| b. Corner lot | | 25 feet combined side yard setback |
| i. Interior side | 10 feet | 15 feet and must not be less than 20 feet from the rear property line of an adjacent single family dwelling |
| ii. Street side | Refer to Section 19.28.070(E)(2)(b)(ii) | Refer to Section 19.28.070(F)(2)(b)(ii) |

| Table 19.28.090 Development Regulations–(R1-a) (Cont'd) | | |
|---|---|---|
| c. Flag lot | – | 20 feet from any property line |
| 3. Rear yard | 20 feet | 40 feet |
| F. Second story design regulations | | |
| 1. Second to first floor wall plane | The second story shall not cantilever over a first story wall plane. | |
| 2. Front-facing wall plane(s) | The front-facing wall plane(s) of the second story must be offset a minimum of 3 feet from the first story wall plane(s). The intent of this regulation is to avoid a two story wall plane on the front elevation. | |
| G. Front Yard Paving | 1. No more than 50% of the front yard setback area may be covered with a combination of impervious or semi-pervious surfaces.<br>2. No more than 40% of the front yard setback area may be covered with an impervious surface such as concrete or asphalt. | |
| H. Corner triangle | Refer to Section 19.28.070(H) | |
| I. Basements | | |
| 1. Number, size, and volume of lightwells | Refer to section 19.28.070(I)(1) | |
| 2. Minimum setbacks for lightwell retaining walls | | |
| a. Side Yard | Refer to Section 19.28.070(I)(2)(a) | |
| b. Rear yard | Refer to Section 19.28.070(I)(2)(b) | |
| 3. Lightwell railings | Refer to Section 19.28.070(I)(3) | |
| 4. Lightwell screening | Refer to Section 19.28.070(I)(4) | |
| 5. Root barrier measures | Refer to Section 19.28.070(I)(5) | |
| J. Maximum height | | |
| 1. Total principal building height | Refer to Section 19.28.070(J)(1) | |

| Table 19.28.090 Development Regulations–(R1-a) (Cont'd) | |
|---|---|
| 2. First floor building envelope | a. The maximum exterior wall height and building height on single-story structures and single-story sections of two-story structures must fit into the building envelope defined by:<br>i. A 12 foot high vertical line from natural grade and located 10 feet from property lines; and<br>ii. A 25 degree roof line angle projected inward at the 12 foot high line referenced above |
| 3. Entry feature height | See Single-Family Residential Design Guidelines, Section 19.28.110(A)(6) |
| K. Minimum setbacks for second story decks, patios, balconies, or any other similarly unenclosed features. Second story decks may only be located on the front and rear of the house. All new or expanded second story decks with views into neighboring residential side or rear yards shall file for a Minor Residential Permit in accordance with Chapter 19.12, in order to protect the privacy of adjoining properties. The goal of this permit requirement is not to require complete visual protection but to address privacy protection to the greatest extent while still allowing the construction and use of an outdoor deck. | |
| 1. Front of house | |
| a. Minimum setback to front property line | 30 feet |
| b. Minimum setback to side property line | 35 feet combined (no side yard setback shall be less than 15 feet) |
| 2. Rear of house | |
| a. Minimum setback to rear property line | 40 feet |
| b. Minimum setback to side property line | 35 feet combined (no side yard setback shall be less than 15 feet) |
| L. Solar Design | Refer to Section 19.28.070(K) |

(Ord. 2085, § 2 (part), 2011)

**19.28.100 Permitted Yard Encroachments.**

Table 19.28.100 sets forth the rules and regulations for permitted yard encroachments in the Single-Family Residential district.

**Table 19.28.100 Permitted Yard Encroachments**

| | |
|---|---|
| A. Extension of a legal non-conforming wall line | 1. Where a building legally constructed according to existing yard and setback regulations at the time of construction, encroaches upon present required yards and setbacks, one encroaching side yard setback may be extended along its existing building lines if the addition receives a Minor Residential Permit[1] and conforms to the following:<br>a. The extension or addition may not further encroach into any required setback and the height of the existing non-conforming wall and the extended wall may not be increased.<br>b. The maximum length of the extension is 15 feet.[1]<br>c. The extension of any wall plane of a first-story addition is not permitted to be within 3 feet of any property line.<br>d. Only one such extension is permitted for the life of such building. |
| | 2. This section applies to the first story only and shall not be construed to allow the further extension of an encroachment by any building, which is the result of the granting of a variance or exception, either before or after such property becomes part of the City. |
| | 3. This section does not apply to attached accessory structures such as attached carports.[2] |
| B. Architectural Features (not including patio covers) | 1. May extend into a required yard a distance not exceeding 3 feet.<br>2. No architectural feature, or combination thereof, whether a portion of a principal or accessory structure, may extend closer than 3 feet to any property line. |
| C. Porch post in the R1-a zone | Posts for porches are allowed to encroach 2 feet into the required front setback. See Section 19.28.040 for permit requirements. |
| D. Low, open fencing for porches in the R1-a zone | Allowed to encroach 2 feet into the required front setback area. See Section 19.28.040 for permit requirements. |
| E. Porch platform and roof overhang in the R1-a zone | May encroach 5 feet into the required front setback. See Section 19.28.040 for permit requirements. |
| F. Accessory Structures (including attached patio covers) | As allowed by Chapter 19.100, Accessory Structures |

Notes:
1 Does not apply in the R1-a zone
2 Only applies to properties in the R1-a zone

(Ord. 2085, § 2 (part), 2011)

**19.28.110 Single-Family Residential Design Guidelines and Principles.**

Any new single-family residential house or addition to an existing house shall be generally consistent with the adopted single-family residential guidelines in Sections 19.28.110(A) and (B).

A. Single-Family Residential Design Guidelines for all projects.[1, 2]

1. There should not be a three-car wide driveway curb cut.

2. No more than fifty percent of the front elevation of a house should consist of garage area.

a. In the R1-a zone, the maximum width of a garage on the front elevation should be twenty-five feet, which will accommodate a two-car garage. Additional garage spaces should be provided through the use of a tandem garage or a detached accessory structure at the rear of the property.[2]

3. Living area should be closer to the street, while garages should be set back more.

4. All roofs should have at least a one-foot overhang.

5. Porches are encouraged.

a. In the R1-a zone, the following porch design guidelines apply[2]:

i. When viewed from the street, a porch should appear proportionately greater in width than in height. A porch differs from an entry element, which has a proportionately greater height than its width.

ii. Structural supports should be designed such that the appearance is not obtrusive or massive.

iii. The use of large columns or pillars is discouraged.

iv. The eave height for a front porch should not be significantly taller than the eave height of typical single-story elements in the neighborhood.

v. Porch elements should have detailing that emphasizes the base and caps for posts and fence elements.

6. In R1-6e and R1-a zones, entry features should not be higher than fourteen feet from natural grade to plate.[2]

B. Two-Story Design Guidelines.[1, 2]

1. The mass and bulk of the design should be reasonably compatible with the predominant neighborhood pattern. New construction should not be disproportionately larger than, or out of scale with, the neighborhood pattern in terms of building forms, roof pitches, eave heights, ridge heights, and entry feature heights.

2. The design should use vaulted ceilings rather than high exterior walls to achieve higher volume interior spaces.

3. Long, unarticulated, exposed second story walls should be avoided since it can increase the apparent mass of the second story.

a. In the R1-a zone, all second story wall heights greater than six feet, as measured from the second story finished floor, should have building wall offsets at least every twenty-four feet, with a minimum four foot depth and ten foot width. The offsets should comprise the full height of the wall plane.[2]

4. The current pattern of side setback and garage orientation in the neighborhood should be maintained.

5. When possible, doors, windows and architectural elements should be aligned with one another vertically and horizontally and symmetrical in number, size and placement.

6. In the R1-a zone, windows on the side elevations should[2]:

a. Be fixed and obscured to a height of five feet above the second floor;

b. Have permanent exterior louvers to a height of five feet above the second floor; or

c. Have sill heights of five feet or greater to mitigate intrusion into a neighbor's privacy.

C. Residential Design Review Principles. Two-story homes subject to design review per Section 19.28.040(E) (except in R1-a zones) shall meet the residential design review principles below. The City of Cupertino Two-Story Design Principles are attached hereto as Appendix A and are incorporated herein by this reference.

1. An identifiable architectural style shall be provided;

2. Design features, proportions and details shall be consistent with the architectural style selected;

3. Visual relief deemed to be appropriate by the Director of Community Development shall be provided;

4. Materials shall be of high quality;

5. Ensure building mass and scale;

6. Design with architectural integrity on all sides of the structure; and

7. The design shall reflect symmetry, proportion and balance.

Notes:

[1] Refer to the Eichler Design Handbook- Fairgrove Neighborhood for additional design guidelines in the R1-6e zone.

[2] Nonconformance with the design guidelines in the R1-a zone shall be considered acceptable only if the applicant shows that there are no adverse impacts from the proposed project.

(Ord. 2085, § 2 (part), 2011)

**19.28.120 Landscape Requirements.**

To mitigate privacy impacts and the visual mass and bulk of new two-story homes and additions, tree and/or shrub planting is required. The intent of this section is to provide substantial screening within three years of planting.

A. Applicability. These requirements shall apply to new two-story homes, second-story decks, two-story additions, modifications to the existing second-story decks

and/or new windows on existing two-story homes that increase privacy impacts on neighboring residents.

1. These requirements shall not apply to:

a. Skylights;

b. Windows with sills more than five feet above the finished second floor;

c. Obscured, non-openable windows;

d. Windows with permanent exterior louvers to a height of five feet above the second floor;

e. Non-operable windows with obscure glass to a height of five feet above the second floor; and

f. When waivers have been obtained by all affected property owners

B. Planting Plan. Proposals for a new two-story homes, second-story decks, two-story additions, modifications to the existing second-story decks, and/or new windows on existing two-story homes shall be accompanied by a planting plan which identifies the location, species and canopy diameter of existing and proposed trees or shrubs to meet the requirements in Section 19.28.120(C) below.

C. Planting Requirements.

1. Front yard tree planting.

a. The tree shall be twenty-four-inch box or larger, with a minimum height of six feet.

b. The tree shall be planted in front of new second stories in the front yard setback area.

i. In the R1-a zone, the tree shall be placed to where views from second story windows across the street are partially mitigated.

c. The Director of Community Development may waive the front yard tree based on a report from an internationally-certified arborist citing conflict with existing mature tree canopies onsite or in the public right-of-way.

2. Privacy planting.

a. New trees and/or shrubs are required on the applicant's property in an area bounded by a thirty-degree angle on each side window jamb.

i. The following is required for all side and rear yard-facing second story windows in the R1-6e zone:

- Cover windows with exterior louvers to a height of five feet above the second floor; or
- Obscure glass to a height of five feet above the second floor; or
- Have a window sill height of five feet minimum above the finished second floor.

b. The Planning Division shall maintain a list of allowed privacy planting trees and shrubs. The list includes allowed plant species, minimum size of trees and shrubs, expected canopy or spread size, and planting distance between trees.

i. In the R1-a zone, the minimum height of privacy trees at the time of planting shall be twelve feet.

ii. In the R1-a zone, privacy planting shall have a minimum setback from the property line equivalent to one-quarter of the spread noted on the City list.

c. The trees and/or shrubs shall be planted prior to issuance of a final occupancy permit.

3. Waivers.

a. New trees and/or shrubs are not required to replace existing front or privacy trees or shrubs if an Internationally Certified Arborist or Licensed Landscape Architect verifies that the existing trees/shrubs have the characteristics of privacy planting species, subject to approval by the Director or Community Development.

b. Affected property owner(s) may choose to allow privacy planting on their own property. In such cases, the applicant must plant the privacy screening prior to issuance of a building permit.

c. The privacy mitigation measures may be modified in any way with a signed waiver statement from the affected property owner. Modifications can include changes to the number of shrubs or trees, their species or location.

4. Covenant. The property owner shall record a covenant with the Santa Clara County Recorder's Office that requires the retention of all privacy planting, or use of existing vegetation as privacy planting, prior to receiving a final building inspection from the Building Division. This regulation does not apply to situations described in subsection (C)(3)(b) of this section.

5. Maintenance. The required plants shall be maintained. Landscape planting maintenance includes irrigation, fertilization and pruning as necessary to yield a growth rate expected for a particular species.

6. Replacement. Where required planting is removed or dies it must be replaced within thirty days with privacy tree(s) of similar size as the tree(s) being replaced, unless it is determined to be infeasible by the Director of Community Development. (Ord. 2085, § 2 (part), 2011)

**19.28.130 Exceptions.**

Where results inconsistent with the purpose and intent of this chapter result from the strict application of the provisions hereof, exceptions to Sections 19.28.070, 19.28.080, and 19.28.110 may be granted by the Design Review Committee. The specific procedural requirements shall follow Chapter 19.12. (Ord. 2085, § 2 (part), 2011)

**19.28.140 Findings.**

Sections 19.28.140(A), (B), (C), (D), and (E) set forth the findings required for a Minor Residential Permit, Two-Story Permit, Residential Design Review, and R-1 Exception approval.

A. Minor Residential Permit Findings.

1. The project is consistent with the Cupertino General Plan, any applicable specific plans, zoning ordinances and the purposes of this title.

2. The granting of the permit will not result in a condition that is detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or welfare.

3. The proposed project is harmonious in scale and design with the general neighborhood.

4. Adverse visual impacts on adjoining properties have been reasonably mitigated.

B. Two-Story Permit Findings.

1. The project is consistent with the Cupertino General Plan, any applicable specific plans, zoning ordinance and the purposes of this title.

2. The granting of the permit will not result in a condition that is detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or welfare.

3. The proposed project is harmonious in scale and design with the general neighborhood.

4. Adverse visual impacts on adjoining properties have been reasonably mitigated.

C. Residential Design Review Findings.

1. The project is consistent with the Cupertino General Plan, any applicable specific plans, zoning ordinance and the purposes of this title.

2. The granting of the permit will not result in a condition that is detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety or welfare.

3. The project is harmonious in scale and design with the general neighborhood.

4. The project is consistent with the two-story design principles and generally consistent with the single-family residential design guidelines.

5. Adverse visual impacts on adjoining properties have been reasonably mitigated.

D. Residential Design Review Findings, R1-a zone.

1. The project is consistent with the Cupertino General Plan and Title 19 of the Cupertino Municipal Code.

2. The granting of this permit will not result in detrimental or injurious conditions to the property or improvements in the vicinity, or to the public health, safety, or welfare.

3. The project is generally compatible with the established pattern of building forms, building materials, and designs of homes in the neighborhood.

4. The project is generally compatible with the City's single-family residential design guidelines and the guidelines in this chapter and any inconsistencies have been found to not result in impacts on neighbors.

5. Significant adverse visual and privacy impacts as viewed from adjoining properties have been mitigated to the maximum extent possible.

E. R-1 Exception Findings.

1. The literal enforcement of this chapter will result in restrictions inconsistent with the spirit and intent of this chapter.

2. The proposed development will not be injurious to property or improvements in the area, nor be detrimental to the public safety, health and welfare.

3. The exception to be granted is one that will require the least modification of the prescribed design regulation and the minimum variance that will accomplish the purpose.

4. The proposed exception will not result in significant visual impact as viewed from abutting properties. (Ord. 2085, § 2 (part), 2011)

## Appendix A: City of Cupertino Two Story Design Principles

### INTRODUCTION

Cupertino's neighborhoods have developed over a period of decades with varying architectural styles. Two story homes with a second story to first floor ratio greater than 66% and homes with second story side setbacks less than 15 feet must offset the building massing with designs that encompass higher quality architectural features and materials.

### DESIGN PRINCIPLES

These design principles help integrate new homes and additions to existing homes with existing neighborhoods by providing a framework for the review and approval process. Where possible, additional details and examples have been provided. Conditions not covered by these examples will be evaluated on a case-by-cases basis.

1. Provide an identifiable architectural style. Attractive homes are designed by using elements from one consistent theme. It is best to work with your designer to identify and carry out one style around the entire house.
2. Design features. Proportions and details to be consistent with architectural style.
3. Provide facade articulation. The following techniques offer ways to mitigate the bulk of larger homes in smaller scale neighborhoods and the impact of two-story tall walls on adjacent neighbors and the streetscape.
   - Second floor setbacks
   - Horizontal and vertical wall plane changes
   - Pop outs
   - Bay windows
   - Chimneys
   - Wide overhangs with projecting brackets
   - Juliet balconies
   - Belly bands
   - Window boxes and pot shelves
   - Landscaped trellises and lattices
   - Projecting window trim
   - Materials and color changes
   - Inset balconies
   - Applied decorative features
   - Recessed garage doors
   - Window trim
   - Tall trees to break up view of long walls
4. Use high quality materials.
5. Ensure massing and scale appropriate to the architectural style.
6. Design with architectural integrity of forms, materials and details on all sides of the structure.
7. Provide symmetry, proportions and balance consistent with the architectural style.

### DISTINGUISHING ARCHITECTURAL FEATURES

There are a wide range of architectural styles in Cupertino. However, there are a few that have been most preferred in recent years. Annotated illustrations outlining some of the distinguishing features for five of the most common styles are included on the following pages:

- Arts and Crafts
- Mediterranean
- Spanish Eclectic
- Italian Villa
- French Country

### RESOURCES

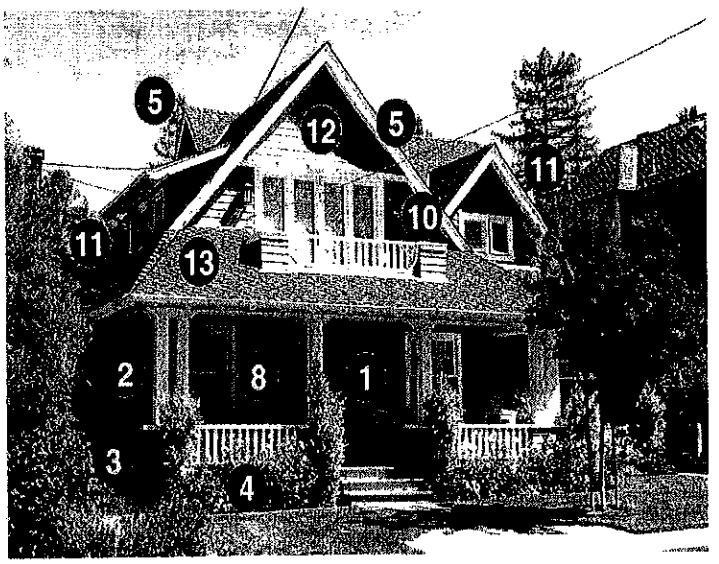
The following resources may be useful to homeowners, buildings, and design professionals in understanding the special qualities of specific house styles.

- A Field Guide to American Homes
  Viginia & Lee McAlester
  Alfred A. Knopf 2000
- The Abrams Guide to American House Styles
  Wilkin Morgan
  Harry N. Abrams, Inc. 2004
- House Styles in America
  James C. Massey
  Penquin Studio 1996
- Celebrating the American Home
  Joanne Kellar Bouknight
  The Taunton Press 2005
- The Distinctive Home, A Vision of Timeless Design
  Jeremiah Eck
  The Taunton Press 2005

## Arts and Crafts Style

### DISTINGUISHING FEATURES

Arts and Crafts Style homes are characterized by gently pitched broad roof gables with wide eave overhangs. The visual impact of second floor spaces is often minimized by incorporating the living space into the roof form, and utilizing gable or shed dormers for light and interior volume. Generously sized entry porches with distinctive columns and column bases are common, as is the abundance of wood details.

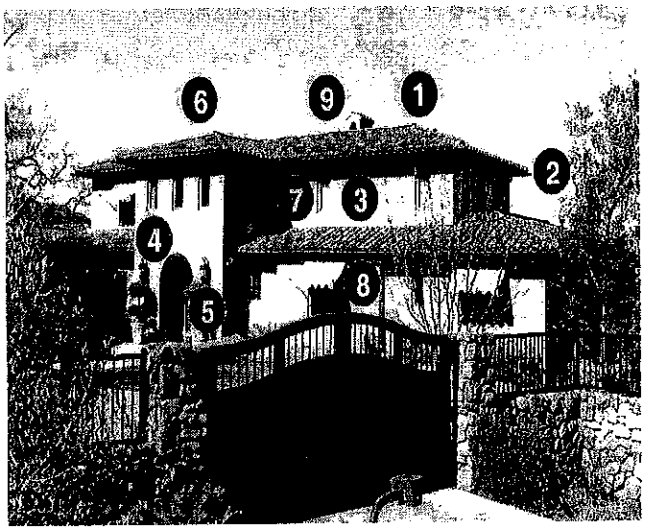



1. Generous and slightly elevated entry porch
2. Large tapered or square wood columns
3. Stone, brick, shingle, or wood paneled column base
4. Wood porch railing
5. Gabled roof ends
6. Expressed wood beam
7. Decorative wood brackets
8. Wide wood window frames with divided light panes
9. Exposed rafter tails
10. Decorative Arts and Crafts carriage light
11. Gable and shed dormers
12. Shingles and/or wood siding occasionally with a small amount of stucco
13. Composition or simulated wood shake roof shingles
14. Interesting gable end window, attic vent, and/or wood details
15. Bay windows with base trim and brackets
16. Ancillary structures with matching forms, materials, and details

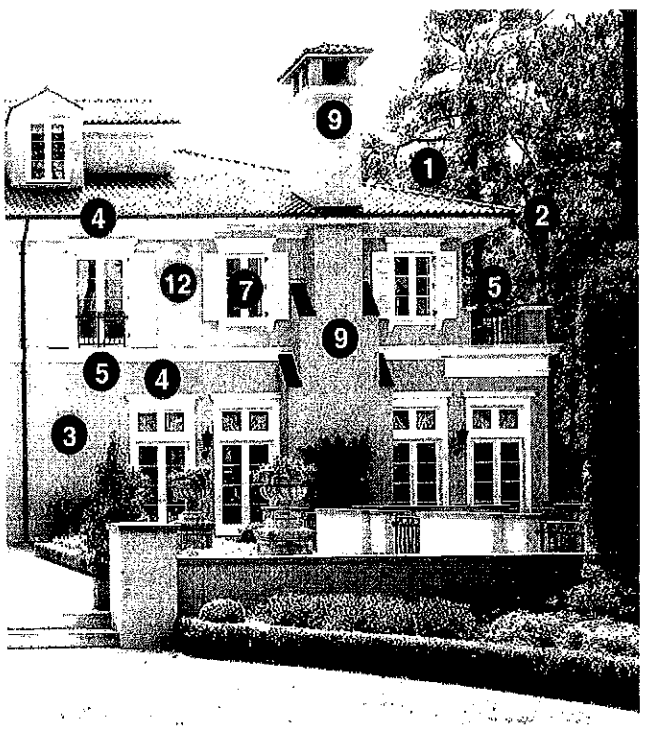
## Mediterranean Style

### DISTINGUISHING FEATURES

Mediterranean Style homes are characterized by low-pitched hip roofs, typically covered in tile. Roof overhangs are generally wide, and often are accentuated by decorative brackets. Windows are typically deep set from the exterior wall surface, and upper story windows are smaller and less elaborate than ground floor windows. Selected windows and doors often have arched head shapes, and entries are accentuated by deep recessed and flanking columns attached to the wall, but are generally subdued. Facades are often symmetrical.




1. Low pitched roof with heavy textured tiles
2. Wide roof overhangs for sun shading, often with decorative brackets
3. Stucco or stone walls
4. Deep set windows and entries, sometimes with arched heads and/or windows accentuated with surrounding trim
5. Decorative metal carriage lights and railings
6. Often symmetrical massing and window layout
7. Upper floor windows smaller and less elaborate
8. Supplemental sun shading at selected windows
9. Distinctive chimney shapes and caps
10. Small balconies with decorative railings and brackets
11. Decorative columns and details
12. Decorative shutters



## Spanish Eclectic Style

### DISTINGUISHING FEATURES

Spanish Eclectic Style homes are characterized by low-pitched gable and hip roofs, typically covered in red tiles. Roof overhangs may be wide with decorative brackets or minimal with curved molding at the wall/roof juncture. Windows are typically deep set from the exterior wall surface, and usually have projecting molding at their heads and sills. Selected windows and doors often have arched head shapes, and entries are accentuated by deep recesses and heavy wood doors. Facades are generally informal and asymmetrical in their massing.

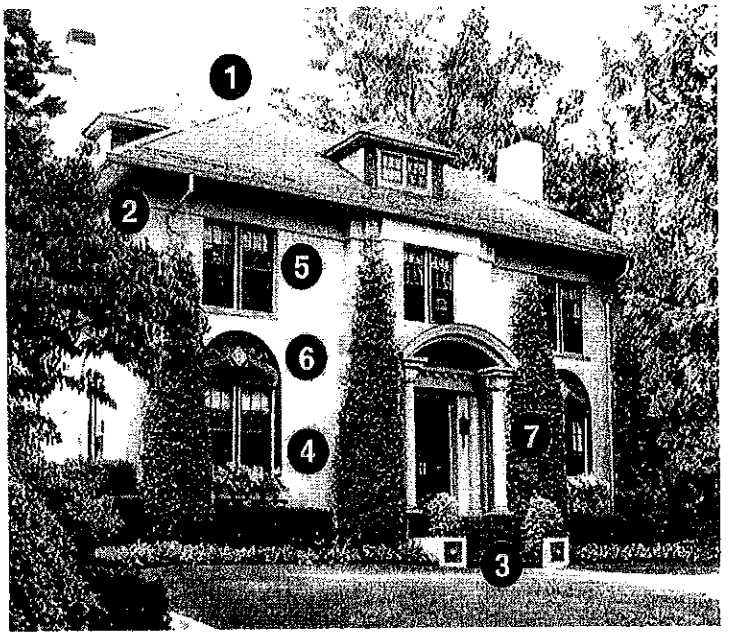
1. Low pitched roofs with heavy textured red tiles - overhangs may be large with decorative brackets or very small with curved molding at the wall/roof juncture
2. Stucco walls
3. Recessed entry door - often with arched head
4. Deep set windows, sometimes with arched heads
5. Informal and asymmetrical building forms
6. Distinctive upper level balconies with metal or wood details
7. Wood window shutters
8. Projecting window head and sill trim
9. Decorative tile and metal details
10. Distinctive chimney shapes and caps
11. Second floor overhangs with wood beam and bracket supports
12. Casement windows with divided lights

## Italian Villa Style

**DISTINGUISHING FEATURES**

Italian Villa Style homes are characterized in the Bay Area a wide variety of forms and details drawn from a variety of common Italian styles. They are frequently formal in their facade design, and often symmetrical with accentuated windows and entries.

1. Low pitched hip roof
2. Wide roof eaves, often with formal supporting brackets
3. Symmetrical or asymmetrical front facade window patterns well-organized around a projecting formal entry with Italianate columns
4. Tall first floor windows
5. Deep set windows in grouped patterns
6. Arched window heads and/or accentuated trim above the windows
7. Projecting or recessed entries with Italianate columns and/or trim
8. Projecting window heads, jambs and sills
9. Articulated belt and trim courses



## French Country Style

### DISTINGUISHING FEATURES

French Country Style homes are characterized by steeply pitched roofs with eaves commonly flared upward at roof-wall junctions. They may be symmetrical in form and facade organization, but are more typically asymmetrical. Some variations include a round tower with a high, conical roof. Individual homes exhibit a wide variety in form detailing, but are united by the strong roof form. Roof are commonly covered with slate, tile or other rough-textured materials. Roof dormers are common. Entries are often deep-set from the home's front wall.

1. Gable and hip roof forms with medium to steep pitch
2. Closed eaves
3. Stucco, stone, or brick walls
4. Recessed entry vestibule with decorative molding or projecting gable
5. Articulated entry details
6. Casement windows with divided lights - often recessed
7. Second floor overhangs with wood beam and decorative supports
8. Planter boxes, shutters, and other decorative details
9. Distinctive chimney shapes and caps
10. Gabled dormers
11. Bay windows with metal roofs