

Effective 9/17/2011

Ordinance No. 11-2079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING CHAPTER 19.28, SINGLE-FAMILY RESIDENTIAL ZONES, TO
IMPROVE READABILITY AND CONSISTENCY AND MAKE AMENDMENTS TO
THE TWO-STORY DESIGN REVIEW PROCESS, PUBLIC NOTICING
REQUIREMENTS, STORY POLE REQUIREMENTS, AND STANDARDS FOR
SLOPED SINGLE-FAMILY RESIDENTIAL LOTS

THE CITY COUNCIL OF THE CITY OF CUPERTINO ORDAINS AS FOLLOWS:

Section 1. Statement of Purpose.

This ordinance amendment improves readability and consistency with other City ordinances. The ordinance amendment also amends the two-story design review process, amends public noticing requirements for discretionary review projects, removes story pole requirements for two-story projects, and applies site development standards to all sloped single-family residential lots.

Section 2. Code Amendment.

Chapter 19.28, entitled "Single-Family Residential Zones," of the Cupertino Municipal Code, is amended to read as shown in Attachment A.

Section 3. Severability.

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions be declared valid or unconstitutional.

Section 4. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days from and after adoption as provided by Government Code Section 36937.

Section 5. Certification.

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

Section 6. CEQA.

A Negative Declaration has been adopted per CEQA since none of the ordinance amendments would have a significant adverse impact on the environment.

Section 7. Continuity.

To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Cupertino Municipal Code, these provisions shall be construed as continuations of those provisions and not as amendments of the earlier provisions.

INTRODUCED at a regular meeting of the Cupertino City Council the 2nd day of August 2011 and **ENACTED** at a regular meeting of the Cupertino City Council on this 16th day of August 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

City Clerk

Mayor, City of Cupertino

CHAPTER 19.28: SINGLE-FAMILY RESIDENTIAL (R1) ZONES

19.28.010 Purposes.

19.28.020 Applicability of Regulations.

19.28.030 Permitted and Conditional Uses.

19.28.040 Permits Required.

19.28.050 Zoning Districts Established.

19.28.060 Development Regulations (Site).

19.28.070 Development Regulations (Building).

19.28.080 Eichler (R1-e) Building Design Requirements.

19.28.090 Development Regulations-(R1-a).

19.28.100 Permitted Yard Encroachments.

19.28.110 Single-Family Residential Design Guidelines and Principles.

19.28.120 Landscape Requirements.

19.28.130 Exceptions.

19.28.140 Minor Residential Permits, Two-Story Permits, and Residential Design Review applications.

19.28.150 Findings.

19.28.160 Interpretation by the Planning Director.

19.28.010 Purposes.

R1 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.

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 R1 single-family residential district other than

in conformance with the provisions of this chapter and other applicable provisions of this title.

- B. Notwithstanding the requirements of this chapter, 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 19.50.

19.28.030 Permitted and Conditional Uses.

A. The following uses are permitted in the R-1 single-family residence district:

1. Single-family use;
2. A second dwelling unit conforming to the provisions, standards and procedures described in Chapter 19.84, except for those second dwelling units requiring a conditional use permit;
3. Accessory facilities and uses customarily incidental to permitted uses and otherwise conforming with the provisions of Chapter 19.80 of this title;
4. Home occupations in accordance with the provisions of Chapter 19.92;
5. Horticulture, gardening, and growing of food products.
6. Residential care facility that is licensed by the appropriate State, County agency or department with six or less residents, not including the provider, provider family or staff;
7. Small-family day care home;
8. The keeping of a maximum of four adult household pets, provided that no more than two adult dogs or cats may be kept on the site;
9. Utility facilities essential to provision of utility services to the neighborhood but excluding business offices, construction or storage yards, maintenance facilities, or corporation yards;
10. Large-family day care homes, which meet the parking criteria contained in Chapter 19.100 and which are at least three hundred feet from any other large-family day care home. The Director of Community Development or his/her designee shall administratively approve large day care homes to ensure compliance with the parking and proximity requirements;
11. Congregate residence with ten or less residents;
12. Transitional housing and supportive housing.

B. The following uses may be conditionally allowed in the R-1 single-family residence district, subject to the issuance of a conditional use permit:

1. Issued by the Director of Community Development:
 - a. Temporary uses, subject to regulations established by Chapter 19.124;
 - b. Large-family day care home, which otherwise does not meet the criteria for a permitted use. The conditional use permit shall be processed as provided by Section 15.97.46(3) of the State of California Health and Safety Code;
 - c. Second dwelling units which require a conditional use permit pursuant to Chapter 19.84;
 - d. Home occupations requiring a conditional use permit pursuant to Chapter 19.92 of this title.

2. Issued by the Planning Commission:
 - a. Two-story structures in an area designated for a one-story limitation pursuant to Section 19.28.070 (J)(2) of this chapter, provided that the Planning Commission determines that the structure or structures will not result in privacy impacts, shadowing, or intrusive noise, odor, or other adverse impacts to the surrounding area;
 - b. Group care activities with greater than six persons;
 - c. Residential care facilities that fall into the following categories:
 - i. Facility that is not required to obtain a license by the State, County agency or department and has six or less residents, not including the providers, provider family or staff;
 - ii. Facility that has the appropriate State, County agency or department license and seven or greater residents, not including the provider family or staff, is a minimum distance of five hundred feet from the property boundary of another residential care facility;
 - iii. Facility that is not required to obtain a license by the State, County agency or department and has seven or greater residents, not including the provider family or staff, is a minimum distance of five hundred feet from the property boundary of another residential care facility;
 - d. Congregate residence with 11 or more residents, which is a minimum distance of one thousand feet from the boundary of another congregate residence and has a minimum of seventy-five square feet of usable rear yard area per occupant.

19.28.040 Permits Required.

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

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 ordinance
B. Minor Residential Permit, pursuant to Section 19.28.140		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
C. Director's Minor Modification, pursuant to Chapter 19.132	Admin.	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 Section 19.28.140		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.
E. Residential Design Review, pursuant to Section 19.28.140	Admin. with design review	Two-story addition or new two-story home in all districts except R1-a where: <ol style="list-style-type: none"> 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 2. Where second story side yard setback(s) are less than 15 feet to any interior side property line

Planning permit required prior to building permit application	Approval authority	Type of Project
	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 Section 19.28.130	DRC	One or two-story project requesting an exception from Sections 19.28.070 [Development Regulations (Building)], 19.28.080 [Eichler R1-e Building Design Requirements], and/or 19.28.110 [Landscape Requirements].
G. Hillside Exception, pursuant to Section 19.40.140	PC	Development (area greater than 500 square feet) on slopes greater than 30%
H. Architectural and Site Approval, pursuant to Chapter 19.134		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 19.124		Two-story addition or new two-story home in an R1 zoning district with an "i" suffix

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)

19.28.060 Development Regulations (Site).

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

	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	<p>a. See Chapter 16.28, Fence Ordinance</p> <p>b. If the Director of Community Development determines that a proposed fence is widely visible to public view and has the potential to create impacts on the visual character of an area (for example blocks public views from the valley floor to the hills or an open space reserve), then the proposed fence shall comply with the requirements in Sections 19.40.080(A)(2) & 19.40.080 (B) of the RHS Ordinance regardless of lot size.</p>		
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 19.40.140 of the RHS Ordinance.		

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.

19.28.070 Development Regulations (Building).

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.

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e
A. Maximum lot coverage	1. 45% of the net lot area 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 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	1. Floor area shall be double-counted as follows:	

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e
(measured from the floor to the top of roof rafters) with heights > 16 feet	a. For one-story homes, the floor area shall be double-counted as first floor area. 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		
i. Interior Side	5 feet	
ii. Street Side	12 feet	
3. Rear yard		
a. 20 feet	i. May be reduced to 10 feet, with a Minor Residential Permit, subject to section 19.28.140, 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	

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e
2. Side yard		
a. Interior Lot	25 feet combined (no side yard setback shall be less than 10 feet) 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 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 section 19.28.140, 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)	
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.	

	R1-5	R1-6, 7.5, 8, 10, 20, etc., and R1-6e
J. Maximum height		
1. Total principal building height	28 feet, no more than two stories	
2. Zoning Districts with "i" suffix¹	Limited to one story (not to exceed 18 feet)	
3. First floor building envelope	<p>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:</p> <ul style="list-style-type: none"> i. A 10 foot high vertical line from natural grade measured at the property line; and ii. A 25 degree roof line angle projected inward at the 10 foot high line referenced above; <p>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, per section 19.28.140.</p>	
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 section 19.28.140.	

Note:

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.

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.

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 19.124 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.

	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: a. A second floor may be at least 750 square feet in area b. In no case shall a second floor be more than 1,000 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

	R1-a	
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)
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	<p>1. No more than 50% of the front yard setback area may be covered with a combination of impervious or semi-pervious surfaces.</p> <p>2. No more than 40% of the front yard setback area may be covered with an impervious surface such as concrete or asphalt.</p>	
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)	
2. First floor building envelope	<p>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:</p> <p>i. A 12 foot high vertical line from natural grade and located 10 feet from property lines; and</p>	

	R1-a
	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 section 19.28.140, 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)

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.

Permitted Yard Encroachments	
A. Extension of a legal non-conforming wall line	<p>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 Permit¹ and conforms to the following:</p> <ul style="list-style-type: none"> 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. b. The maximum length of the extension is 15 feet.¹ c. The extension of any wall plane of a first-story addition is not permitted to be within 3 feet of any property line.

	<p>d. Only one such extension is permitted for the life of such building.</p> <p>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 become part of the City.</p> <p>3. This section does not apply to attached accessory structures such as attached carports.²</p>
B. Architectural Features (not including patio covers)	<p>1. May extend into a required yard a distance not exceeding 3 feet.</p> <p>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.</p>
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 19.80, Accessory Structures

Notes:

¹ Does not apply in the R1-a zone

² Only applies to properties in the R1-a zone

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 50% 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 25 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 apply²:
 - 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 14 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 6 feet, as measured from the second story finished floor, should have building wall offsets at least every 24 feet, with a minimum 4 foot depth and 10 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 should²:
 - a. Be fixed and obscured to a height of 5 feet above the second floor;
 - b. Have permanent exterior louvers to a height of 5 feet above the second floor; or
 - c. Have sill heights of 5 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:

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

²Nonconformance 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.

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 5 feet above the finished second floor
 - c. Obscured, non-openable windows
 - d. Windows with permanent exterior louvers to a height of 5 feet above the second floor;
 - e. Non-operable windows with obscure glass to a height of 5 feet above the second floor;
 - f. Windows with a sill height of 5 feet minimum above the finished second floor; and
 - g. 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 19.28.110 (C) below.

C. Planting Requirements.

1. Front yard tree planting.
 - a. The tree shall be 24-inch box or larger, with a minimum height of 6 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 30-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 5 feet above the second floor; or
 - Obscure glass to a height of 5 feet above the second floor; or
 - Have a window sill height of 5 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 12 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

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 Section 19.28.140.

19.28.140 Minor Residential Permits, Two-Story Permits, Residential Design Review, and Exception applications.

A. Procedural requirements.

1. Written notice, mailing radius, development plans, and public comment period.
 - a. Upon receipt of a complete application, a notice shall be sent by first class mail to all affected owners of record of real property (as shown in the last tax assessment toll) abutting the subject property (including properties to the left, right, and directly opposite the subject property and properties located across a street, way, highway, or alley, and shall include owners of property whose only contiguity to the subject property is a single point).
 - i. For Residential Design Review applications in the R1-a zone and R1 Exceptions, upon receipt of a complete application, the Community Development Department shall set a time and place for a public hearing before the Design Review Committee.
 - b. The notice shall invite public comment by a determined action date and shall include a copy of the site and elevation development plans, 11 inches by 17 inches in size. For Minor Residential Permits, Two-Story Permits, and Residential Design Review applications not in the R1-a zone, a public comment period of 14 calendar days shall commence when the written notice is sent by first class mail.
2. Posted notice. For Two-Story Permits and Residential Design Review applications, the applicant shall install a public notice in the front yard of the subject site that is clearly visible from the public street.
 - a. The notice shall be a weatherproof sign, at least 2 feet tall and 3 feet wide firmly attached to a 5 foot tall post.

- b. The notice shall be placed at least 14 days prior to the decision/public hearing and shall remain in place until an action has been taken on the application and the appeal period has passed.
 - c. The sign shall contain the following:
 - i. The exact address of the property, if known, or the location of the property, if the address is not known;
 - ii. A brief description of the proposed project, the content of which shall be at the sole discretion of the City;
 - iii. City contact information for public inquiries;
 - iv. A deadline for the submission of public comments;
 - v. At least one of the following visual representations of the proposed project, at least 11 inches by 17 inches in size in black and white or color:
 - Perspective drawing¹; or
 - Three-dimensional (3D) photographic simulation
 - d. The City shall approve the perspective drawing or 3D photographic simulation prior to posting.
3. Decision.
 - a. For Minor Residential Permits, Two-Story Permits, and Residential Design Review applications not in the R1-a zone, after the advertised deadline for public comments, the Director of Community Development shall approve, conditionally approve, or deny the application only upon making all of the respective findings in Section 19.28.150.
 - b. For Residential Design Review applications in the R1-a zone and R1 Exceptions, the Design Review Committee shall approve, conditionally approve, or deny the application only upon making all of the respective findings in Section 19.28.150.
4. Notice of action. The City Council, Planning Commission, applicant, and any member of the public that commented on the project shall be notified of the action by first class mail or electronic mail.
5. Appeals. Any interested party may appeal the action pursuant to Chapter 19.136, except that the Planning Commission will make the final action on the appeal for Minor Residential Permits, Two-Story Permits, and Residential Design Review applications not in the R1-a zone. The appeal period shall expire 14 calendar days after the decision.
6. Expiration.
 - a. Unless a building permit is filed and accepted by the City (fees paid and control number issued) within one year of the permit approval, said approval shall become null and void unless a longer time period was specifically prescribed by the conditions of approval.
 - b. In the event that the building permit expires for any reason, the permit shall become null and void.

7. Extension. The Director of Community Development may grant a one-year extension without a public notice if an application for a Minor Modification to the permit is filed before the expiration date and substantive justification for the extension is provided.
8. Concurrent applications. At the discretion of the Director of Community Development, applications can be processed concurrently with other discretionary applications.

Note:

¹Perspective drawing is defined as a rendering of a three-dimensional view depicting the height, width, depth, and position of a proposed structure in relation to surrounding properties and structures when viewed from street level.

19.28.150 Findings.

Sections 19.28.150 (A), (B), (C), (D), and (E) set forth the findings required for a Minor Residential Permit, Two-Story Permit, Residential Design Review, and R1 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. R1 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.

19.28.160 Interpretation by the Planning Director.

In R1 zones, the Director of Community Development shall be empowered to make reasonable interpretations of the regulations and provisions of this chapter consistent with the legislative intent thereof. Persons aggrieved by an interpretation of the chapter by the Director of Community Development may petition the Planning Commission in writing for review of the interpretation.

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
 - Recessed windows
 - Window trim
 - Tall trees to break up views 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.**



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, builders, and design professionals in understanding the special qualities of specific house styles.

- A Field Guide to American Homes
Virginia & 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

Distinguishing Architectural Features

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. Exposed wood beam
7. Decorative wood brackets
8. Wide wood window frames with divided light panes
9. Exposed rafter tails
10. Decorative Arts and Craft carriage light
11. Gable and shed dormers
12. Shingle 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



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 recesses 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



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 moulding 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



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



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 and detailing, but are united by the strong roof form. Roofs 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 moulding 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

