



## REQUEST FOR SPECIAL NOISE EXCEPTION APPLICATION

COMMUNITY DEVELOPMENT DEPARTMENT • CODE ENFORCEMENT  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3202  
(408) 777-3182 • [code@cupertino.gov](mailto:code@cupertino.gov)

<b>ADDRESS:</b>	<b>DATE:</b>
<b>PROJECT TYPE:</b>	<b>BLDG PERMIT #:</b> (if applicable)

<b>APPLICANT NAME:</b>	<b>PRIMARY PHONE #:</b>
<b>EMAIL ADDRESS:</b>	<b>MOBILE PHONE #:</b>

<b>SPECIAL EXCEPTION DATES AND TIMES:</b>
<b>REASON FOR HARDSHIP REQUEST:</b>

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Date

*\*Applicant Section Ends Here\**

APPROVING AUTHORITY USE ONLY:

Approved ☐ Denied ☐

<b>CONDITIONS OF APPROVAL:</b>

\_\_\_\_\_  
Noise Control Officer Signature

\_\_\_\_\_  
Date

## INSTRUCTIONS

1. Completely fill out the application (applicant sections only). Provide applicable details you would like to have considered as part of your application. The Conditions of Approval section will be completed by the Noise Control Officer (NCO) if the request is approved.
2. Submit the application to: [code@cupertino.gov](mailto:code@cupertino.gov) or in person at City Hall. Application Fee needs to be paid prior to the application being reviewed.
3. Application is reviewed.
  - 3a. **Application is denied.** If after the preliminary review of the application it is determined there is not sufficient justification or hardship to approve the request, you will be notified.
  - 3b. **Application process moves forward.** If after the preliminary review the application shows sufficient justification or hardship to justify the request, proceed to step 4.
4. If property is within 750 feet of a Residential property, a notification shall be sent to all residential property owners and tenants to notify them of the pending noise exception application at least 14 days in advance of the requested exception date.

### Cupertino Municipal Code § 10.48.031 - Special Exceptions.

A. The NCO shall have the authority, consistent with this section, to grant special exceptions which may be requested.

B. Any person seeking a special exception pursuant to this section shall file an application with the NCO. The application shall contain information which demonstrates that bringing the source of sound, or activity for which the special exception is sought, into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community, or on other persons. Prior to issuance of an exception, the NCO shall notify owners and/or occupants of nearby properties which may be affected by such exceptions. Any individual who claims to be adversely affected by allowance of the special exceptions may file a statement with the NCO containing any information to support his claim. If the NCO finds that a sufficient controversy exists regarding an application, a public hearing may be held.

C. In determining whether to grant or deny the application, the NCO shall balance the hardship to the applicant, the community, and other persons of not granting the special exception against the adverse impact on the health, safety, and welfare of persons affected, the adverse impact on property affected, and any other adverse impacts of granting the special exception. Applicants for special exceptions and persons contesting special exceptions may be required to submit any information the NCO may reasonably require. In granting or denying an application, the NCO shall place on public file a copy of the decision and the reasons for denying or granting the special exception.

D. Special exceptions shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The special exception shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the special exception shall terminate it and subject the person holding it to those provisions of this chapter regulating the source of sound or activity for which the special exception was granted.

E. Application for extension of time limits specified in special exceptions or for modification of other substantial conditions shall be treated like applications for initial special exceptions under subsection B of this section.

(Ord. 1871, (part), 2001)

<http://www.cupertino.gov/municode>