



**COMMUNITY DEVELOPMENT DEPARTMENT**

CITY HALL  
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**CITY COUNCIL STAFF REPORT**

Meeting: June 18, 2019

Subject

Development and Architectural and Site Approval permits that would allow the replacement of nine one-story Public Storage facility buildings with two (2) four (4)-story buildings with basements; fence exception that would allow electronic vehicular gates; and a Tree Removal Permit that would allow the removal and replacement of seventeen (17) protected trees. (Application No(s): DP-2018-03, ASA-2018-04, EXC-2018-01, TR-2019-11; Applicant(s): Storage Equities, Inc. (Andres Friedman); Location: 20565 Valley Green Dr.; APN: 326-10-044)

Recommended Action

The Planning Commission recommends that the City Council:

1. Conduct the public hearing; and
2. Find the project exempt from CEQA; and
3. Adopt Resolution No. 19-xxx approving the Development Permit (DP-2018-03); and
4. Adopt Resolution No. 19-xxx approving the Architectural and Site Approval (ASA-2018-04); and
5. Adopt Resolution No. 19-xxx approving the Fence Exception (EXC-2018-01); and
6. Adopt Resolution No. 19-xxx approving the Tree removal Permit (TR-2019-11).

Discussion

**Project Data:**

<b>General Plan Designation:</b>	Industrial/Residential	
<b>Special Area:</b>	North De Anza Special Area	
<b>Master Plan/Conceptual Plan</b>	North De Anza Conceptual Zoning Plan	
<b>Zoning Designation:</b>	P (CG, ML, Res) Planned Development General Commercial, Industrial, and Residential Intent	
	<b>Existing</b>	<b>Proposed</b>
<b>Property Area:</b>	2.995 acres / 130,462 sq. ft.	No change
<b>Floor Area (s.f.):</b>	54,186 sq. ft.	263,671 sq. ft.
<b>Floor Area Ratio:</b>	0.42	2.02

	Existing	Proposed	Allowed/Required
<b>Building Height:</b>	One-story (~12')	No more than 45'	45'
<b>Setbacks:</b>			
Front *	25' *	156'5" *	25'*
Side (I-280) *	0' *	40' *	No Minimum if adjacent to ML or T zoning districts, else 15'. Also, for buildings over 20', "no part higher than 20' of a building in an ML zoning district shall be closer to a lot line than one-half of its height"*
Side *	5' *	10' *	
Rear *	8' *	90'-3" *	20'*
<b>Auto Parking (Parking Study):</b>	32		23
<b>Bicycle Parking (CALGreen):</b>	4		2
<b>Hours of Operation</b>	<b>Existing</b>		<b>Proposed</b>
Office Hours:	Monday-Friday: 9:30am to 6:00pm, Saturday-Sunday: 9:30am to 5:00pm		Monday-Friday: 9:00am to 6:00pm, Saturday-Sunday: 9:00am to 5:00pm
Gate Access Hours:	Monday-Sunday: 6:00am to 9:00pm		Monday-Sunday: 6:00am to 10:00pm
<b>Project Consistency with</b>			
General Plan:	Yes		
Zoning:	Yes		
Environmental Assessment:	Categorically Exempt		

\* The site is located in a Planned Development (P) zoning district. Chapter 19.80 of the Municipal Code allows the establishment of specific development standards and regulations with the approval of definitive plans for a site.

**Background:**

*Application Requests*

The applicant, Andres Friedman, representing the property owner, Storage Equities, Inc., is requesting permits to allow the demolition of an existing 54,186 sq. ft. storage facility,

and allow the construction of a new storage facility consisting of two (2) four (4) story buildings with basements measuring 263,671 sq. ft. and associated site improvements, a fence exception to allow electronic vehicular access, and a tree removal permit to allow the removal and replacement of seventeen (17) protected trees.

### *Site Description*

Land uses surrounding the project include Interstate 280 (I-280) to the north, residential condominiums to the east, office buildings to the south, and residential apartments to the west (see Figure 1).



**Figure 1: Existing Land Uses**

### **Analysis:**

#### *General Plan and Zoning Use Compliance*

The existing and proposed Public Storage facility is consistent with the General Plan Land Use designation of Industrial/Residential and permitted within the Industrial Zone that the property is located within.

#### *Existing Use and Proposed Changes*

The current site has a total building area of 54,186 sq. ft. in nine (9) single-story drive-up buildings. The existing facility includes storage units and a manager's apartment. The applicant proposes to make the following improvements at the site as indicated in Attachment F:

- Two (2) new four (4) story public storage facilities with basements totaling 263,671 sq. ft.;
- Replacement of the existing manager's apartment and office/sales area;

- Construction of a new trash enclosure;
- Replacement of an electronic vehicular gate;
- New six (6) foot tall wrought iron fence located along the north, west, and a portion of the southern property line; and
- Updated landscaping along the perimeter of the property, including in a large landscaped area between the proposed structures and the condominiums to the east.

*Development Regulations, Site Planning and Architectural Design*

The applicant is proposing to retain the current access to the property along the northern property line with a driveway that abuts the north property line for the length of the property.

Building 1 will be 129,856 sq. ft. (includes basement sq. ft.), and includes the office/sales portion of the use. Building 2 will measure 133,815 sq. ft. (includes basement sq. ft.) and includes the 864 sq. ft. manager's apartment on the first floor. (See Sheet 2 of Attachment F for details.)

The height of the buildings ranges from 41'10" to 44'5" for Building 1 and 41'2" to 44'5" for Building 2 depending on the adjacent natural grade. In order to provide an architecturally integrated screen to enclose the proposed roof top equipment, the applicant is proposing a ~three-foot tall parapet as an architectural feature that is flush with the building walls.

The property is located in a Planned Development Zoning District, which allows the development standards for a property to be developed in conjunction with approval of a project. In this case, the applicant has worked with the neighbors and the City to develop a site plan which maximizes setbacks from the existing residential uses. While currently the storage buildings have a setback of 25 feet from the east (condos) and 8 feet from the west (apartments), the proposed setbacks are increased to be 156'5" and 90'3" respectively.

ML development regulations do not require side setbacks for buildings that are adjacent to other ML or T zoning districts. However, for buildings taller than 20 feet, portions of the building above 20 feet in height have to be set back at least ½ the height of the building. The applicant meets this setback along the north property line. However, as previously stated, the property is located in a Planned Development Zoning District and since existing easements and fire department requirements prevent the buildings from being located further north, the applicant is proposing a 10' setback along the southern property wall. Staff has reviewed the proposal with the City's Consulting Architect and the building façade has been designed to minimize visually intrusive impacts and

massing. This has been done by incorporating glazing in significant portions of the building (not something normally incorporated in storage buildings). In addition, the building massing of the southern elevation is broken by a change of materials that include metal panels, concrete masonry units (CMU), and building cladding (Exterior Insulation Finishing System). In areas where spandrel glazing is not used, the applicant has proposed plantings of Italian Cypress and Brisbane Box trees to aid in screening the building and to reduce the massing of the structure.

The applicant has also utilized building materials to provide a consistent architectural design while helping to minimize the massing of the building for the other three elevations. For instance, the design incorporates clear anodized aluminum storefront windows with faux doors to create a lighter feeling at the entrance to the site. The upper portion of the buildings has incorporated clear anodized aluminum storefront windows and spandrel glazing to continue to minimize the massing of the building, and provide a contemporary building aesthetic to the development.

#### *Connectivity*

As a condition of approval, the applicant is to offer the city a 12-foot wide easement along the northern side of the property for a future multi-use trail facility. This could provide a connection to an existing pedestrian easement located on the property to the east (condos). The applicant has worked with the current easement holder, PG&E, to ensure that the 12-foot easement is accessible and improvements can occur within the easement area.

#### *Landscaping and Trees*

As part of the project, the applicant proposes the removal of seventeen (17) existing trees on site that are in conflict with the proposed development, and retain nine (9) trees along the northern property line. The trees proposed for removal are located primarily along the front and rear property. Species of trees being removed include Coast Redwood, Yucca, and Fern Pine. The required replacements are twenty (20) 24-inch box trees, and the applicant proposes to provide thirty-eight (38) 24-inch box trees that include species of London Plane Tree, African Sumac, and Brisbane Box.

The applicant proposes a total landscape area on site over 16,000 sq. ft. A large bioretention area is proposed within the front setback area. This area serves not only to meet stormwater management requirements, but provides a landscaped open space between the project and the adjacent condominiums. Along the southern property line, the project incorporates additional ground cover as well as large trees and bushes to screen the buildings from adjacent properties. Along the rear property line, the applicant has incorporated additional ground cover and trees and a bioretention area as well.

### *Fence Exception*

The applicant proposes to replace a security gate on site. The gate and fencing are required for this property since the property is isolated. To ensure that the gate/fencing are not visually obtrusive, the gate/fencing are located more than 180 feet away from the front property line (adjacent to Building 1) and more than 500 feet from the nearest public right of way. The location of the gate ensures that there are no impacts within the emergency vehicle access easement due to queuing of cars. Customers will be required to use a personal key card to enter the security gate for access to their self-storage unit(s). The security gate, like other fencing throughout the site, will be made of wrought iron, and be constructed in conformance with Fire Department requirements to ensure adequate access to the site in case of an emergency.

The project proposes perimeter fencing along the northern and western property line, and portions of the eastern and southern property lines. The building has been utilized to provide security to the site while minimizing the need for fencing, and where there are breaks between the building and property line, fencing has been proposed. Fencing is to compromise of a six foot (6) tall wrought iron fence.

### *Parking*

As previously mentioned, the property is located within a Planned Development Zoning District, which allows the development standards for a property to be developed in conjunction with approval of a project. One of the development standards developed during the review process was the parking requirement. Since the Parking Ordinance (Chapter 19.124) does not have a parking requirement for storage facilities, the City consulted with Hexagon Transportation Consultants, Inc., a transportation-engineering firm, to prepare a parking analysis to determine appropriate parking standards for the proposed use (see Attachment G).

Parking demand for the proposed Public Storage was determined by analyzing three (3) multi-level Public Storage sites, two (2) in Sunnyvale and one (1) in San Jose. Parking counts were counted on one (1) weekday and one (1) Saturday at 15-minute intervals at each site. The analysis concluded that the vehicle parking demand for the proposed facility will be 23 parking spaces. The applicant is proposing to provide 32 parking spaces on site, exceeding the estimated parking demand by nine (9) spaces.

Based on the parking demand analysis, it was determined that there was negligible bicycle parking demand; two (2) bicycles were observed, one (1) each on two separate sites. The applicant is proposing four (4) bicycle parking spaces on site which exceeds the applicable CALGreen standard (as determined by the Building Department) of five (5) percent of the total motorized vehicle parking spaces.

### *Signage*

Signage details are excluded from this permit application. Staff will review the signage proposal with the property owner at the time the applicant applies for a sign permit through the Building Division.

### *Demolition*

The project would involve the demolition of nine (9) on-site building totaling 54,186 square feet, and include grading of 23,000 cubic yards of off-haul. The construction of the project is expected to occur over a 13-month period. The project will be required to comply with the City's demolition and construction requirements (see Attachment A).

### *Environmental Assessment*

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) as an in-fill development project. Cal. Code Regs., tit. 14, § 15332 ("CEQA Guidelines" § 15332). A categorical exemption memo, Attachment H, has been prepared that further details how the project qualifies for the in-fill development exemption.

The analysis concludes that project qualifies for a categorical exemption because:

- 1) The proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as the applicable Zoning designations and regulations;
- 2) The proposed project would occur within the City limits on a site of less than 5 acres in size that is substantially surrounded by urban uses;
- 3) The project site has no value for endangered, rare or threatened species;
- 4) The proposed project would not result in any significant effects related to traffic, noise, air quality or water quality; and,
- 5) The project site can be adequately served by all required utilities and public services.

Additionally, because the proposed project would be consistent with the General Plan designation and zoning for the site, the project is allowed for streamlining under CEQA Guidelines Section 15183.

### *Other Department/Agency Review*

The City's Building Division, Public Works Department, Environmental Services Division, and the Santa Clara County Fire Department have reviewed the project and have no objections.

### Public Outreach and Noticing

*Applicant Outreach:*

Prior to their formal application submittal, the applicant conducted outreach to the adjacent property owners. The applicant emailed and/or spoke or met with adjacent property owners. The applicant also held a neighborhood meeting where four (4) neighbors/property owner representatives were present.

General feedback received by the applicant was to coordinate construction activities and keep drive aisles between properties clear at all times during construction. There were architectural comments, and comments regarding consistency with city goals and policies, which the applicant has worked with City Staff to address.

*City Outreach:*

The following table is a brief summary of the noticing done for this project:

<b>Notice of Public Hearing and Intent, Site Notice &amp; Legal Ad</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>▪ Site Signage (<i>10 days prior to the hearing</i>)</li><li>▪ Legal ad placed in newspaper (<i>at least 10 days prior to the hearing</i>)</li><li>▪ 55 public hearing notices mailed to property owners within 300 feet of the project site (<i>10 days prior to the hearing</i>)</li></ul>	<ul style="list-style-type: none"><li>▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>)</li><li>▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>)</li></ul>

No public comments have been received as of the date of production of this staff report (June 13, 2019).

Planning Commission Meeting:

Prior to the Planning Commission and at the Planning Commission meeting, the following topics were referenced:

- Landscaping (incl. future easement)
- Fencing
- Manager's Unit
- Tree Removal
- Architecture
- Construction Impacts
- Demolition Debris
- Parking
- Fire Requirements
- Environmental Review



### Permit Streamlining Act

This project is subject to the Permit Streamlining Act (Government Code Section 65920 – 65964). The City has complied with the deadlines found in the Permit Streamlining Act.

*Project Received:* April 23, 2018;

*Deemed Incomplete:* May 17, 2018, December 20, 2018, and March 6, 2019;

*Project Review Complete:* April 22, 2019

*Environmental Review Complete:* May 3, 2019

*Projected Deemed Complete:* May 6, 2019

Since this project is Categorically Exempt, the City has 60 days (until July 6, 2019) to make a decision on the project.

### Conclusion

Planning Commission recommends approval of the project since the project and conditions of approval address all concerns related to the proposed development and all of the findings for approval of the proposed project, consistent with Chapters 19.156, 19.168, 19.48, and 14.18 of the Cupertino Municipal Code, may be made.

### Next Steps

The City Council's decision will be final unless reconsidered within 10 days of the decision. The applicant may apply for building permits at that time.

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Reviewed by: Piu Ghosh, Principal Planner

Approved by: Benjamin Fu, Interim Director of Community Development

Approved by Submission by: Deborah Feng, City Manager

### **ATTACHMENTS:**

- A- Draft Resolution for DP-2018-03
- B- Draft Resolution for ASA-2018-04
- C- Draft Resolution for EXC-2018-01
- D- Draft Resolution for TR-2019-11
- E- Planning Commission resolutions
- F- Plan Set
- G- Parking Study
- H- Categorical Exemption