

CC 02-07-2023

Item No. 16

EXC-2022-003_Sign
Appeal_20565
Valley Green Dr

Presentation

An aerial photograph of a Public Storage facility. The building is a large, multi-story structure with a white facade and a prominent orange sign that reads "Public Storage". The facility is surrounded by a parking lot and is situated in a suburban or urban area with trees and other buildings visible in the background. The sky is clear and blue.

Public Storage Sign Exception Appeal

**Appeal of Planning Commission
decision #22-11370 (10/11/22)**

Planning Commission Decision

The Planning Commission cited the following reasons to deny the sign exceptions:

- Signage is subject to CEQA requirements since the building was still under construction
- Signage would not comply with the city's Dark Sky requirements
- Signage would affect the potential designation of Hwy 280 as a Scenic Highway

Reasons for Appeal

The Planning Commission should not have denied the sign exceptions based on this criteria for the following reasons:

- Signs are categorically exempt from CEQA pursuant to Section 15311, Class 11
- Signs are exempt from the City of Cupertino's Dark Sky requirements per section 19.102.040 (D)(2)
- Hwy 280 is currently listed by Caltrans as an eligible Scenic Highway, it not officially designated as a Scenic Highway

Project and Site Information

20565 Valley Green Drive

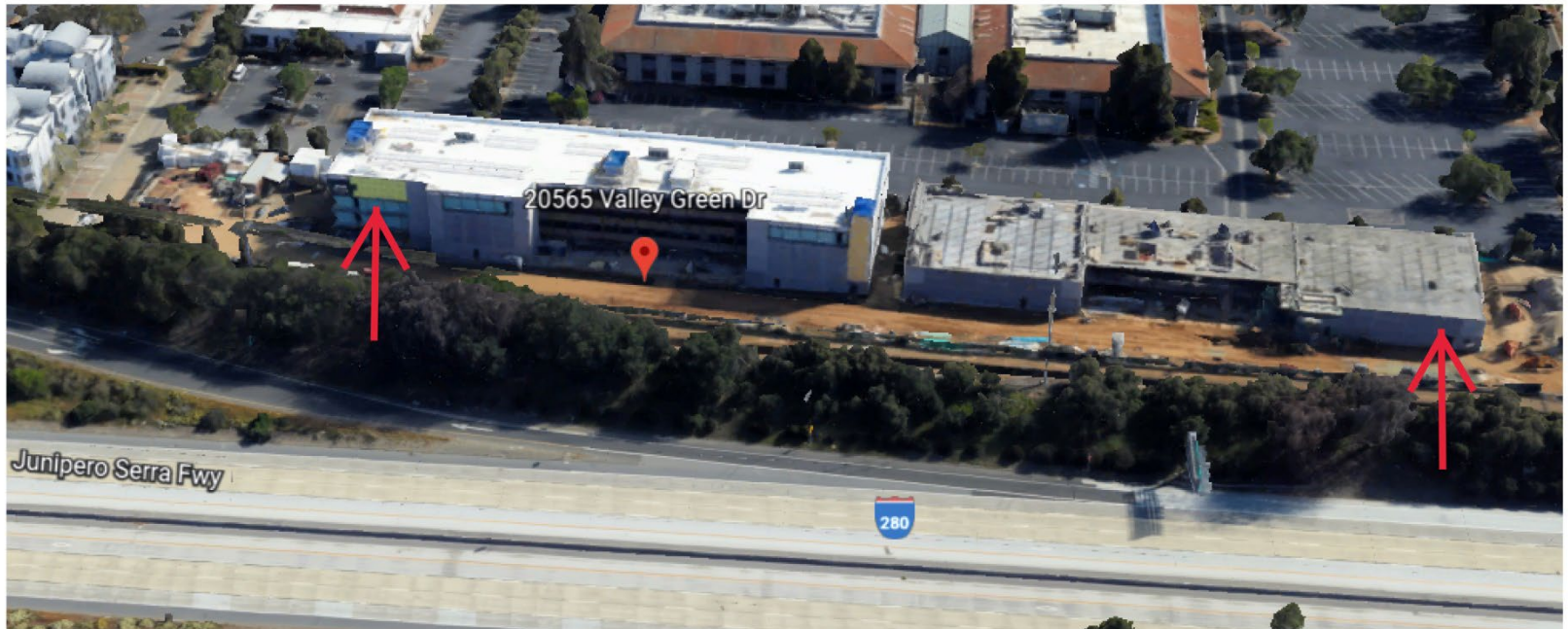
- Site is 370' from Valley Green Drive and behind office buildings and parking lot which limits visibility
- Primary public visibility is from Hwy 280 and most of the building visibility is blocked by Caltrans trees
- Access to the property is by way of an unmarked private drive

Site Location



Proposed Sign Locations

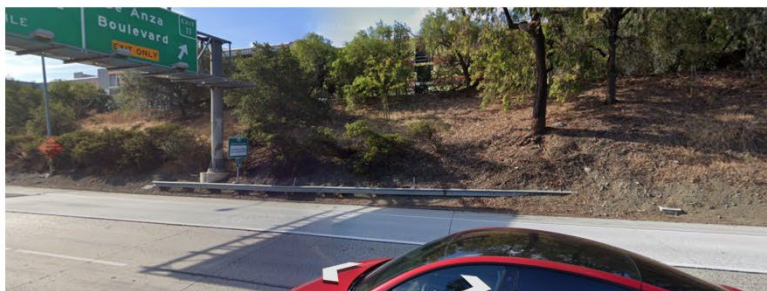
VISIBILITY STUDY



Visibility Study

VISIBILITY STUDY - EAST BOUND from 280

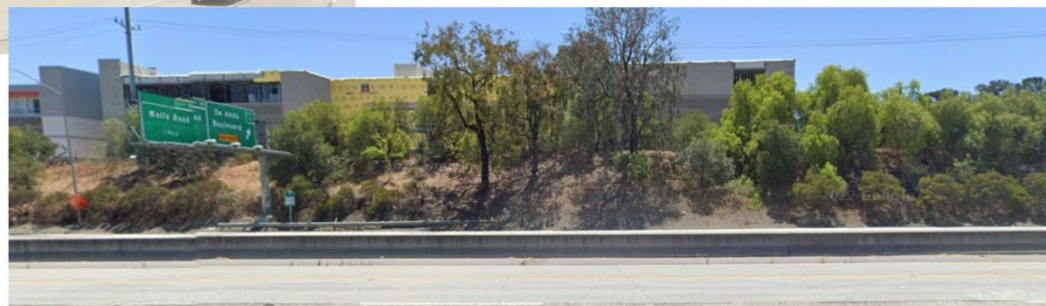
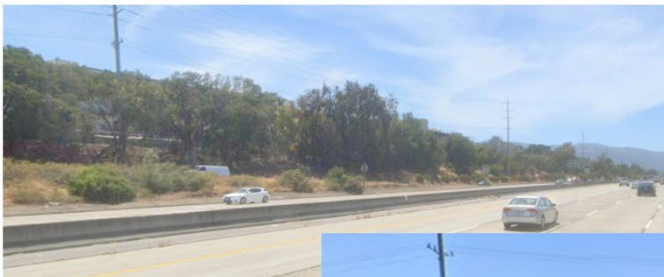
Public Storage



Visibility Study

VISIBILITY STUDY - WEST BOUND from 280

Public Storage



Sign Exception Justification

Justification for granting a sign exception to allow a freeway facing sign:

- The sign ordinance allows for multiple wall signs, this property has one frontage facing a public road (Hwy 280)
- The proposed signage is not detrimental to the public health, safety, or welfare as it is within the allowable square footage and lighting requirements per the sign ordinance
- The sign exception requires the least modification of the sign regulations by allowing a sign that would normally be permitted if it did not face a freeway.

Project Benefits

- Reinvesting in Cupertino – Over \$50M
- New development better serves the immediate community
- Modern, state of the art energy efficient storage facility with climate control spaces, security and access control
- Minor to no impact on city and neighborhood: Schools, traffic, noise, infrastructure, etc.
- 12' pedestrian and bike easement dedication as a community benefit
- Relevant unit sizes for today's consumer that supports needs and wants of residents in the years ahead
- Our customers represent a diverse base of residents and businesses within the Cupertino community

Sign Exception

EXC-2022-003

20565 Valley Green Drive



**CITY OF
CUPERTINO**

Subject

- Consider an appeal of the Planning Commission's decision to deny Sign Exception to allow three (3) wall signs where two (2) are permitted and to further allow two (2) of the three (3) wall signs to be oriented towards the freeway on two separate storage facility buildings.
- Applicant: David Ford (All Sign Services)

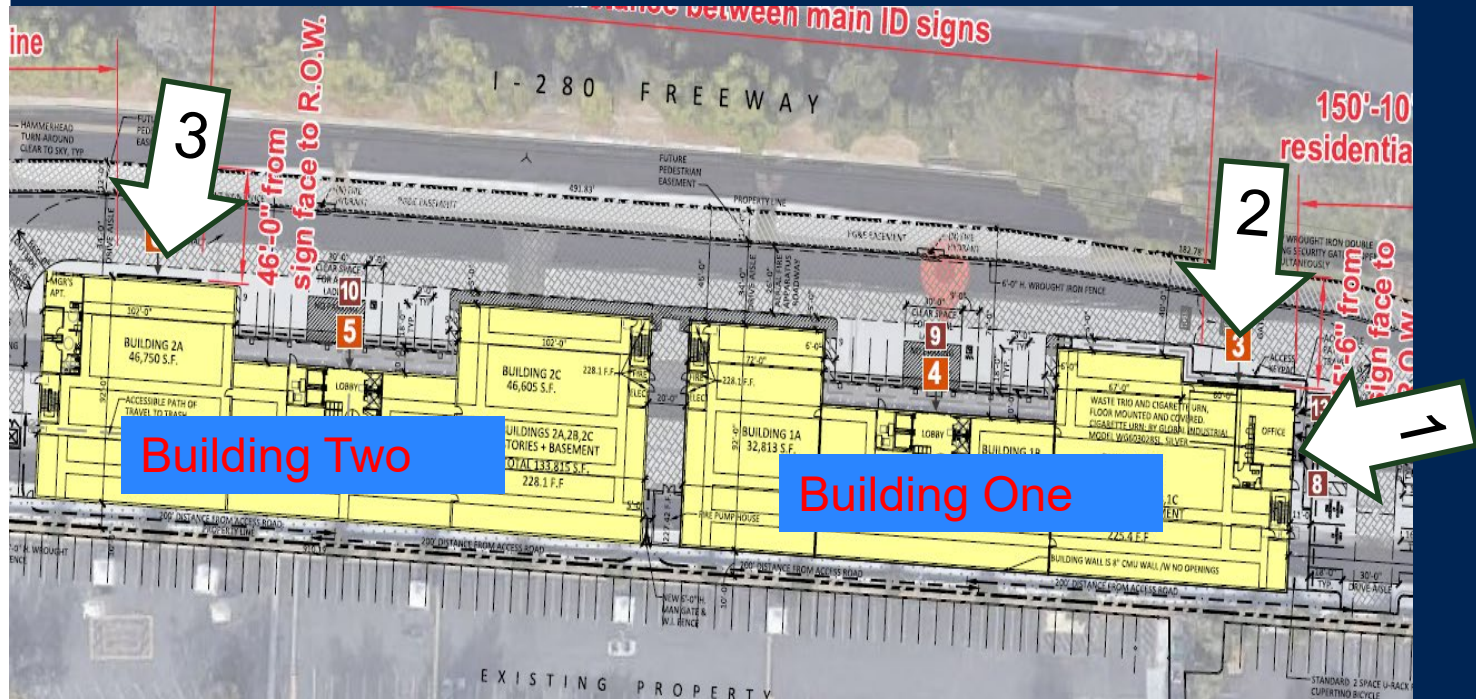
Background



Public Storage

- 3-acres
- 263,671 sf building
- Approved by City Council on June 18, 2019
- Approval did not include signage

Request



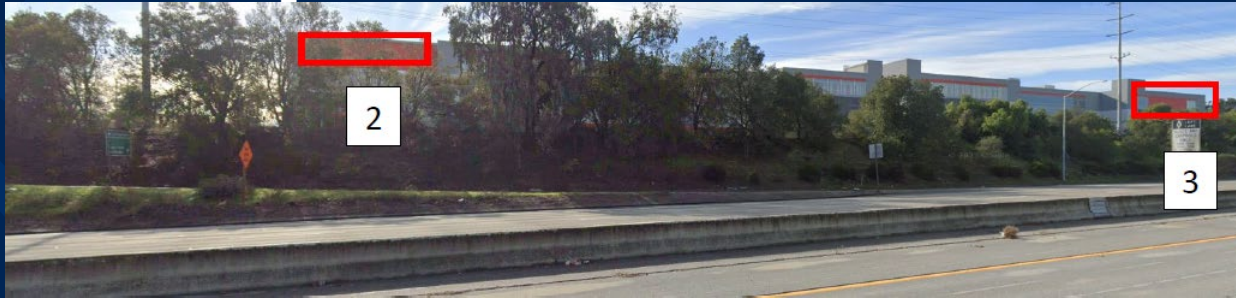
Request



Sign One

- 52 sq. ft. on a 81-foot frontage
- Internal Facing
- 29% of frontage
- Allowed by CMC
- Currently installed (BLD-2021-1294)

Application Request



CMC 19.104.140: Allows a maximum of two signs per business under certain circumstances.

Sign Two

- 159 sq. ft. on a 324-foot frontage
- Freeway Facing
- 13% frontage

Sign Three

- 165 sq. ft. on a 322-foot frontage
- Freeway Facing
- 14% frontage

Planning Commission (10/11/22)

- Denied Sign Exception 5-0.
 - Only permitted sign on east elevation.
 - Inconsistent with sign (CMC Chapter 19.104) and bird safety (CMC Chapter 19.102) ordinances.
 - Potential safety hazard to motorists, and
 - Potentially preclude portion of I-280 being designated as a scenic freeway.

Appeal of Planning Commission

- Applicant filed appeal 10/21/22
- Basis of Appeal
 - Based on inaccurate information regarding CEQA requirements, Dark Sky restrictions, and I-280's scenic highway designation.
 - No discussion by Commissioners on required findings as outlined in staff report.
- Council's review is *de novo*.

Sign Exception

- Individually, all signs comply in size and illumination per 19.104.140, *Wall Signs*
- Per 19.104.290 (C), *Findings*, requires:
 - *That the exception to be granted is one that will require the least modification of the prescribed regulations and the minimum variance that will accomplish the purpose.*

Sign Exception

- Per 19.104.140, a single business is only allowed two (2) wall signs.
- CMC section 19.104.200 only allows a single freeway-oriented sign per business.
- Conclusion: Requires further modification of regulations and the minimum variance.

Environmental Review

- Categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Sections 15301: Existing Facilities.

Recommended Action

That the Planning Commission adopt the proposed draft resolution to:

1. Find that the proposed actions are exempt from CEQA; and
2. Uphold the appeal in part, approve one of the two-requested freeway-oriented signs, and deny the requested Sign Exception.

CC 02-07-2023

Item No. 17

Grand Jury Response

Presentation

Grand Jury Report – “House Divided”

February 7, 2023



**CITY OF
CUPERTINO**



Background

- Dec. 17 – Santa Clara County Civil Grand Jury Report released
- City response to findings and recommendations must be approved by Council and submitted within 90 days.
- Proposed response is focused on Grand Jury's findings and recommendations (legal requirements).



Grand Jury Findings and Recommendations

- Grand Jury findings and recommendations focused on:
 - Councilmanic interference and mutual distrust between Council and staff
 - Failure to provide Monthly Treasurer's Reports to Council
 - Fiscal and risk management issues
 - City staff turnover
 - City Ethics Policy



City's Response to Date

Governance

- City Council retreat focusing on governance issues
- Enterprise Leadership Study
- Consideration of Council Procedures Manual



City's Response to Date

Fiscal and Risk Management

- New ERP software and segregation of financial duties
- Increased staffing to improve financial controls
- Submission of Monthly Treasurer's Reports to Council
- Implemented Fraud, Waste, and Abuse Program in 2022
- Development of policies for high-risk areas identified by internal auditor



Planned/Potential Future Actions

- Retain consultant to study staff morale and make recommendations re: work environment
- Continued implementation of Internal Audit Plan
- Consider revisions to Ethics Policy
- Ongoing focus on governance and developing clear policies



Questions?