



COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL
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CITY COUNCIL STAFF REPORT

Meeting: January 18, 2022

Subject

Consider Development and Architectural and Site Approval permits that would allow the replacement of seven (7) storage buildings, with three (3) new buildings between one (1) and three (3) stories in height to allow for a 166,845 sq. ft. storage facility; Consider a Fence Exception request to allow electronic vehicular gates and a Tree Removal Permit request to allow the removal and replacement of eight (8) protected trees. (Application No(s): DP-2019-05, ASA-2019-05, EXC-2019-04, TR-2019-048; Applicant(s): Emilia Samudio (Jordan Architects); Location: 10655 Mary Ave.; APN: 326-06-050)

Recommended Actions

Staff, in accordance with draft resolutions (Attachments 1-4), recommends that the City Council:

1. Find the project exempt from CEQA;
2. Adopt Resolution no. 22-____ approving the Development Permit (DP-2019-05);
3. Adopt Resolution no. 22-____ approving the Architectural and Site Approval (ASA-2019-05);
4. Adopt Resolution no. 22-____ approving the Fence Exception (EXC-2019-04);
5. Adopt Resolution no. 22-____ approving the Tree Removal Permit (TR-2019-048).

Discussion

Project Data:

| | | |
|----------------------------------|---|-----------------|
| General Plan Designation: | Industrial/Residential | |
| Neighborhood Area: | Garden Gate | |
| Zoning Designation: | P (BQ, Mini-Stor) Planned Development with Quasi Public and Mini Storage intent | |
| | Existing | Proposed |
| Property Area: | 4.03 acres / 175,735 sq. ft. | No change |
| Floor Area (s.f.): | 59,546 sq. ft. | 166,845 sq. ft. |

| | | |
|-------------------------------------|-------------------------|-------------------------------|
| Floor Area Ratio: | 0.34 | 0.95 |
| | Allowed/Required | Proposed |
| Height of Structures | Up to 30 feet | 30 feet |
| Setbacks | | |
| <i>Front*</i> | N/A | 40' |
| <i>Side*</i> | N/A | 5' |
| <i>Rear*</i> | N/A | 0' (existing building) |
| Auto Parking (Parking Study) | 20 | 40 |
| Bicycle Parking (CALGreen): | 1 | 4 (2 Class I and 2 Class III) |
| Project Consistency | | |
| General Plan Land Use Designation | 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, Jordan Architects, representing the property owner, Bass Cupertino, LLC, is requesting permits to allow the partial demolition of a storage facility with a building area of 59,546 sq. ft., and allow the construction of a storage facility with three (3) new buildings and one (1) existing building with a total area of 166,845 sq. ft. and associated site improvements, a fence exception to allow an electronic vehicular gate, and a tree removal permit to allow the removal and replacement of eight (8) protected trees.

Site Description

Land use surrounding the project include Interstate 280 (I-280) to the north, the Mary Avenue Bridge path



Figure 1: Existing Land Uses

and residential uses to the east, and the City of Cupertino Corp Yard to the south (see Figure 1).

Planning Commission Review

The proposed project was presented to the Planning Commission at its Regular meeting on December 14, 2021. The Commission received public comments, reviewed the application, as well as the staff report and presentation, and concluded that the proposed project could be supported. The Planning Commission recommended that the City Council approve the proposed modification with a 4-0-1 vote (absent – Kapil).

Analysis:

General Plan and Zoning Use Compliance

The existing and proposed storage use is consistent with the General Plan Land Use Designation of Industrial/Residential and permitted within the Quasi-Public and Mini-Stor Planned Development Zone that the property is located within.

Existing Use and Proposed Changes

The current site has a total building area of 59,546 spread throughout seven (7) single story drive-up buildings. The existing facility includes storage units and a manager's apartment. The applicant proposes to make the following improvements indicated in the plan set, Attachment 5:

- Construction of three (3) new buildings between one (1) and three (3) stories totaling 153,327 sq. ft. of new building area;
- Replacement of the existing manager's apartment and office/sales area;
- Construction of a new trash enclosure;
- Replacement of an electronic vehicle gate;
- New six (6) foot tall wrought iron fence located along the eastern and southern property lines;
- Updated landscaping along the frontage and southern property line, 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 eastern property line that abuts Mary Avenue.

Building A will have an area of approximately 119,747 sq. ft. and have a principal building height of 30' or below depending on the adjacent natural grade. In order to provide an architectural integrated screen to enclose proposed roof top equipment

located at the corners of the building, the applicant is proposing a 1'6" parapet to enclose the equipment. With the parapet the height to the screening wall be 31'6", and the height to the principal structure will remain 30' or below. The new Building B will have an area of 28,568 sq. ft. The height of Building B will be 24'4" to the top of the parapet. Building B contains a mixture of drive up units and internal units. The new Building C will contain the sales office, manager residence, and some storage area with a maximum height of 26' to the top of parapet. The building will measure a total of 5,012 sq. ft. Building D, the existing building to remain, will see no increase in size.

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 City to develop a site plan that maximizes setbacks from existing residential uses. The site contains a 40-foot slope easement along the eastern property line that provides a significant setback from the property line and as a result, from the single family residences across the street. Along the side property line (south), the project proposes a 5' setback. This is a decrease from the existing 10-foot existing. The abutting use along this side is the City Corporation Yard. There are existing parking spaces and no plans to construct any buildings in this location at this time. There is a 0' rear setback with the existing building to remain. However, this is an existing condition, and no changes are proposed to this setback.

Building A is the largest and tallest building on site, but will be located centrally on the site and be buffered by the three (3) other shorter buildings around the site. All buildings on site will share colors, materials, and finishes as shown in Figure 3.

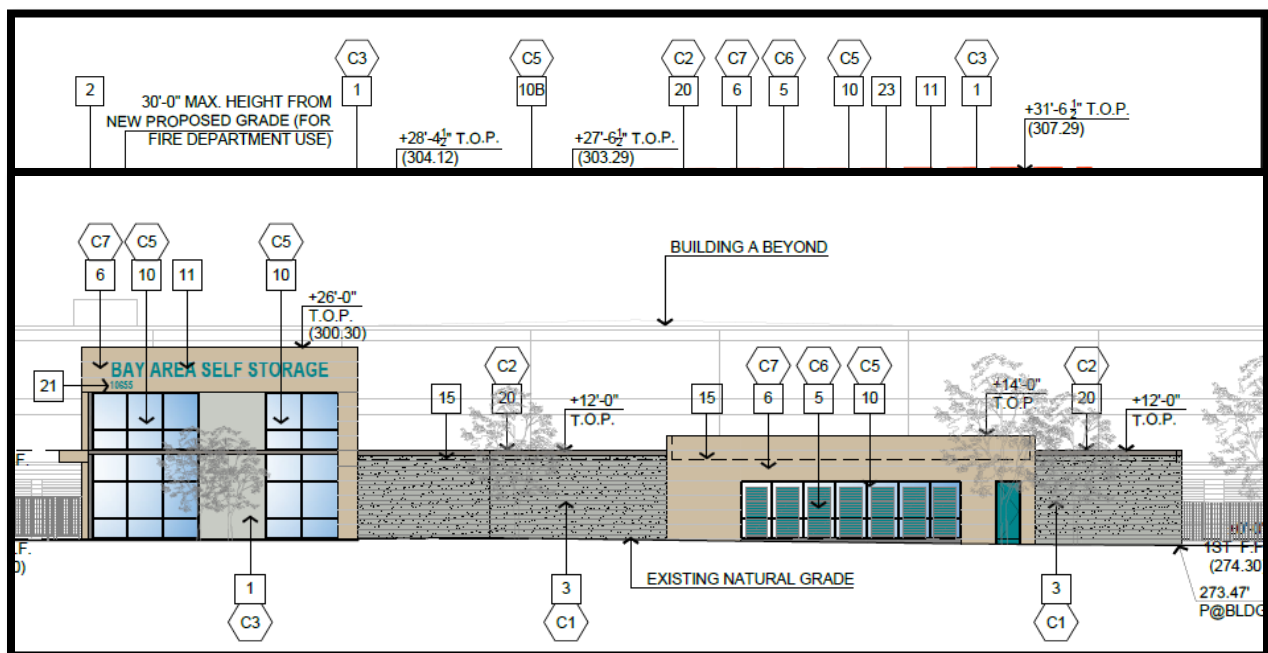


Figure 2: Building C East Elevation

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. The project has incorporated massing elements within the project design to help break-up the boxy nature of the design. Along Building A, the applicant has utilized store front glazing with spandrel glass along the north elevation to help to alleviate massing of the building.

Connectivity

As a condition of approval, the applicant is required to offer a 20-foot wide easement to the City for future multi-use trail facility along the eastside of the property (adjacent to the Mary Avenue Bridge and pathway), an ingress and egress easement for trail maintenance access, and a construction access easement. This easement is intended to provide an access point to the future I-280 Trail.

Landscaping and Trees

As part of the project, the applicant proposes the removal and replacement of eight (8) protected trees. The trees proposed for removal are located along the frontage of the building within the existing slope easement. Species of the trees that are being removed include Red Ironbark, Eucalyptus, Chinese Pistache, and Tree of Heaven. The applicant proposes to plant seven (7) 36-inch box Bloodgood London Plane and one (1) 24-inch box Chinese Pistache. The replacements are consistent with the requirements of the City's Protected Tree Ordinance.

The applicant proposes a total landscape area on site of 24,494 sq. ft. A large bioretention area is proposed at the front of the property (east of Building C). This area serves to not only meet stormwater management requirements but also provides a landscaped open space between the proposed project and a proposed path east of Building C. In addition to the biorientation landscaped area, the project will incorporate various plantings to screen the project along the frontage (along Mary Ave). Adjacent to Building B, the project will include additional ground cover.

Fence Exception

The applicant proposes to replace an existing security gate. The gate and fencing are required for this property to help secure the site. To ensure that the gate and fencing are not visually obtrusive, the gate is located approximately 65 feet from the property line between buildings B and C. 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.

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 applicant provided a parking study. The site's parking requirement was then developed by having this parking study peer reviewed by the City's third-party traffic consultant, in conjunction with the parking requirement approved at another storage facility within the City (Public Storage).

Parking demand for the proposed storage facility was analyzed based on the estimated number of user trips. Based on the Institute of Transportation Engineer's (ITE) Trip General Manual, the proposed use would generate 22.33 trips per peak AM hour, and 38.57 trips per peak PM hour. The trip generation during the peak AM and PM hours when expressed in "trips" indicates both an entry and exit of a vehicle during that time frame. Therefore, the estimated parking demand is half of the peak AM and PM trip rate, or 11.1 vehicles in the AM peak hour and 19.2 vehicles in the PM peak hour. Therefore, if the site were to provide the highest of those numbers, the parking would be adequate. In this case, the applicant would be required to provide at least 20 parking spaces. However, the project proposes to provide 40 spaces on site, twice as many as indicated as being required by the parking study. Additionally, the parking analysis for the Public Storage project assumed a parking rate of 0.072 per 1,000 gross square foot, for a total of 13 parking spaces - less than the 40 parking spaces proposed by the project.

Based on the parking demand analysis for Public Storage, it was determined that there was negligible bicycle parking demand. 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 seven (7) existing building and remove the existing on-site vegetation along with eight (8) protected trees. The construction of the project is expected to occur over a 12-month period. The project will be required to comply with the City's demolition and construction requirements (see Attachment 1).

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 memo, Attachment 7, has been prepared that further details how the project qualifies for the in-fill development categorical 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.

Other Department/Agency Review

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

Public Outreach and Noticing

Applicant Outreach:

The applicant conducted outreach to adjacent property owners within 800 ft of the project. One neighbor provided comments, but no concerns were raised for the project.

City Outreach:

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

| | |
|--|---------------|
| Notice of Public Hearing and Intent, Site Notice & Legal Ad | Agenda |
|--|---------------|

| | |
|--|---|
| <ul style="list-style-type: none">▪ Site Signage (<i>10 days prior to the hearing</i>)▪ Legal ad placed in newspaper (<i>at least 10 days prior to the hearing</i>)▪ 27 public hearing notices mailed to property owners within 300 feet of the project site (<i>10 days prior to the hearing</i>) | <ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>)▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>) |
|--|---|

No public comments have been received as of the date of production of this staff report (December 9, 2021).

Fiscal Impacts

The project will most likely generate increased property tax revenues as well as required mitigation fees for park development and traffic impact.

Sustainability Impacts

As an infill development, the proposed project would be consistent with the overall intent of the City's Climate Action Plan (CAP) to support reductions in GHG emissions. The proposed project would not conflict any goals or measures to reduce GHG emissions in the CAP.

Conclusion

Staff 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

Any City Council decision will be final unless reconsidered within 10 days of the decision.

Prepared by: Gian Paolo Martire, Senior Planner

Approved by: Benjamin Fu, Director of Community Development

Approved for Submission by: Dianne Thompson, Assistant City Manager

ATTACHMENTS:

A – Draft Resolution approving the Development Permit (DP-2019-05)

B – Draft Resolution approving the Architectural and Site Approval (ASA-2019-05)

- C – Draft Resolution approving the Fence Exception (EXC-2019-04)
- D – Draft Resolution approving the Tree Removal Permit (TR-2019-048)
- E – Plan Set
- F – Parking Study
- G – Categorical Exemption Memo