



## COMMUNITY DEVELOPMENT DEPARTMENT

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### PLANNING COMMISSION STAFF REPORT

Agenda Date: May 28, 2024

#### SUBJECT

Sign Exception Permit to consider a ground sign with LED lighting, and three wall signs exceeding 200 square feet in an area where only one is allowed, at an existing service station. (Application No(s): EXC-2023-010; Applicant(s): Steve Locke; Location: 10490 S De Anza Boulevard; APN: 369 39 042)

#### RECOMMENDED ACTIONS

That the Planning Commission adopt the draft resolution (Attachment A):

1. Approving the Sign Exception application (EXC-2023-010); and
2. Finding the project exempt from CEQA.

#### DISCUSSION

##### Project Data:

<b>General Plan Designation:</b>	Commercial / Residential		
<b>Special Area:</b>	South De Anza Blvd		
<b>Zoning Designation:</b>	P (CG) Planned Development General Commercial		
<b>Property Area:</b>	14,103 s.f. / 0.32 acres		
<b>Building Area:</b>	2,419 s.f.		
	<b>Allowed</b>	<b>Existing</b>	<b>Proposed</b>
<b>Wall / Fuel Canopy Signs</b>	1	0	3 (Canopy Signs)
<b>Ground Sign</b>	1	0	1 LED Price Sign
<b>Project Consistency</b>			
General Plan:	Yes		
Zoning:	Yes, with approval of exception		
Environmental Assessment:	Categorically Exempt		

**Background:**

The project site is located at the southeast corner of S. De Anza Boulevard and Pacifica Drive, within the South De Anza Special Area. Design standards for development on the site are governed by the South De Anza Conceptual Zoning Plan.

The land uses surrounding the project site consist mainly of commercial and commercial office uses, with the closest residential uses located approximately 300 feet to the east (on Silverado Avenue) and 450 feet to the west (across S. De Anza Boulevard) (see Figure 1).



**Figure 1 - Existing Land Uses**

On March 27, 2018, the Planning Commission approved permits, including a Development Permit (DP-2017-02), Use Permit (U-2017-03), and Architectural and Site Approval (ASA-2017-04), allowing the replacement of the existing gasoline service station and auto repair shop with a new gasoline service station and a convenience market. The Planning Commission's decision was appealed, but on June 5, 2018, the City Council upheld the approval with modifications to the project. The project's construction is now close to completion and the applicant is ready to design and install signs prior to occupancy and commencement of operations.

**Applicant Request**

The applicant, Steve Locke of Sign Designs, Inc., representing the property owner/operator, Liaoning Benefit Petroleum Corporation, is requesting a Sign Exception to allow new ground and fuel canopy signage at the 76 service station, as follows:

1. One new 28.5 square-foot, double-sided fuel price ground sign with light-emitting diode (LED) price numerals and an internally illuminated "76" logo.
2. Three new painted canopy signs on the north, west, and south sides of the fuel canopy structure (north and south-facing signs: 96 square feet, each; west-facing sign: 66 square feet).

3. Two new 6 square-foot illuminated logo signs on the north and south sides of the fuel canopy structure.

The fuel canopy signs and fuel price sign require a Sign Exception since the City's Sign Ordinance prohibits more than one wall sign for this development and prohibits signs with directly visible light sources (which includes LED lighting), respectively (Section 19.104.140 and 19.104.220 (F)).

### **Analysis:**

#### Wall Signs and Logos

While the City's Municipal Code has regulations specific to gasoline station signs, these wall sign provisions default to the wall sign provisions applicable to commercial businesses in general. These latter regulations address the signage needs of commercial businesses that are either on standalone pads or a part of a multi-tenant shopping center. Increasingly, gas stations are demonstrating a need for signage different from conventional commercial businesses, due to their location near street intersections, the unique building/structure arrangements with regards to the fueling stations and convenience stores, a need to compete with alternative fuel vehicles and to attract customers from other gasoline stations in adjoining jurisdictions where such signage is allowed.

As such, several other gas stations throughout the City have received Sign Exceptions or approvals for additional wall and/or canopy signs similar to those requested here:

Company/Address (Permit No.)	Canopy Signs	Wall Signs	Ground Sign
Valero / 1699 S. De Anza Blvd. (EXC-2019-002)	3 (illuminated)	1 (non-illuminated) 1 (illuminated)	Yes
Shell / 20999 Stevens Creek Blvd. (EXC-2014-11)	2 (illuminated)	3 (illuminated)	Yes
Chevron / 11010 N. De Anza Blvd. (DIR-2007-09)	3 (illuminated)	1 (illuminated)	Yes
76 / 10275 N. De Anza Blvd. (EXC-2006-05)	2 (illuminated)	1 (non-illuminated)	Yes
Chevron / 10023 S. De Anza Blvd. (DIR-2007-10)	2 (illuminated)	1 (illuminated)	Yes (2)
Chevron / 10023 S. De Anza Blvd. (EXC-1998-02)	2 (illuminated)	1 (illuminated)	Yes (2)

The applicant is requesting a Sign Exception to allow for three new canopy signs on the north, south, and west canopy faces with two new illuminated logos on the existing canopy. The total of all new wall signs is 270 square feet, exceeding the maximum allowed

sign area of 200 square feet for wall signs per the City's Municipal Code. An exception is required to exceed this square footage total and to allow for three canopy signs where only one is otherwise permitted. The proposed signs are located entirely on the existing canopy and are well-proportioned to the scale of the canopy. Moreover, they are not excessively descriptive and are compatible with the overall design aesthetic of the service station. Conditions of approval have been added to ensure that the proposed signs meet the illumination restrictions identified in Section 19.104.230 of the Municipal Code. These standards include that the illumination of the signs does not exceed 250 foot-lamberts and that, generally, the illumination of the signs will not result in offsite or excessive glare. A condition of approval that requires the illumination levels be verified following installation has been included as part of the proposed resolution.

#### Fuel Price LED Signage

The City's Sign Ordinance does not specifically address exposed LED signage on fuel price ground signs. Therefore, under current ordinance provisions, LED fuel price signage is permitted only through a Sign Exception since it has a directly visible light source and is not considered a permanent, durable material. The restrictions against directly visible light sources are intended to limit glare, the intensity of illumination, and minimize distractions to motorists, bicyclists, pedestrians, and residents living in the vicinity of the illuminated sign. The requirement for high quality, durable material in changeable sign copy is intended to avoid unsightly, reduced quality signage that would diminish the City's aesthetic appearance.

As part of the proposed project, the LED numerals would be equipped with an automatic brightness control that would be adjusted based on ambient light conditions. The signs differ from electronic readerboard signs in that they do not include periodically (or frequently) changing or animated messages. The proposed LED numerals would remain static, except for when the price of gasoline changes (typically once or twice per day).

The primarily static LED numerals function like the existing plastic numerals in that they change depending on fluctuations in fuel pricing. The LED numerals will enhance convenience by allowing the service station operator to automate fuel price updates and not have to manually change individual numerals. The LED numerals feature crisp, energy efficient illumination with similar lighting intensity as internally illuminated plastic letters. The proposed opaque background of the sign will further reduce light glare.

Three other gas stations, specified below, have obtained Sign Exceptions for similar LED ground fuel signs and it is anticipated that the number of Sign Exception applications

will remain steady due to the convenience, sustainability and readability of LED fuel price lighting, which has become the industry standard for this type of signage.

1. Valero (EXC-2019-002) – 1699 S. De Anza Blvd
2. Valero (EXC-2014-01) – 10002 N. De Anza Blvd
3. Shell (EXC-2014-11) – 20999 Stevens Creek Blvd

Conditions of approval have been added to the draft resolution to ensure that the illumination guidelines in Section 19.104.230 of the Sign Ordinance for the cumulative impacts of all illuminated ground and wall signs onsite are followed to reduce glare and distraction to motorists, bicyclists, and pedestrians.

In summary, as set forth in the accompanying resolution, the reasons stated above support the findings that are necessary for granting an exception to the Sign Ordinance.

#### Environmental Review

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Sections 15301: Existing Facilities

#### **PUBLIC NOTICING AND COMMUNITY OUTREACH**

The following table is a 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>14 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>▪ 7 public hearing notices mailed to property owners adjacent to 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 (May 23, 2024).

#### **NEXT STEPS**

Should the project be approved, the Planning Commission's decision on this project is final unless an appeal is filed within 14 calendar days of the date of the decision. All approvals granted by the Planning Commission shall go into effect after 14 days.

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Prepared by: Emi Sugiyama, Associate Planner  
Reviewed by: Piu Ghosh, Planning Manager

Approved by: Luke Connolly, Assistant Director of Community Development

**ATTACHMENTS:**

1 – Draft Resolution for EXC-2023-010

2 – Plan Set (abridged due to limitations of state law pursuant to SB1214)