



**COMMUNITY DEVELOPMENT DEPARTMENT**

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**PLANNING COMMISSION STAFF REPORT**

Meeting: October 11, 2022

Subject

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. (Application No(s): EXC-2022-003; Applicant(s): David Ford, All Sign Services; Location: 20565 Valley Green Dr.; APN: 326-10-044)

Recommended Actions

Staff recommends that the Planning Commission, in accordance with the draft resolution:

1. Find the project exempt from CEQA; and
2. Approve the Sign Exception (EXC-2022-003) to allow a total of two wall signs and only one freeway-oriented sign.

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>Property Area:</b>	2.995 acres / 130,462 sq. ft.
<b>Building Area:</b>	263,671 sq. ft.
<b>Project Consistency with</b>	
General Plan:	Yes
Zoning:	Yes, with approval of exception
Environmental Assessment:	Categorically Exempt

**Background:***Site Description*

The parcel located at 20565 Valley Green Drive is currently under development as a replacement storage facility (see next section below). 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). A pedestrian easement will be dedicated adjacent to the highway as part of the I-280 Trail.



Figure 1: Existing Land Uses

Previous Approval

On June 18, 2019, City Council approved a Development Permit (DP-2018-03), Architectural Site Approval (ASA-2018-04), Fence Exception (EXC-2018-01), and Tree Removal Permit (TR-2019-11) 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, and the removal and replacement of seventeen (17) protected trees. Signage details were excluded from those permit application.

Application Request**Analysis:***Sign Exception*

As signage details were excluded from the prior Planning Entitlement, Staff reviews signage proposals at the time the applicant applies for a sign permit. The current layout

of the site includes two storage buildings – Building One located on the east side and Building Two located on the west side of the site. See Figure 2 below.

The applicant is requesting a Sign Exception to allow three (3) wall signs where two (2) are permitted and to further allow two (2) of the three (3) signs to be freeway-oriented signs. Figure 2 illustrates the proposed location of the three signs.

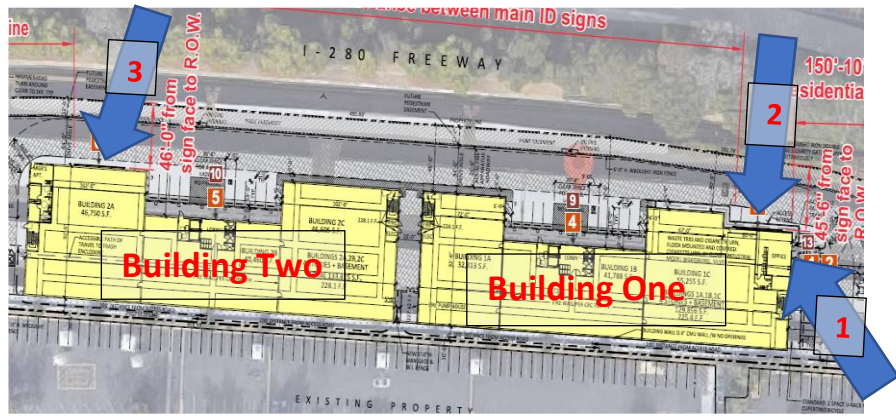


Figure 2: Site plan and Proposed Wall Sign locations

Sign '1' is on the east elevation of Building One (see Figure 3), Sign '2' is on the north elevation oriented to I-280 on Building One (see Figure 4), and Sign '3' is on the north elevation oriented to I-280 on Building Two (see Figure 5). All wall signs within 660 ft. of a "landscaped freeway" (measured from edge of right-of-way) and oriented towards that freeway are required to apply for an exception reviewable at a Planning Commission hearing. Signs 2 & 3 are within 100 feet of I-280.

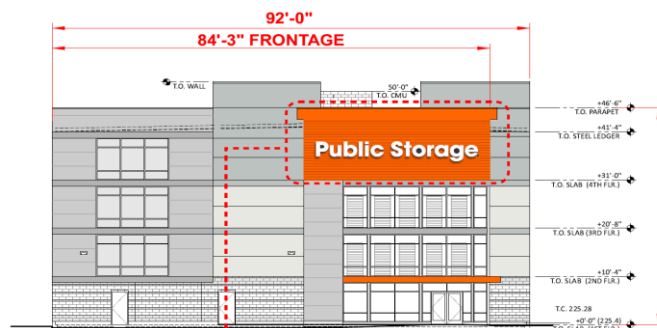


Figure 3 Sign One

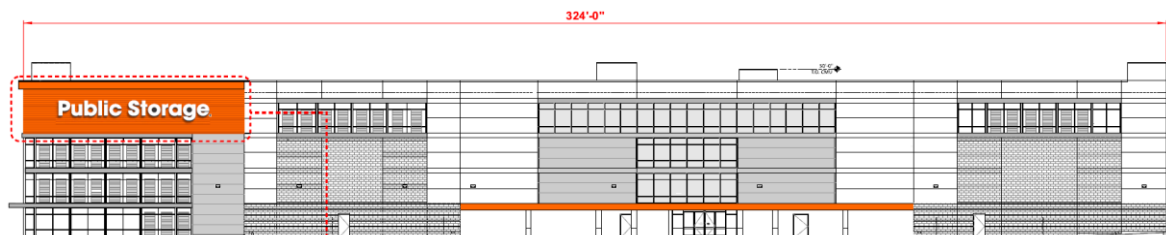


Figure 4: Sign Two

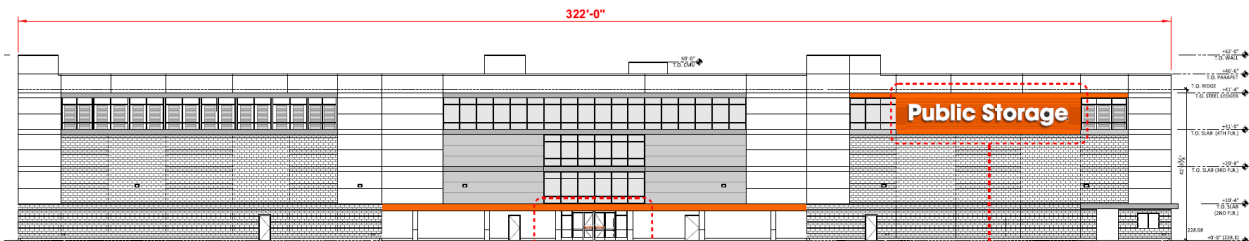


Figure 5: Sign Three

Below in Table 1, the proposed signs are evaluated against the sign regulations for wall signs for commercial and industrial uses as ordained in CMC 19.104 *Signs*.

**Table 1 Summary of regulations as it relates to each sign.**

	Permitted	Proposed Signs		
		Sign One	Sign Two	Sign Three
<b>Number of Wall Signs</b>	One sign per business with exterior frontage. One additional for:  - Businesses with no ground sign and adjacent to more than one street or shopping center driveway.  - Sign directed to interior of project and not visible from any public right-of-way.  - Single tenant building pad with more than 5,000 s.f.	Permitted	Permitted since the property does not have a ground sign and is adjacent to more than one street.	A single business is <b>not permitted</b> to have a third wall sign.
<b>Maximum Size and length of Sign</b>	1 s.f. per linear ft of store frontage on which sign is located. Maximum Area = 200 s.f. Minimum Area = 20 s.f.	52 sq. ft. on a 81-foot frontage	159 sq. ft. on a 324-foot frontage	165 sq. ft. on a 322-foot frontage
	70% of store frontage maximum	29%	13%	14%
<b>Freeway Oriented Signs</b>	- 1 per business/tenant in a building occupied by two or more tenants  - Maximum two	Not a freeway oriented sign.	Freeway Oriented sign – needs Sign Exception from Planning Commission.	Freeway Oriented sign – needs Sign Exception from Planning Commission.
<b>Illumination Restrictions</b>	250 foot-lamberts	88.8 foot-lamberts		

The applicant is proposing that all the signs be individual channel letters, with an acrylic face and internally illuminated with LED lighting. The white lettering will be centrally placed within the orange background. As noted in Table 1, the three signs meet the criteria for size and illumination.

To support an exception in the sign ordinance, one of the findings that need to be made is 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. Planning staff does not believe Sign Three meets threshold of meeting this finding for the following reasons:

- Allowing Sign Three along the north elevation of Building 2 is above the allowed number of wall signs (2) permitted for a single business. Signs One and Two are on the same building (Building One), and adjacent to more than one street or shopping center driveway and thus comply with CMC 19.104.
- Only buildings with more than one business are allowed up to two, freeway-oriented signs allowed. This exception request would therefore require a greater modification and variance to CMC 19.104 *Signs* than would typically be supported by staff.

Further, allocating multiple signage to a single business is contrary to the intent and purpose of CMC 19.104 *Signs* which seeks to provide architectural and aesthetic harmony of signs as they relate to building design and quantity to allow for good visibility for the public and the needs of the business. Therefore, Staff recommends that the Planning Commission approves the sign exception allowing Sign Two to orient I-280 but not to allow installation of Sign Three in any location.

#### Environmental Review

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

#### 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 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>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>▪ 53 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 (October 6, 2022).

## 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:* June 13, 2022;

*Deemed Incomplete:* July 13, 2022;

*Projected Deemed Complete:* August 11, 2022

Since this project is Categorically Exempt, the City has 60 days (until October 11, 2022) to make a decision on the project.

## REQUIRED FINDINGS

Staff recommends approval of the Sign Exception to allow Sign 2 to be freeway oriented, , as the proposed locations of Signs One and Two will not be materially detrimental to the public health, safety, or welfare of the community, is the least modification and variance of the prescribed regulations and purpose of the Municipal Code, and is consistent with spirit and intent of CMC 19.104 *Signs*, may be made as reflected in the draft resolutions.

With respect to the Sign Exception, the following findings may be made:

- A. That the literal enforcement of the provisions of this title will result in restrictions inconsistent with the spirit and intent of this title;  
*CMC 19.104 Signs has allowances for multiple wall signs on the different facades, as well as standards for freeway-oriented signage. Allowing the exception for Sign Two on the north façade of Building One is consistent with the spirit and intent of the Ordinance. However, allowing Sign Three to be Freeway Oriented would permit a sign above the maximum number of signage facing a busy thoroughfare such as I-280 and would allocate multiple signage to a single business that is contrary to the intent and purpose of this Chapter to provide architectural and aesthetic harmony of signs as they relate to building design and surrounding landscaping as well as regulations of sign dimensions and quantity which will allow for good visibility for the public and the needs of the business.*
- B. That the granting of the exception will not result in a condition which is materially detrimental to the public health, safety, or welfare; and  
*The sizes and location of Signs One and Two along the elevations of Building One will not result in situation that is materially detrimental to the public health, safety, or welfare to the community as the sizes of the signs and illumination of their internal lighting are well below the maximums standards ordained in the Municipal Code.*

- C. 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 Three along the north elevation of Building 2 is above the allowed number of wall signs, as well as above the number of allowed freeway-oriented signs, the exception would require a greater modification and variance to CMC 19.104 Signs than would typically be supported by staff. However, allowing the freeway-oriented Sign Two along the north elevation of Building One, is within the limitations of the Municipal Code and is recommended to be approved by the Planning Commission.*

### **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.

Upon project approval, the applicant will be able to submit building permit drawings to enable construction to commence. These approvals expire on October 11, 2023, at which time the applicant may apply for a one-year extension.

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Prepared by: Gian Paolo Martire, Senior Planner  
Reviewed by: Piu Ghosh, Planning Manager  
Approved by: Benjamin Fu, Director of Community Development

### **ATTACHMENTS:**

- 1 – Draft Resolution for EXC-2022-003
- 2 – Plan Set