



## COMMUNITY DEVELOPMENT DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA  
95014-3255 TELEPHONE: (408) 777-3308 • FAX: (408) 777-3333  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: February 7, 2023

#### Subject

Consider an appeal of the Planning Commission's decision to deny a Sign Exception at a storage facility. (Application No(s): EXC-2022-003; Applicant(s): David Ford, All Sign Services; Location: 20565 Valley Green Dr.; APN: 326-10-044).

#### Recommended Actions

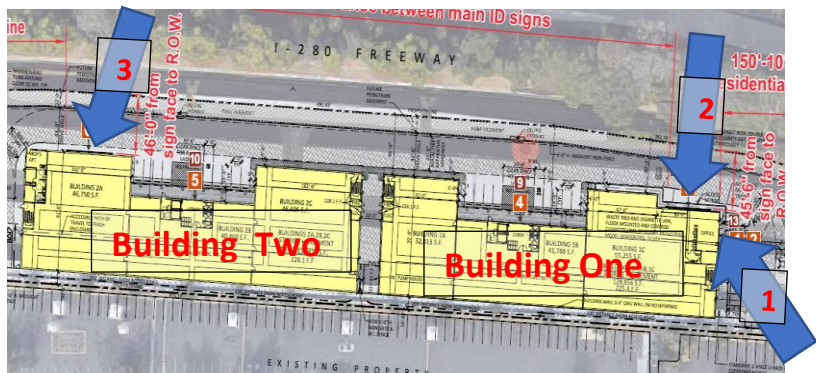
Conduct a public hearing and adopt a resolution (Attachment 1) upholding the appeal in part, approve one of the two-requested freeway-oriented signs, and deny the requested Sign Exception.

#### **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 with 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>Signs</b>	<b>Allowed</b>	<b>Proposed</b>
Wall Signs	2	3
Freeway Oriented Signs	1	2
<b>Project Consistency with</b>		
General Plan:	Yes	
Zoning:	Yes, with approval of exception	
Environmental Assessment:	Categorically Exempt	

## Background

On June 18, 2019, City Council approved development permits to allow the demolition of an existing storage facility and the construction of a new storage facility (Public Storage) consisting of two four-story buildings and associated site improvements.<sup>1</sup> Signage was not included in the permit application and was not approved at the time.



**Figure 1: Site plan and Proposed Wall Sign locations**

On June 2, 2022, the developer applied for a Sign Exception (EXC-2022-003) to allow:

- A total of three (3) wall signs where a maximum of two (2) are permitted for a single business; and
- Of the three wall signs, two (2) are freeway-oriented where only one is permitted subject to Planning Commission approval.



**Figure 2 View of location of Sign 1.**

Figures 1, 2 and 3 show the proposed locations of the three wall signs.



**Figure 3 View of proposed location of signs 2 & 3.**

On October 11, 2022, the Planning Commission unanimously adopted (5-0-0) Resolution No. 6962 (Attachment C) denying the proposed Sign Exception. The Planning Commission found that the proposed project would be:

<sup>1</sup> Development Permit (DP-2018-03), Architectural Site Approval (ASA-2018-04), Fence Exception (EXC-2018-01), and Tree Removal Permit (TR-2019-11)

- (a) inconsistent with the intent of the sign (CMC Chapter 19.104) and bird safety (CMC Chapter 19.102) ordinances,
- (b) a potential safety hazard to motorists, and
- (c) potentially preclude consideration of this portion of I-280 being designated as a scenic freeway.

On October 21, 2022, the project's sign consultant, David Ford of All Sign Services, on behalf of Public Storage, appealed the Planning Commission's decision (Attachment B) to deny the sign exception. The basis of the appellant's appeal of the Planning Commission's decision is summarized below:

1. The Planning Commission decision was based on inaccurate information regarding CEQA requirements, Dark Sky restrictions, and Highway 280's potential designation as a scenic highway.
2. The absence of a discussion by Planning Commissioners on the required findings to allow the proposed signage as outlined in the Planning Department staff report, which was supported by the applicant.

Council's review of the Planning Commission's determination is *de novo*, The Council may affirm or modify the Commission's decision based on evidence presented at the public hearing, including any evidence in the record.

## Discussion

Since signage details were not included in the original Planning Permit for the development of the storage facility, staff reviewed the signage proposals at the time the applicant applied for the sign permit, which is not uncommon for commercial and industrial projects. All of the signs discussed in this report would be building-mounted, their specifications are as follows:

- "Sign 1", proposed on the east elevation of Building One, is not oriented toward I-280 (see Figure 2);
- "Sign 2", also on Building One, proposed on the north elevation, is oriented for visibility from I-280 (See Figure 3);
- "Sign 3" is proposed on the north elevation of Building Two and, like "Sign 2," is oriented toward I-280 (see Figure 3).

Per the Sign Ordinance, all wall or building-mounted signs proposed within 660 feet of a "landscaped freeway" (measured from edge of right-of-way), and oriented towards that freeway must be approved by the Planning Commission. Both "Sign 2" and "Sign 3" are proposed within 100 feet of I-280, which meets the definition of a landscaped freeway. A

Sign Exception is required when more than one freeway-oriented sign is proposed by a single business.

In Table 1, below, the proposed signs are evaluated in comparison with the relevant, permitted sign regulations for wall-mounted signs for commercial and industrial uses as listed in the Sign Ordinance (CMC 19.104).

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

	Permitted	Proposed Signs		
		Sign One	Sign Two	Sign Three
Number of Wall Signs	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	One additional sign may be 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.	
Maximum Size and length of Sign	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
	Length - 70% of store frontage maximum	29%	13%	14%
Freeway Oriented Signs	- 1 per business/tenant in a building occupied by two or more tenants  - Maximum two	Not a freeway-oriented sign.	Freeway Oriented sign – needs Planning Commission approval.	
Illumination Restrictions	250 foot-lamberts	88.8 foot-lamberts		

The applicant proposes that all the signs consist of individual channel letters with an acrylic face and be internally illuminated with LED lighting. White lettering indicating

the company's name, "Public Storage," will be centrally placed within an orange background. As noted, above, in Table 1, all three proposed signs comply with the criteria for size and illumination.

To support an exception to the Sign Ordinance, one of the findings that must be made is that the exception requested will require the least modification of the prescribed regulations and the minimum variance to accomplish the purpose. Planning staff does not believe having three wall signs, two of which are freeway oriented, meets this finding for the following reasons:

- Allowing three wall signs is more than the number (2) of wall signs permitted for a building occupied by a single business. "Sign Two" and "Sign Three" are adjacent to a driveway and either one individually would comply with CMC 19.104. In other words, either "Sign 2" or "Sign 3", but not both, would be allowable.
- Only buildings with more than one business are allowed up to two freeway-oriented signs under CMC section 19.104.200. This exception request to allow two freeway-oriented signs on buildings occupied by the same business would therefore be at variance with the Sign Ordinance.

Further, allowing more than one wall-mounted sign to a single business is contrary to the intent and purpose of the Sign Ordinance (CMC 19.104), which seeks to balance the architectural and aesthetic harmony of signs into the overall building design but still allow for good sign visibility for both the public and the needs of businesses, without over-signage. Accordingly, staff recommends that the City Council allow the single-tenant applicant, Public Storage, one building-mounted sign oriented to I-280, but not the installation of a second freeway-facing sign on the storage facility. Either "Sign 2" or "Sign 3" are consistent with section 19.104; both signs should not be permitted. Staff further recommends that the appellant/applicant be permitted to choose which of the two signs ("Sign 2" or "Sign 3") it would prefer to have approved through the exception, since each proposed sign complies with the Sign Ordinance criteria for size and illumination.

As such, Staff recommends that the City Council partially uphold the appeal and allow one freeway-oriented wall sign, consistent with staff's prior recommendation at the Planning Commission's regular meeting on October 11, 2022.

Staff also recommends that the following findings be made to deny the second Sign Exception.

- 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 (Sign Ordinance) has allowances for multiple wall signs on the different facades, as well as standards for freeway-oriented signage. Allowing the exception for a sign on the north façade of either Building One or Building Two is consistent with the spirit and intent of the Ordinance. However, allowing two freeway-oriented signs would permit a sign beyond the maximum number of signs allowed facing a busy thoroughfare, such as I-280, and would also allocate multiple signs to a single business which 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 the signs will not result in a situation that is materially detrimental to the public health, safety, or welfare to the community, as the sizes of the signs and their illumination are below the maximums standards established 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.  
*Allowing both "Sign 2" along the north elevation of Building One and "Sign Three" along the north elevation of Building 2, is beyond the allowed number of wall signs, as well as beyond the number of allowed freeway-oriented signs. The exception would therefore require a greater modification and variance to CMC 19.104 (Signs Ordinance). However, allowing either "Sign 2" or "Sign 3" is consistent with the Municipal Code.*

#### *Other Department/Agency Review*

The City's Building Division, Public Works Department, Environmental Services Division, Sheriff's Department, Cupertino Sanitary District, and the Santa Clara County Fire Department have reviewed and conditioned the project.

#### *Environmental Review*

The development project was found to be 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) by City Council on June 18, 2019. The installation of signage does not alter the determination that the project is exempt under section 15332. Additionally, because the project was consistent with the General Plan designation and zoning for the site, it was allowed for streamlining under CEQA

Guidelines Section 15183. As the buildings are currently built, this project could also be categorically exempt under CEQA Guidelines section 15301 (Existing Facilities).

### Public Noticing

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

Notice of Public Hearing, Site Notice & Legal Ad	Agenda
<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>▪ Public hearing notices were 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>

### Public Comment

Public Comments were received as part of the Planning Commission review. Please review Attachment D.

### Fiscal Impacts

No fiscal impact.

### Sustainability Impacts

The proposed project would not conflict any goals or measures to reduce greenhouse gas emissions in the Climate Action Plan.

### 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.

---

Prepared by: Gian Paolo Martire, Senior Planner

Reviewed by: Piu Ghosh, Planning Manager

Luke Connolly, Acting Director of Community Development

Christopher Jensen, City Attorney

Approved for Submission by: Pamela Wu, City Manager

**ATTACHMENTS:**

- A. Draft Resolution for EXC-2022-003
- B. Appeal Form
- C. Planning Commission Resolution 6962
- D. Public Comments