



CUPERTINO

APPEAL FORM



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- 1. Application No.: EXC-2022-003
- 2. Applicant(s) Name: David Ford
- 3. Project Planner: Gian Martire
- 4. Appellant(s) Name: David Ford
 Address: 124 Allimore Ct., Roseville, CA 95747
 Phone Number: 510-387-0546
 Email: dave@allsignservices.com

5. Please check one:

Note: Do not use this form for Administrative Citation decisions (1.16), Petitions for Reconsideration (2.08.096), or Damage to Public Trees (14.12)

a. Appeals regarding Title 19 (Zoning) and 14.18 (Protected Private Trees):

- Administrative decision (14 calendar days after decision to appeal)
- Planning Commission decision (14 calendar days after decision to appeal)
- Design Review Committee decision (14 calendar days after decision to appeal)

b. Other appeals:

- Director of Community Development decision regarding Tentative Maps (18.20) (14 calendar days after decision to appeal)
- Street Improvements (14.04) (30 calendar days after date of decision to appeal)
- Code Enforcement regarding Massage Permits (9.06) (5 business days after receipt of notice of decision to appeal)
- Solicitor's Identification Permit (5.20) (10 calendar days after denial notice to appeal)

6. Date of decision or mailing of notice of decision: 10/11/22

7. Specifically state the grounds and basis for appeal: The Planning Commission decision was based on inaccurate information regarding CEQA requirements, Dark Sky restrictions, and Highway 280 designation as a scenic highway.

As planning staff stated in the Commission meeting the signs are exempt from CEQA requirements, the building construction went through the CEQA review process and was approved.

The Commission also noted that the sign would not be in compliance with the city's Dark Sky requirements but signs are exempt if they meet the required 250-ft lambert requirement which staff noted is the case for this proposal.

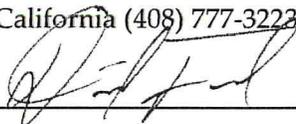
Several members of the public and some Commission members were concerned that the sign faces a potential Scenic Highway section of 280 and approving the sign could jeopardize that designation. Staff noted that there is no indication from Caltrans on when that review process could take place, how long it would take to complete, and that an illuminated sign would have any effect on that decision (staff mentioned other illuminated freeway signs in Cupertino as well as San Jose along this section of highway 280).

There was also no discussion by any Planning Commission members on the required findings to allow the proposed signage as outlined in the Planning Department staff report which was supported by the applicant.

(Attach additional pages if necessary)

Please complete form, include appeal fee of ~~\$344.00~~ ^{\$347.00 KAA} pursuant to Resolution No. ~~21-034, 21-057~~ ^{22-049 KAA} (\$716.37 for massage application appeals), and return to the attention of the City Clerk, 10300. Torre Avenue, Cupertino, California (408) 777-3223.

Signature(s):



Please complete form, include appeal fee of \$347.00 pursuant to Resolution No. 22-049 (\$716.37 for massage application appeals), and return to the attention of the City Clerk, 10300 Torre Avenue, Cupertino, California (408) 777-3223.

Signature(s): _____

 **19.12.170 Appeals.**

A. An appeal may be filed by any person, firm or corporation aggrieved or affected by any grant, denial, modification or revocation of any permit, or any determination or interpretation related to any provision of this title.

B. Filing:

1. An appeal shall be in writing on forms prescribed by the City and shall be filed during regular office hours with the City Clerk within fourteen calendar days after the City decision or if a notice of decision is not required, from the date of the decision or determination, under this title. An appeal not filed within such time shall be barred. The appeal shall state the grounds and basis thereof.

2. Appeals under this chapter are subject to an appeal fee as prescribed by resolution of the City Council.

C. Noticing: Notice of hearing shall be given in the same manner in which the original notice was given. If a project with no noticing is appealed, appropriate noticing shall be determined by the Director of Community Development.

D. Appeal hearing body shall be determined in accord with Section 19.12.030.

E. Decision of the appeal hearing body: The decision or determination of the appeal hearing body on any appeal shall be final and effective immediately.

F. Notice of Decision: Notice of the appeal hearing body's decision shall be mailed to the original applicant, to the person filing the appeal, and to any other person who has filed a written request with the City Clerk.

PAYMENT DATE

10/21/2022

X

BATCH NO.

2023-04000399

COLLECTION STATION

Finance_Counter 2

RECEIPT NO.

2023-00000700

RECEIVED FROM

David Ford

CASHIER

Min Zhao

ENTRY DATE

10/21/2022 03:45:05 PM

DESCRIPTION

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
Appeal	Appeal Appeal Fee	\$347.00																
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Customer Copy