

## RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO  
DENYING THE PETITION FOR RECONSIDERATION REGARDING THE CITY  
COUNCIL DECISION OF FEBRUARY 7, 2023 TO UPHOLDING THE APPEAL IN  
PART, APPROVE ONE OF THE TWO REQUESTED FREEWAY- ORIENTED SIGNS,  
AND DENY THE REQUESTED SIGN EXCEPTION. APPLICATION NO(S): EXC-  
2022-003; APPLICANT(S): DAVID FORD (ALL SIGN SERVICES); LOCATION:  
20565 VALLEY GREEN DR.**

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WHEREAS, on February 7, 2023, the Cupertino City Council held a public hearing and at the conclusion of the hearing upheld the appeal in part, approved one of the two requested freeway-oriented signs, and denied the requested sign exception on a 4-1 vote (Moore voting no) for application EXC-2022-003; and

WHEREAS, the Cupertino City Council's decision was within its discretion and made at a properly noticed public meeting; and

WHEREAS, Rhoda Fry filed a petition for reconsideration filed with the City on February 17, 2023, and petitioned the City Council to reconsider its decision under the provisions of Section 2.08.096 of the Cupertino Municipal Code; and

WHEREAS, the City Council has considered all relevant evidence presented by the parties at all hearings, including evidence presented at the March 21, 2023 reconsideration hearing.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find:

1. Petitioner did not provide new relevant evidence which, in the exercise of reasonable diligence, could not have been produced at any earlier city hearing (Municipal Code § 2.08.096(B)(1)).
2. Petitioner failed to demonstrate that relevant evidence was improperly excluded at any prior City hearing (Municipal Code § 2.08.096(B)(2)).

3. Petitioner failed to provide proof of facts which demonstrate that the City Council proceeded without, or in excess of its, jurisdiction (Municipal Code § 2.08.096(B)(3)).
4. Petitioner failed to present proof of facts which demonstrate that the City Council failed to provide a fair hearing (Municipal Code § 2.08.096(B)(4)).
5. Petitioner failed to demonstrate that the City Council abused its discretion by not proceeding in a manner required by law; rendering a decision which was not supported by findings of fact; and/or rendering a decision in which the findings of fact were not supported by the evidence (Municipal Code § 2.08.096(B)(5)).
6. The Petition for Reconsideration of the City Council's February 7, 2023 decision is DENIED, and the City Council's decision set forth in Resolution No. 23-XXX is hereby affirmed.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 21<sup>st</sup> day of March 2023, by the following vote:

Vote            Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<div>SIGNED:</div> <div>_____</div> <div>Hung Wei, Mayor</div> <div>City of Cupertino</div>	<div>_____</div> <div>Date</div>
<div>ATTEST:</div> <div>_____</div> <div>Kirsten Squarcia, City Clerk</div>	<div>_____</div> <div>Date</div>