

CITY OF CUPERTINO
10300 Torre Avenue
Cupertino, California 95014

DRAFT RESOLUTION

OF THE DESIGN REVIEW COMMITTEE OF THE CITY OF CUPERTINO APPROVING
A SIGN EXCEPTION FOR TWO ADDITIONAL SIGNS, WITH THE TWO SIGNS ON
ONE FRONTAGE, FOR AN EXISTING TARGET BUILDING AT 20999 STEVENS
CREEK BOULEVARD.

SECTION I: PROJECT DESCRIPTION

Application No.: EXC-2018-04
Applicant: Jennifer Kirby (Kimley-Horn and Associates, Inc.)
Location: 20745 Stevens Creek Blvd. (APN 326-32-055)

SECTION II: FINDINGS FOR SIGN EXCEPTION:

WHEREAS, the Design Review Committee of the City of Cupertino received an application for a Sign Exception as described in Section I. of this Resolution; and

WHEREAS, the necessary public notices have been given as required by the Procedural Ordinance of the City of Cupertino, and the Design Review Committee has held at least one public hearing in regard to the application; and

WHEREAS, the project is determined to be categorically exempt from the California Environmental Quality Act (CEQA); and

WHEREAS, the applicant has met the burden of proof required to support said application; and

WHEREAS, the Design Review Committee finds as follows with regard to this application:

1. The literal enforcement of the provisions of this title will result in restrictions inconsistent with the spirit and intent of this title.

The proposed signs are for an existing 128,000 sq. ft. plus single tenant building occupied by Target. The building sits on an 8.2-acre lot and is on average more than 150 feet setback

from the public right-of-way from the three sides that have signage proposed. The intent of the Sign Ordinance is to ensure quality design and strategic locating of business signs to ensure a high standard of aesthetic quality and to reduce visual clutter while supporting businesses in the City.

The scale of the existing building and the site in relation to the adjacent uses and the tenant's focus on pedestrian accessibility in the new redesign would warrant additional signage to serve as visual aids to its multiple access points into the store. By strictly enforcing the Sign Ordinance of limiting businesses to two signs would not be in the spirit of the Sign Ordinance to enhance and identify businesses. Furthermore, that multiple signs cannot be located on the same frontage would restrict the identifying sign for the tenant's order pick-up services. The two additional signs that require this exception will uphold the purpose and intent of the Sign Ordinance and that the two signs are located on the same frontage is self-resolved by the strategic placement that provides balance along that storefront.

2. That the granting of the exception will not result in a condition which is materially detrimental to the public health, safety, or welfare.

The proposed signs are minimally visible from the sidewalk of Bandley Drive and will not result in a condition where the signs are a detriment to public safety and welfare. The proposed signs are located above the customer pick-up entrance and will enhance the experience for residents and visitors patronizing the business.

3. That the exception granted is one that will require the least modification of the prescribed regulations and the minimum variance that will accomplish the purpose.

The appearance of the sign and the location in context to the public right-of-way and distance from residential properties, and its purpose to improve the pedestrian experience addresses the intent of the City's Sign Ordinance since they would not create distractions nor negatively impact the City's aesthetic appearance.

NOW, THEREFORE, BE IT RESOLVED:

That after careful consideration of maps, facts, exhibits, testimony and other evidence submitted in this matter, subject to the conditions which are enumerated in this Resolution beginning on Page 2 thereof,

The application for a Sign Exception, Application no. EXC-2018-04, is hereby approved and that the subconclusions upon which the findings and conditions specified in this

Resolution are based and contained in the Public Meeting record concerning Application no. EXC-2018-04 as set forth in the Minutes of Design Review Committee Meeting of December 6, 2018, and are incorporated by reference as though fully set forth herein.

SECTION III: CONDITIONS ADMINISTERED BY THE COMMUNITY DEVELOPMENT DEPT.

1. APPROVED EXHIBITS

Approval is based on the plan set dated January 17, 2018 entitled, "T0323 20745 Stevens Creek Blvd Cupertino, CA," drawn by Federal Heath Visual Communications., consisting of 13 sheets labeled 1-13; except as may be amended by conditions in this resolution.

2. ACCURACY OF PROJECT PLANS

The applicant/property owner is responsible to verify all pertinent property data including but not limited to property boundary locations, building setbacks, property size, building square footage, any relevant easements and/or construction records. Any misrepresentation of any property data may invalidate this approval and may require additional review.

3. ANNOTATION OF THE CONDITIONS OF APPROVAL

The conditions of approval set forth shall be incorporated into and annotated on the first page of the building plans.

4. EXCEPTION APPROVAL

A Sign Exception is hereby granted to allow two additional wall signs (a logo and Order Pick-up signs) on the eastern frontage at the existing Target building.

5. ILLUMINATION INTENSITY

The intensity of all signs shall not exceed 250 foot-lamberts. A letter from the business operator shall be provided prior to final building permit approval acknowledging this condition of approval and incorporated in the building permit plans.

6. LIGHTING INTENSITY VERIFICATION

Prior to final inspections of sign permits, a licensed lighting engineer shall confirm that the lighting intensity is in compliance with the conditions of approval in this resolution.

7. SIGN PERMITS REQUIRED

The applicant shall consult with the City's Building Division to obtain the necessary sign permits for this project.

8. TEMPORARY SIGNS

Temporary signs shall comply with the Temporary Sign regulations of the City's Sign Ordinance (Chapter 19.104 of the Municipal Code). A temporary sign permit is required for all banners, a-frame or other freestanding signs (except those required by the State of California), and promotional devices.

9. CONSULTATION WITH OTHER DEPARTMENTS

The applicant is responsible to consult with other departments and/or agencies with regard to the proposed project for additional conditions and requirements. Any misrepresentation of any submitted data may invalidate an approval by the Community Development Department.

10. INDEMNIFICATION

Except as otherwise prohibited by law, the applicant shall indemnify and hold harmless the City, its City Council, and its officers, employees and agents (collectively, the "indemnified parties") from and against any claim, action, or proceeding brought by a third party against one or more of the indemnified parties or one or more of the indemnified parties and the applicant to attack, set aside, or void this Resolution or any permit or approval authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys' fees and costs incurred in defense of the litigation. The applicant shall pay such attorneys' fees and costs within 30 days following receipt of invoices from City. Such attorneys' fees and costs shall include amounts paid to counsel not otherwise employed as City staff and shall include City Attorney time and overhead costs and other City staff overhead costs and any costs directly related to the litigation reasonably incurred by City.

11. NOTICE OF FEES, DEDICATIONS, RESERVATIONS, OR OTHER EXACTIONS

The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. You are hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If you fail to file a protest within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exactions.

PASSED AND ADOPTED this 6th day of December 2018, Regular Meeting of the Design Review Committee of the City of Cupertino, State of California, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

ATTEST:

APPROVED:

Ellen Yau
Associate Planner

Alan Takahashi,
Chair, Design Review Committee