



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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ADMINISTRATIVE HEARING STAFF REPORT

Agenda Date: February 28, 2019

SUBJECT

Architectural and Site Approval, Tree Removal, and Sign Program permits to consider building façade improvements and site modifications, removal and replacement of 12 protected development trees and a unified signage program for the McClellan Square shopping center; (Application No(s): ASA-2018-10, SP-2018-02 and TR-2019-05; Applicant: Victor DeMelo (Browman Development Company); Location: 10385 – 10497 S De Anza Blvd; APN(s): 359-17-019 and 359-17-023)

RECOMMENDED ACTION

That the Hearing Officer:

1. Find that the proposed actions are exempt from CEQA; and
2. Adopt the resolutions to approve the Architectural and Site Approval, Sign Program, and Tree Removal permits in accordance with the draft resolutions (Attachments 1, 2 and 3).

DISCUSSION:

Application Summary:

1. Architectural and Site Approval Permits (ASA-2018-10) to allow for building façade improvements and site modifications to an existing shopping center;
2. Sign Program (SP-2018-02) to make modifications to the Master Sign Program at an existing shopping center; and
3. Tree Removal Permit (TR-2019-05) to allow for the removal and replacement of 12 protected trees in conjunction with site modifications at an existing shopping center.

Project Data:

General Plan Designation	Commercial/Residential
Zoning Designation	P (CG) - Planned General Commercial
Special Area	South De Anza Special Area - North

A.P.N.	359-17-019	359-17-023
Lot Size	310, 020 sq. ft. (7.117 acres)	18,495 sq. ft. (0.425 acres)
Floor Area Ratio		
Existing: 82,209 SF	76,730 SF	5,479 SF
Proposed: 81,799 SF	76,320 SF (<i>reduction</i>)	No Change
Parking Totals	<i>Required: 383 stalls</i>	
Existing: 397 stalls	373 stalls	24 stalls
Proposed: 396 stalls	375 stalls	21 stalls
Project Consistency With:		
General Plan	Yes	
S De Anza Conceptual Plan	Yes	
Zoning	Yes	
Environmental Assessment	Categorically Exempt per Section 15301 (Class 1) of the California Environmental Quality Act (CEQA)	

Background:

Site Description

The project site is located at the McClellan Square Shopping Center, at the northwest corner of S. De Anza Boulevard and McClellan Road. The project proposal is comprised of two parcels. The larger of the two parcels (359-17-019) consists of three buildings, including two single-tenant pads to the east (Chipotle at 10385 S. De Anza Blvd. and Far East Bank at 10465 S. De Anza Blvd.) and one larger multi-tenant building (Ranch 99, CVS Pharmacy etc.) to the west. The smaller parcel (359-17-023) consists of a single pad building (10495 S. De Anza Blvd.) currently occupied by two tenants.

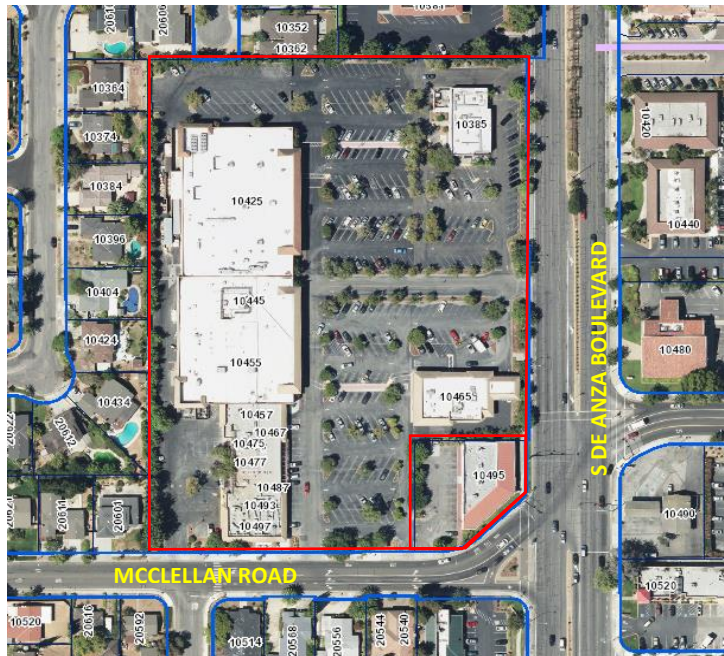


Figure 1 Site Aerial

The project site is surrounded by a mix of residential, commercial and commercial office uses to the north, east, and south. A portion of the northern property line, most of the southern property line and all of the western property line is shared with the Jollyman neighborhood which is comprised largely of single-family homes.

Previous Approvals

In 2014, after the loss of a large retail tenant, the applicant sought to demise that tenant space into two, along with associated façade improvements, to allow flexibility in the types of tenants that could occupy the space (ASA-2014-03). In addition, the two sites received approvals for a major façade upgrade and site improvements to update the center in 2017 (ASA-2015-14 and ASA-2015-28).

Application Requests

After approval of the permits in 2017, the applicant, Victor DeMelo of Browman Development Company, engaged with the existing major tenants about internal branding and determined that a streamlined renovation project focused on the pedestrian experience and enhancing outdoor activity would better support the existing operations. The outcome of this collaboration has resulted in a new renovation concept that would improve the aesthetics of McClellan Square while minimizing impacts to the functionality of the existing and incoming tenants. In addition, the applicant is also requesting the removal and replacement of 12 trees, and approval of a cohesive sign program.

Analysis:

Architectural & Site Approval

Instead of the contemporary design proposed (and approved) in 2017, the applicant is enhancing the existing building form with architectural interventions that reduce the expanse of existing concrete walls, improve the safety of, and overall experience for, pedestrians, and extend the longevity and durability of the building (*General Plan Strategy LU-3.3.6 Architecture and Articulation and Policy INF-7.2 Facilities*). The Chipotle building and patio will remain as is.

The proposal includes the following that achieves those priorities.

- Pushing back the two-bay storefront windows for one of the tenant spaces (food hall) for a varied frontage and include outdoor seating
- Removing concrete tile roof and replace with composition shingle roof
- Replacing plywood siding with durable Hardie Plank lap siding on mansard façades
- Painting existing concrete block wall with two tones
- Painting existing wood columns
- Adding two plaster accent trims to visually divide the concrete block walls
- Introducing wood-slat material at the base of the major tenants' storefront windows
- Replacing existing chain-link gate at the northern part of the parking lot with a wood slat sliding gate and fence
- Redesigning a previously approved patio between the two pad buildings to increase connectivity to S De Anza (refer to *Outdoor Seating Areas and Public Art* section below)



Figure 2 Eastern elevation showing storefronts for CVS, Food Hall, and Ranch 99

Aside from the changes listed above, the current proposal maintains the following features approved in the 2017 permits:

- Installation of a centerpiece art mural at the end of the main driveway (see Figure 2)
- Installation of green screens dispersed around seating areas
- Locating concrete planters at the edge of curb to buffer walkways between the store frontages of the major tenants and in-line tenant and drive aisles
- Removal of an abandoned drive-through canopy at the pad building for the Far East Bank and replacing it with an outdoor patio that connects directly to S De Anza Blvd;
- Locating IPE wood benches on the pedestrian walkway and integrated planter space with wood benches against the walls at the corner of the CVS tenant space, at the northeast corner of the 99 Ranch tenant space, and in front of the main driveway wall
- Constructing two new trash enclosures (one new trash enclosure located at the rear of the multi-tenant building and one replacing an existing trash enclosure at the southwest corner of the 10465 S De Anza pad building)

Site-wide Outdoor Seating Areas and Public Art

As part of the site-wide improvements, the applicant is proposing a patio with outdoor seating in the area between the two southern pad buildings (10495 S. De Anza Blvd and 10465 S. De Anza Blvd) (see Figure 3). As previously stated, the area between the two buildings is an abandoned drive-through approach which was previously approved for removal. The area will be paved and areas for tables and seating, potted plants, and bike parking will be provided. The walls adjoining this area will be enhanced with green screens.

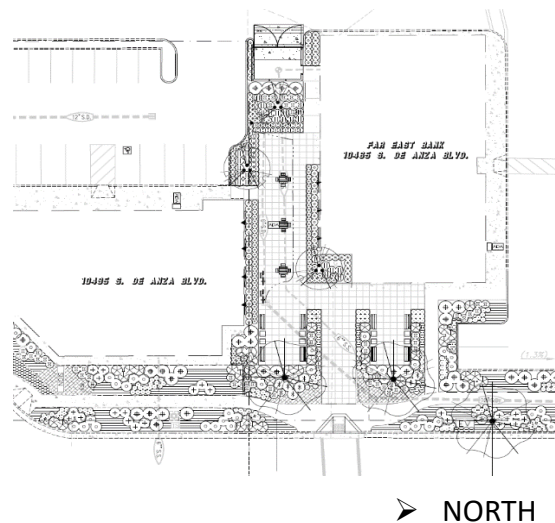


Figure 3 Proposed S De Anza Blvd patio

The applicant has also indicated a willingness to alternate the green screens with public art. A pedestrian pathway allowing access to the patio areas and the building from the sidewalk on S. De Anza Blvd is also proposed (*General Plan Policy LU-2.2: Pedestrian-Oriented Public Spaces*).

Additionally, outdoor seating, buffered from the traffic by wood-slat decorative fencing and planter boxes, is proposed at the terminus of the main driveway leading from S De Anza Blvd. The applicant also proposes to utilize the building frontage at this terminus as an area for public artwork and in-ground lighting. A condition of approval has been added to ensure that all the artwork (currently under development) proposed on site is reviewed and approved prior to final occupancy.

Additional outdoor seating, also buffered by wood-slat decorative fencing and planter boxes, is proposed in front of an approved food hall tenant space between CVS Pharmacy and the Ranch 99 businesses.

Street Improvements

Consistent with the approvals from 2017, the project is required to provide off-site improvements that consist of sidewalk, curb ramp, and driveway work. The applicant is installing a detached sidewalk along the property's S. De Anza Blvd frontage, and along the chamfered corner at the intersection of S. De Anza Blvd and McClellan Road (*General Plan Strategy LU-3.3.9 Specific and Conceptual Plans* and *S De Anza Conceptual Plan*). In addition, the applicant is proposing to alter the eastern McClellan Road driveway approach and improve traffic flow and safety between the two parcels and access from S De Anza Blvd by allowing thru-traffic between the two parcels.

Finally, the applicant will be required to re-stripe and provide accessible paths of travel and stalls site-wide. A condition of approval has been added to ensure compliance with Building Department comments.

Landscaping

The applicant will be rehabilitating much of the existing berm along S. De Anza Blvd in order to install the detached sidewalk and replanting the landscape areas fronting McClellan Road and along the main drive aisle (*General Plan Policy LU-4.2 Street Trees and Landscaping*). The planting list includes a variety of shrubs and groundcover species for the ground landscaping and proposed vines for the green screen areas. All new and renovated landscape areas will be required to comply with the City's Landscape Ordinance. A condition of approval has been added to ensure compliance prior to issuance of building permits.

Tree Removals

As part of the overall shopping center upgrade, the applicant is proposing to remove a total of 41 trees. These were approved with two Tree Removal Permits (TR-2014-27 and TR-2015-27). While one Tree Removal permit (29 trees in parking lot and at periphery) was eligible for, and has received, a one-year extension allowed by the Municipal Code, the other permit (12 trees along main driveway) has expired.

Since the applicant continues to want improve the aesthetics of the Shopping Center by removing the 12 trees along the main driveway due to poor health or poor canopy form of the trees, a new Tree Removal permit is being processed. The trees will be replaced with *Lagerstroemia indica* along the main drive aisle. The species and location of the trees are conceptualized in the landscape plan (see Attachment 4) and the final location and species of the tree replacements will be reviewed by staff in conjunction with building permit review. Overall, the tree replacements will visually enhance the site by providing significant tree canopy coverage.

Sign Program

In conjunction with the proposed façade modifications, the applicant is proposing a new Sign Program to address the proposed food hall and the façade improvements consistent with the Sign Ordinance. The updated Sign Program addresses upgrades to the existing signage, guidelines for the pad buildings in the southeast corner of the property, and updated color palette for the two existing ground signs to match the façade improvements.

Consistent with prior approvals for the shopping center, replacement of a cabinet box ground sign at the corner of S. De Anza Blvd and McClellan Road with a new ground sign to match the other shopping center ground signs is required. A condition of approval has been added to ensure construction of the replacement ground sign prior to project completion.

Environmental Review

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

Other Department/Agency Review

The City's Public Works Department; Building Division; Environmental Programs Division; and the Santa Clara County Fire Department have no objections to the project. Their pre-hearing comments have been incorporated as conditions of approval in the draft resolutions.

PUBLIC NOTICING AND COMMUNITY OUTREACH

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

Notice of Public Hearing	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>at least 10 days prior to hearing</i>)▪ 142 notices mailed to property owners 300 feet/adjacent to the project site (<i>at least 10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>five days prior to hearing</i>)▪ Posted on the City of Cupertino's Web site (<i>five days prior to hearing</i>)

No comments have been received at the time of production of this staff report.

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: October 18, 2018; **Deemed Incomplete:** November 8, 2018

Revisions Received: January 4, 2019; **Deemed Incomplete:** January 29, 2019

Revisions Received: February 11, 2019; **Deemed Incomplete:** February 15, 2019

Since this project is Categorically Exempt, the City has 60 days (until April 16, 2019) to make a decision on the project.

CONCLUSION

Staff recommends approval of the Architectural and Site Approval, Sign Program, and Tree Removal permits, since the plans and conditions of approval address all concerns related to the proposed project. Additionally, all of the findings for approval of the proposed project, consistent with chapters 14.18, 19.164, and 19.168 of the Cupertino Municipal Code, may be made as follows.

With respect to the Architectural and Site Approval permit, the following findings may be made:

1. The proposed development, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience;

The proposal includes façade modifications on the frontages of the multi-tenant building and the two southeastern pad buildings, with no height changes. The project site is an established shopping center in a commercial district. Therefore, the façade modifications will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare, or convenience.

2. The proposal is consistent with the purposes of Chapter 19.168, the General Plan any specific plan, zoning ordinances, applicable planned development permit, conditional use permits, variances, subdivision maps or other entitlements to use which regulate the subject property including, but not limited to, adherence to the following specific criteria:

- a) Abrupt changes in building scale should be avoided. A gradual transition related to height and bulk should be achieved between new and existing buildings.

The scale of the buildings will be maintained with no changes to the height of the buildings. The façade modifications will maintain the same form of the existing structures with minor architectural features that are proposed to enhance the pedestrian experience. Therefore, there will be no abrupt changes in building scale related to height and bulk and no new buildings are being proposed.

- b) In order to preserve design harmony between new and existing buildings and in order to preserve and enhance property values, the materials, textures and colors of new building should harmonize with adjacent development by being consistent or compatible with design and color schemes with the future character of the neighborhoods and purposes of the zone in which they are situated. The location, height and materials of walls, fencing, hedges and screen planting should harmonize with adjacent development. Unsightly storage areas, utility installations and unsightly elements of parking lots should be concealed. The planting of ground cover or various types of pavements should be used to prevent dust and erosion, and the unnecessary destruction of existing healthy trees should be avoided. Lighting for development should be adequate to meet safety requirements as specified by the engineering and building departments, and provide shielding to prevent spill-over light to adjoining property owners.

The façade modifications are harmonious with the existing building forms and proposes upgrades to the existing materials and colors and will not impact the future character of the neighborhood. The two new trash enclosures are located in areas not visible from the public right-of-way and designed to be compatible with the wood and steel aesthetic of the shopping center's buildings. The proposed tree removals are due to poor health or poorly formed trees that will benefit replacement and will improve the aesthetics of the site for its users. Additional landscaping is being proposed to soften the edges of the development and to enhance existing landscaping at the site. No new lighting sources that could impact adjacent residential development is being proposed.

- c) The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures have been designed to minimize traffic hazard,

positively affect the general appearance of the neighborhood and harmonize with adjacent development.

The proposed Master Sign Program does not propose signage that will be traffic hazards. The signage requirements are consistent with the Sign Ordinance and previous Master Sign Programs and only proposes clarification images and tables to enhance the readability of the program and to include the façade changes of the buildings.

- d) With respect to new projects within existing residential neighborhoods, new development should be designed to protect residents from noise, traffic, light and visually intrusive effects by use of buffering, setbacks, landscaping, walls and other appropriate design measures.

The proposed project is not a new development. The work proposed is to an existing commercial center's facades and there are no changes proposed along the rear elevation adjoining the residential neighborhood to the south or the east.

With respect to the Tree Removal permit, the following findings may be made:

3. That the trees are irreversibly diseased, are in danger of falling, can cause potential damage to existing or proposed essential structures, or interferes with private on-site utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services;

The City's consulting arborist has determined that the trees proposed for removal are in conflict with the proposed site improvements and are not suitable for preservation or relocation; and have poor canopy form.

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

4. The Sign Program complies with the purpose of chapter 19.104.

The proposed sign program complies with the purpose of the sign ordinance by establishing a comprehensive plan serving to identify and enhance tenants in the shopping complex. The proposed plan maintains the aesthetic appearance of the City by establishing a high quality and consistent set of sign standards for all tenants on the subject site that includes direction as to the number, placement, size, color, illumination, and material of future signs.

5. Proposed signs are creative, and are in harmony with the structures they identify, other signage on the site, and the surrounding development.

The proposed signs allow for unique and creative tenant logos, and are in harmony with the structures they identify in that they are appropriate in scale and are to provide equidistant spacing on the surfaces they are affixed, and incorporate colors and tones approved for the site.

6. The Sign Program contains provisions to accommodate future revisions that may be required because of changes in use or tenants.

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NEXT STEPS

The permit will be effective 14 calendar days from the date of the hearing. The decision of the Administrative Hearing Officer is final, unless appealed within 14 calendar days from the date of the hearing. The applicant team may apply for building and/or other permits with the City at the end of the appeal period.

This approval is valid until February 28, 2021. The applicant team may apply for a one-time one year extension before the approval expires.

Prepared by: Ellen Yau, Associate Planner
Reviewed and Approved for submission by: Piu Ghosh, Principal Planner

ATTACHMENTS

1. Draft Resolution for ASA-2018-10
2. Draft Resolution for SP-2018-02
3. Draft Resolution for TR-2019-05
4. Plan Set
5. Tree Removal Plan Set
6. Master Sign Program