



**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

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DESIGN REVIEW COMMITTEE STAFF REPORT

Meeting: March 19, 2020

Subject

Sign Exception to consider allowing LED signage on an existing fuel price ground sign and two additional wall signs on the building and four additional signs on the fuel canopy at an existing service station (Valero). (Application No.: EXC-2019-002; Applicant: Gus Ortega; Location: 1699 South De Anza Boulevard; APN: 366-10-120)

Recommended Action

That the Design Review Committee adopt the draft resolution (Attachment 1) to:

1. Find the project exempt from CEQA; and
2. Approve the Sign Exception (EXC-2020-002).

Discussion

Project Data:

General Plan Designation:	Commercial/Office/Residential			
Special Area:	South De Anza Special Area			
Zoning Designation:	P (CG, Res 5-15) / Planned Development with General Commercial and Residential uses at a density between 5 and 15 units/acre			
Lot Area:	19,949 sq. ft.			
Floor Area:	3,618 sq. ft.			
	Allowed	Existing	Proposed New	Total
Wall Signs	1	1	2 (1 carwash and 1 smog shop)	3
Fuel Canopy Signs	2	2	1 illuminated logo and 3 light bars	6
Ground Sign	1	1	No change to number of signs	LED Reface
Project Consistency with				
General Plan:	Yes			

Zoning:	No – needs sign exception
Environmental Assessment:	Categorically Exempt

Project Location:

The project site is located on the northwest corner of South De Anza Boulevard and Prospect Road at the southern border of the City. To the west of the site is an office building; to the east is a Shell gas station in the City of San Jose; to the north is the Coach House shopping center; and to the south is a 76 gas station in the City of Saratoga.

Background:

In April 2009, a Use Permit (U-2009-02) and Architectural and Site Approval (ASA-2009-02) for a car wash addition and other site improvements were approved at the existing gas station and auto service center site by Planning Commission. The Planning Commission decision was appealed but the approval was upheld, with modifications to the project, by the City Council at a subsequent public hearing on June 2, 2009.

A Sign Exception (EXC-2010-10) was approved on November 4, 2010 to allow two additional illuminated wall signs on the fueling station's north and south canopy faces, in addition to a permitted building wall sign on the eastern elevation.

A Director's Minor Modification (DIR-2019-007) permit was approved on September 4, 2019 to allow exterior modifications to the Food Mart/Smog Shop building and car wash tunnel to comply with Valero's new branding strategies. The overall corporate branding strategy includes updates to the building and fuel price ground signage, which are the subject of this Sign Exception permit.

Applicant Request:

The applicant, Gus Ortega of Sign Development Inc., representing the property owner/operator, Atam Sandhu, is requesting a Sign Exception to allow new signage at the service shop and convenience store building, car wash tunnel, fuel canopy, and fuel

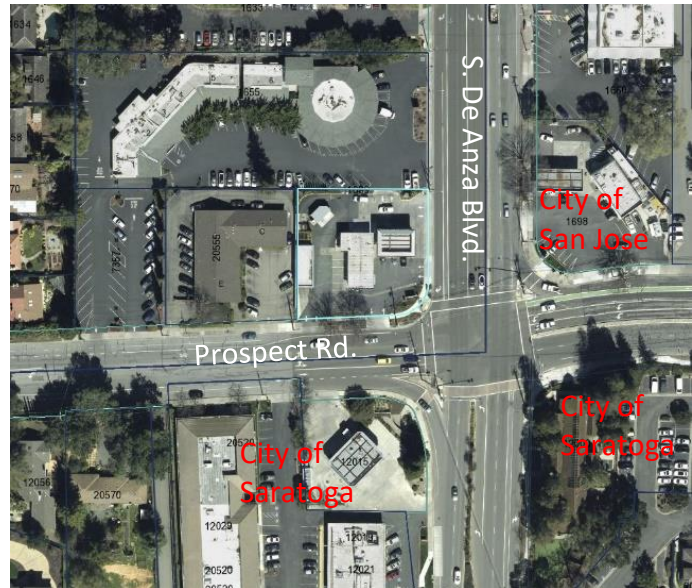


Figure 1: Vicinity Aerial (subject property outlined in blue)

tanks at the Valero service station and update the signage at the existing ground sign as follows:

1. One new 13.5 sq. ft. non-illuminated “Car Wash” wall sign on the south-facing exit tunnel of the car wash building.
2. One new 14.75 sq. ft. illuminated “Smog Shop” wall sign above the service bay door of the service shop and convenience store building.
3. One new 3.25 sq. ft. illuminated Valero “V” logo on the east side of the fuel canopy structure (facing South De Anza Boulevard).
4. Three new LED canopy light bars on the north, east, and south sides of the fuel canopy structure (Two signs - 27.9” x 2.5” and One sign - 19.7” x 2.5”).
5. Reface the existing internally illuminated fuel price cabinet ground sign with new internally illuminated cabinets with light-emitting diode (LED) price numerals (No change to size).

The fuel canopy light bars and fuel price sign require a Sign Exception since the City’s Sign Ordinance prohibits signs with directly visible light sources and requires changeable copy letters or numerals to be made of permanent sign and symbols or letters of high quality and durable materials, respectively (Section 19.04.180(B)). Furthermore, condition #4 of the EXC-2010-10 resolution requires that any additional proposed permanent signs, including any proposed on the car wash tunnel, would need approval under a separate Sign Exception. The City’s Municipal Code requires Design Review Committee review for all Sign Exception applications.

Analysis

Wall Signs and Logo

The City’s Municipal Code has regulations specific to Gasoline Station Signs. However, the wall sign provisions for gasoline stations default to the wall sign provisions for other commercial business. These regulations address the signage needs of commercial businesses that are either on standalone pads or a part of a shopping center. Increasingly, gas stations are demonstrating a need for signage different from conventional commercial businesses, due to their location near street intersections, the unique building/structure arrangements with regards to the fueling stations, convenient store, and car wash facility, a need to compete with alternative fuel vehicles and to attract customers over other gasoline stations in adjoining jurisdictions where such signage is allowed.

As such, several other gas stations throughout the City have received Sign Exceptions or approvals for additional wall and/or canopy signs:

Company/Address (Permit No.)	Canopy Signs	Wall Signs	Ground Sign
Shell / 20999 Stevens Creek Blvd. (EXC-2014-11)	2 (illuminated)	3 (illuminated)	Yes
Chevron / 11010 N. De Anza Blvd. (DIR-2007-09)	3 (illuminated)	1 (illuminated)	Yes
76 / 10275 N. De Anza Blvd. (EXC-2006-05)	2 (illuminated)	1 (non-illuminated)	Yes
Chevron / 10023 S. De Anza Blvd. (DIR-2007-10)	2 (illuminated)	1 (illuminated)	Yes (2)
Chevron / (EXC-1998-02)	2 (illuminated)	1 (illuminated)	Yes (2)

The applicant has proposed two new wall signs (one on the car wash building and one above the service bay storefront) and one new illuminated logo on the existing canopy. The total of all new and existing wall signs is less than 200 square feet, which is the maximum allowed sign area for wall signs per the City's Municipal Code. The proposed signs are well proportioned to the location in which they are proposed. They are not excessively descriptive and are compatible with the design aesthetic of the existing service station. Conditions of approval have been added to ensure that the proposed signs meet the illumination restrictions identified in Section 19.104.230 of the Municipal Code.

Fuel Price LED Signage

The City's Sign Ordinance does not specifically address exposed LED signage on fuel price ground signs. Therefore, under current ordinance provisions, LED fuel price signage is not permitted since it has a directly visible light source and is not considered a permanent, durable material. The restrictions against directly visible light sources are intended to limit glare and distraction to motorists, bicyclists, pedestrians, and residents in the neighborhood. The requirement for high quality, durable material in changeable sign copy is intended to avoid unsightly, reduced quality signage that would diminish the City's aesthetic appearance.

As part of the proposed project, the LED numerals would be equipped with an automatic brightness control that would be adjusted based on the ambient light condition. The signs differ from electronic readerboard signs in that they do not include periodically changing

or animated messages. The proposed LED numerals would remain static, except for when the price of gasoline changes (typically once or twice per day).

The primarily static LED numerals function like the existing plastic numerals in that they change depending on fluctuations in fuel pricing. The LED numerals will enhance convenience by allowing the service station operator to automate fuel price updates and not have to manually change individual numerals. The LED numerals feature crisp, energy efficient illumination with similar lighting intensity as internally illuminated plastic letters. The proposed opaque background of the sign will further reduce light glare.

Two other gas stations have obtained Sign Exceptions for similar LED ground fuel signs. It is anticipated that the number of applications will increase due to the convenience and readability of LED fuel price lighting.

1. Valero (EXC-2014-01) – 10002 N. De Anza Blvd
2. Shell (EXC-2014-11) - 20999 Stevens Creek Blvd

Conditions of approval have been added to the draft resolution to ensure that the illumination guidelines in Section 19.104.230 of the Sign Ordinance for the cumulative impacts of all illuminated ground and wall signs onsite are followed to reduce glare and distraction to motorists, bicyclists, and pedestrians.

Fuel Canopy Light Bar

A proposed element to the fuel canopy includes a blue, downlit LED bar spanning the canopy trim on the north, east, and south sides. The lighting will include an aluminum “eyebrow hood” to diffuse the lighting downward against the canopy fascia rather than out toward the public right of way or the sky. The LEDs are dimmable as well and can be adjusted to minimize excessive glare and ensure that the canopy does not exceed illumination intensities allowed in the Sign Ordinance. Due to the exposed, visible nature of the lighting system, a Sign Exception is required as it is proposed in conjunction to the canopy’s sign design.

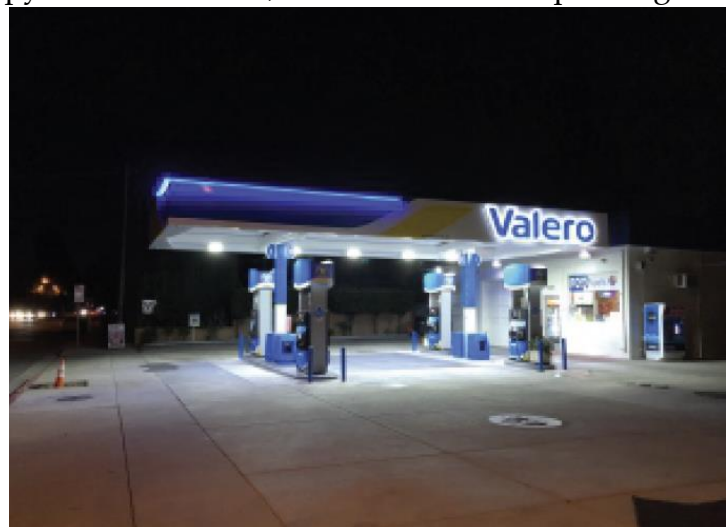


Figure 2. Light bar at another location

Figure 2 shows an example of a Valero site (not within the City) that has the light bar installed.

Unpermitted Signs and Site Improvements

During review of this current Sign Exception and concurrent DIR application, several unpermitted signs were identified on-site, including:

1. Permanent wall advertisement signs as follows:
 - a. On the north, east, and south elevations of the convenience store and service shop building
 - b. “Car Wash” wall signs on the north, east, and south facing car wash structure walls
 - c. Signs unrelated to the car wash on the east-facing car wash building wall
2. Illuminated window signage and non-illuminated window decals exceeding 25% of window surface of each storefront bay window
3. Signs without Temporary Sign Permits as follows:
 - a. Multiple temporary banners
 - b. Temporary freestanding signs (e.g. A-frames)

The applicant has indicated on the plans that all unpermitted signs on site will be removed prior to building final. A condition of approval has been added to the draft resolution to ensure compliance.

Additionally, as part of the U-2009-02/ASA-2009-02 approval, to mitigate traffic circulation conflicts and enhance safety the City Council modified the project approval as follows:

1. The driveway on Prospect Road (nearest the intersection of S. De Anza Boulevard and Prospect Road) be an ingress-only driveway, and
2. The driveway located at the southeast corner along S. De Anza Boulevard (nearest the intersection) be an egress-only driveway.

This was implemented with the building permit for the planning entitlements from 2009. However, during a review of current site conditions, it was observed that the Prospect Road driveway now has unpermitted pavement markers to allow both ingress/egress and the S. De Anza Boulevard driveway now has unpermitted pavement markers to allow ingress-only. A condition of approval has been added to change the directional arrows and to add pole signage to ensure comply with the Council’s previous direction.

Environmental Assessment

This project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301 Existing Facilities (Class 1) consisting of new copy on existing on and off-premise signs.

Public Outreach and Noticing

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

Notice of Public Hearing and Intent, Site Notice & Legal Ad	Agenda
<ul style="list-style-type: none">▪ Site Signage (<i>10 days prior to the hearing</i>)▪ 19 public hearing notices mailed to adjacent property owners (<i>10 days prior to the hearing</i>)	<ul style="list-style-type: none">▪ Posted on the City's official notice bulletin board (<i>one week prior to the hearing</i>)▪ Posted on the City of Cupertino's website (<i>one week prior to the hearing</i>)

No public comments have been received as of the date 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: July 23, 2019; ***Deemed Incomplete:*** August 21, 2019

Notice of Inactivity/Closure Letter Sent: November 6, 2019

2nd Submittal Received: November 13, 2019; ***Deemed Incomplete:*** December 10, 2019

3rd Submittal Received: January 28, 2020; ***Deemed Complete:*** January 31, 2020

The City has up to 60 days from the date of deeming the project complete (until January March 31, 2020) to make a decision on the project.

Conclusion

Staff recommends approval of the Sign Exception since the overall design package addresses the intent of the Sign Ordinance to identify and enhance the business while maintain the aesthetic standards of the City. The updated LED fuel price sign and new building/canopy signs are harmonious with the overall building/canopy and provides good visibility for the public and the needs of the business while minimizing distraction to pedestrians, bicyclists, and motorists. The requested Sign Exception will maintain the City's design standards and support the business in its endeavor to meet corporate branding requirements. Staff recommends approval of the project since the project and conditions of approval address all concerns related to the proposed development and all

the findings for approval of the proposed project, consistent with Chapter 19.104.290 of the Cupertino Municipal Code, may be made.

Next Steps

Should the project be approved, the Design Review Committee's decision on this proposal is final unless an appeal is filed within 14 calendar days of the date of the decision, on April 2, 2020. The applicant may apply for building and other permits at the end of the appeal period.

This approval expires on March 19, 2020, at which time the applicant may apply for a one-year extension.

Prepared by: Jeffrey Tsumura, Associate Planner

Reviewed and Approved by: Piu Ghosh, Planning Manager

ATTACHMENTS:

1 – Draft Resolution

2 – Plan Set