

5.        [18-0852](#)        **Proposed Project:** Amend Sunnyvale Municipal Code Chapter 19.44 to add sign code provisions for theaters on the second floor.  
                         **Location:** Citywide  
                         **File #:** 2018-7131  
                         **Applicant / Owner:** STC Venture LLC  
                         **Environmental Review:** The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a).  
                         **Project Planner:** Noren Caliva-Lepe, (408) 730-7659, ncaliva-lepe@sunnyvale.ca.gov

Senior Planner Noren Caliva-Lepe presented the staff report.

Vice Chair Simons asked staff if the City considered allowing art as a part of a sign to be exempt from the sign code and eligible for the art in private space requirements. Senior Planner Caliva-Lepe stated that current public art requirements stipulate that the content cannot include any commercial signage. Vice Chair Simons commented on the removal of architectural detail from art within the City and the disconnect between signage and location. Senior Planner Caliva-Lepe stated that the Planning Commission could direct staff to explore the option of allowing sign area to include public art. Assistant Director Andrew Miner advised that this cannot be included with the proposed project but that the Planning Commission can recommend this change to City Council for future consideration. Senior Planner Caliva-Lepe commented that the current proposed change to the sign code could allow for greater creativity in regards to non-traditional signage options.

Commissioner Weiss asked staff if amending the sign code will allow for traditional movie theater fin signs. Senior Planner Caliva-Lepe stated that amending the sign code will give the flexibility to explore that option.

Commissioner Weiss asked if the amendment will only apply to Downtown sub-block 5. Assistant Director Miner stated that the change would be limited for use by theaters on the second floor in a Regional Retail Business zone.

Commissioner Harrison commented on the potential increase of commercial area in Downtown or along El Camino Real and asked staff if there are other second-story entertainment uses where a sign code amendment might be appropriate. Senior Planner Caliva-Lepe commented on the unique signage needs of theaters and that this specific practice is consistent with requirements in other cities. Assistant

Director Miner commented that staff's intention was not to modify the sign code for all types of retail or commercial use and that theaters are often treated uniquely in city sign codes.

Commissioner Rheume asked staff about limitations at night for illuminated signs. Assistant Director Miner stated that the standards for signs that face residential areas will still apply. Senior Planner Caliva-Lepe advised that per City code wall signs on side or rear elevations within one hundred fifty feet from any residential zoning district may be illuminated only from 7 am to 10 pm. Commissioner Rheume confirmed with Senior Planner Caliva-Lepe that this will apply to second-story signage. Commissioner Rheume discussed potential signage visibility impacts with Assistant Director Miner.

Chair Howard opened the Public Hearing.

Josh Rupert, representing STC Venture LLC, presented images and information about the proposed project.

Richard Mehlinger, speaking on his own behalf, spoke in support of the proposed project and commented that it would be good to have a study issue that examines having more iconic signage throughout the City.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Rheume seconded the motion for Alternative 1 – Make the finding that the action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a) and Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code (Attachment 5 to this report).

The motion carried by the following vote:

**Yes: 7 -** Commissioner Weiss  
Chair Howard  
Commissioner Howe  
Commissioner Olevson  
Vice Chair Simons  
Commissioner Rheume  
Commissioner Harrison

No: 0

Assistant Director Miner stated that this item goes to the City Council on January 29, 2019.