



# City of Sunnyvale

## Agenda Item

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18-0852

Agenda Date: 12/10/2018

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### REPORT TO PLANNING COMMISSION

#### SUBJECT

**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

#### BACKGROUND

In 2007, the City Council approved a master land use and site development plan for the CityLine project (previously referred to as “Sunnyvale Town Center”) that covers Block 18 of the Downtown Specific Plan (DSP). The plan includes a mixed-use pedestrian-oriented development with Block 18 divided into six sub-blocks. Sub-block 5 is bound by E. McKinley Avenue to the north, S. Sunnyvale Avenue to the east, W. Iowa Avenue to the south, and Murphy Avenue to the west. A two-story commercial building is currently under construction along the northern half of the block (referred to as “Building T”), which will be occupied by Whole Foods on the ground floor and AMC Theaters on the second floor. To address two major commercial/retail businesses on two floors in one building and the unique signage needs of the second-floor theater use, the property owner (STC Venture LLC) is requesting an amendment to the sign code.

Currently, Sunnyvale Municipal Code (SMC) section 19.44.160(b) allows one square foot of sign area per lineal foot of building frontage, with a maximum of 300 square feet. When a building contains multiple tenants and on multiple floors, that sign area is shared among the tenants. STC Venture LLC is requesting that the theater be allocated the same sign area on the second floor as what is allowed on the ground floor. STC Venture LLC also proposes the maximum sign area be increased to 500 square feet for the first and second floor combined.

The recommended changes to SMC section 19.44.160(b) are in Attachment 5. The application is scheduled for City Council consideration on January 29, 2019.

#### EXISTING POLICY

**General Plan Goals and Policies:** The following are key goals and policies from the Land Use and Transportation and Community Character chapters of the General Plan which pertain to the proposed project:

**GOAL LT-4** An Attractive Community for Residents and Businesses

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Policy LT-4.1 Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.

Policy LT-12.6 Create a strong, identifiable Downtown that offers regional and citywide shopping opportunities and entertainment.

**GOAL LT-13** Protected, Maintained, and Enhanced Commercial Areas, Shopping Centers, and Business Districts

Policy LT-13.2 Improve the visual appearance of business areas and districts by applying high standards of architectural design, landscaping, and sign standards for new development and the reuse or remodeling of existing buildings.

Policy CC-3.1 Place a priority on quality architecture and site design, which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.

**GOAL CC-2** Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.

Policy CC-2.2 Minimize elements which clutter the roadway and look unattractive.

**Downtown Specific Plan**

**Vision Statement:** An enhanced, traditional downtown serving the community with a variety of destinations in a pedestrian-friendly environment.

**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) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Projects that are subject to the requirements of the amended chapters will be evaluated on an individual basis.

**DISCUSSION**

Current Sign Code

The sign code designates Block 18 of the DSP as "Regional Retail Business," which allows one square foot of sign area per lineal foot of building frontage, with a maximum of 300 square feet. Regional Retail Businesses are generally located along major commercial corridors, such as commercially-zoned properties within the Precise Plan for El Camino (C-2/ECR) and several blocks within the commercial core of the Downtown Specific Plan (Blocks 1a, 18 and 22). Other Commercial, Office and Public Facility Zoning Districts allow a reduced 0.66 square feet of sign area per lineal foot of building frontage, with a maximum of 200 square feet.

In addition to wall and ground signs, the current code also allows theaters to have electronic messaging and readerboard signs, which have changeable text. Theaters would generally use these types of signs to display show names and times. These types of signs are also counted towards the allowable sign area, which then limits the amount of wall and ground sign area that can be used to display the business name.

#### Proposed Sign Code Amendment

In general, theaters have traditionally been located on ground floors within a single-tenant building or as a major tenant within a shopping center or commercial district. Due to the changing nature of commercial uses and limited land area to build, theaters located above the ground floor have become more viable.

STC Venture LLC is requesting that the second-floor theater within the CityLine project be permitted to have one square foot of sign area for every lineal foot of building frontage, in addition to the signage permitted for the ground floor retail use. In addition, STC Venture LLC proposes the maximum sign area be increased to 500 square feet for the first and second floor combined. All other sign code provisions, including limitations on copy height and illumination are not proposed to be modified. The applicant's letter is contained in Attachment 4.

While the sign code amendment is being initiated by a property owner, staff recommends that the amendment apply to all properties that are within a Regional Retail Business zone, and would apply only to theaters on the second story in those locations.

#### Other Cities

Sign codes for San Jose, Redwood City, Cupertino and Mountain View were reviewed. None of the cities surveyed had specific sign provisions for theaters or other tenants above the ground floor. Like Sunnyvale, sign area is calculated based on the lineal feet of building frontage on the ground floor and shared among the tenants of the building.

Cupertino and Mountain View have similar sign area allowances as Sunnyvale. Redwood City and San Jose allow more sign area, with 1.5 square feet to 2.5 square feet per lineal foot of building frontage for businesses along their major commercial corridors or downtowns, respectively. Redwood City and San Jose also allow theater marquee signs to be excluded from the maximum sign area, which results in more signage opportunities for theaters.

#### Analysis

To approve a modification to the Sunnyvale Municipal Code, the City Council must find that the modification is deemed to be in the public interest.

The current sign code contained in SMC Chapter 19.44 was created to balance two key goals: maintaining Sunnyvale's attractive community character by avoiding excessive sign clutter, while still providing opportunities for businesses to effectively identify themselves. The current sign code did not anticipate a theater on a second level above another major tenant.

The proposed sign code amendment provides an opportunity for theaters on the second floor to meet their signage needs. Regional Retail Business zones are generally located along major roadways and often, on larger properties that contain larger buildings. Larger sign areas increase the

proportionality of signage to the massing of these larger buildings. Theaters also have more of a regional draw. Therefore, the visibility of their signs is helpful as wayfinding for patrons that may be driving along major roadways or travelling via public transit. In addition, increasing the sign area for theaters provides greater flexibility for theaters to incorporate their signage into the building architecture, such as fin or blade signs.

The current sign code provides sufficient controls to prevent negative impacts associated with sign clutter. For example, the current sign code limits copy heights and illumination of signs when located within 150 feet of a residential zone. The current sign code also requires electronic messaging and readerboard signs to be counted towards sign area if located on a building exterior, which also helps to limit the amount of signage on a building. Signage design guidelines, such as those included in the Downtown Specific Plan and Precise Plan for El Camino Real, also help to maintain an attractive community character.

A separate Planning permit will be required to review the CityLine theater signs to assess compliance with the sign code provisions and relevant design guidelines.

### **FISCAL IMPACT**

The recommended changes to SMC section 19.44.160(b) are minor in nature and would not create a fiscal impact to the City.

### **PUBLIC CONTACT**

Public contact was made through posting of the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, on the City's website and by placing a notice in the Sun newspaper.

Courtesy notices were also sent to property owners and residents within 300 feet of the CityLine sub-block 5 boundary, as well as to the Heritage District Neighborhood Association and the Sunnyvale Downtown Association. As of the date of staff report preparation, staff has received no comments from the neighbors.

### **ALTERNATIVES**

Recommend that the City Council:

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).
2. Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code (Attachment 5 to this report).
3. Adopt an alternative with modifications.
4. Direct staff to return with significant changes to the revised sign code.
5. Make no changes to the current regulations.

### **STAFF RECOMMENDATION**

Alternatives 1 and 2: Recommend that the City Council 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).

It is not uncommon for city sign codes to allow increased signage for theaters due to the variety of signs unique to that use. The Sunnyvale sign code already acknowledges that theaters may have special signage needs by allowing readerboards and electronic messaging signs that are generally not permitted with other uses. In other cities, greater sign area allowances are given for theater uses.

Staff finds that the proposed sign code amendment is within the public interest, as it helps theaters located on the second floors within Regional Retail Business zones to effectively identify themselves. Adequate controls exist within the other sign code provisions and design guidelines, which helps to avoid excessive sign clutter.

Prepared by: Noren Caliva-Lepe, Senior Planner

Reviewed by: Andrew Miner, Assistant Director of Community Development

Reviewed by: Trudi Ryan, Community Development Director

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

#### **ATTACHMENTS**

1. Reserved for Report to Council
2. Site, Vicinity and Public Notice Mailing Map
3. Recommended Finding
4. Applicant's Letter
5. Draft Ordinance Amending SMC Chapter 19.44.160(b)