

Planning Commission Date: June 13, 2007

Item No. 2

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Tiffany Kunsman

Public Hearing: Yes: X No: _____

Notices Mailed On: 6/1/07 Published On: 5/31/07 Posted On: 6/1/07

TITLE: USE PERMIT NO. UP2007-8 AND "S" ZONE APPROVAL AMENDMENT NO. SA2007-9

Proposal: A request to install two (2) 4' X 8' off-site tract signs for the Paragon development.

Location: One sign is located at the northeast corner of Curtis and Main St. The second sign is located on a vacant parcel at the southwest corner of N. Milpitas Blvd. and Able St.

APN: 086-25-020 (sign @ Curtis and Main)
028-17-001 (sign @ N. Milpitas and Abel)

RECOMMENDATION: Approve with Conditions.

Applicant(s): Sign Technology, 4775 Hannover PL, Fremont, CA 94538

Property Owner(s): Woo Kan J. and Lan H. (sign @ Curtis and Main), 2650 Kelly Ave., Mc Kinleyville, CA 95519

McDonald Marion W. Trustee (sign @ N. Milpitas and Able) P. O. Box 361255 Milpitas, CA 95035

Previous Action(s): Site an Architectural Review No. SZ2003-10, Use Permit No. UP2003-34, Variance No. VA2003-3, EIA No. EA2003-10, Use Permit No. UP2004-25 and Site and Architectural Review Amendment No. SA2005-18.

Environmental Info: Categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities)

General Plan Designation: Industrial Park (INP)

Present Zoning: Industrial Park with an "S" Combining District (MP-S) and Agriculture with an "S" Combining District (A-S)

Existing Land Use: Multi-Tenant Commercial Building

Agenda Sent To: Applicant and Owners (as noted above)

Attachments: Plans

PJ No. 2478

BACKGROUND

In September 2004, the City approved Site an Architectural Review No. SZ2003-10, Use Permit No. UP2003-34, Variance No. VA2003-3, and EIA No. EA2003-10 for a 285-unit residential development on the site of a former Lockheed industrial warehouse. The residential development is known as Parc Place.

On September 22, 2004, the Planning commission approved Use Permit No. UP2004-25 for the use of a temporary tract office and two (2) temporary tract signs for Parc Place.

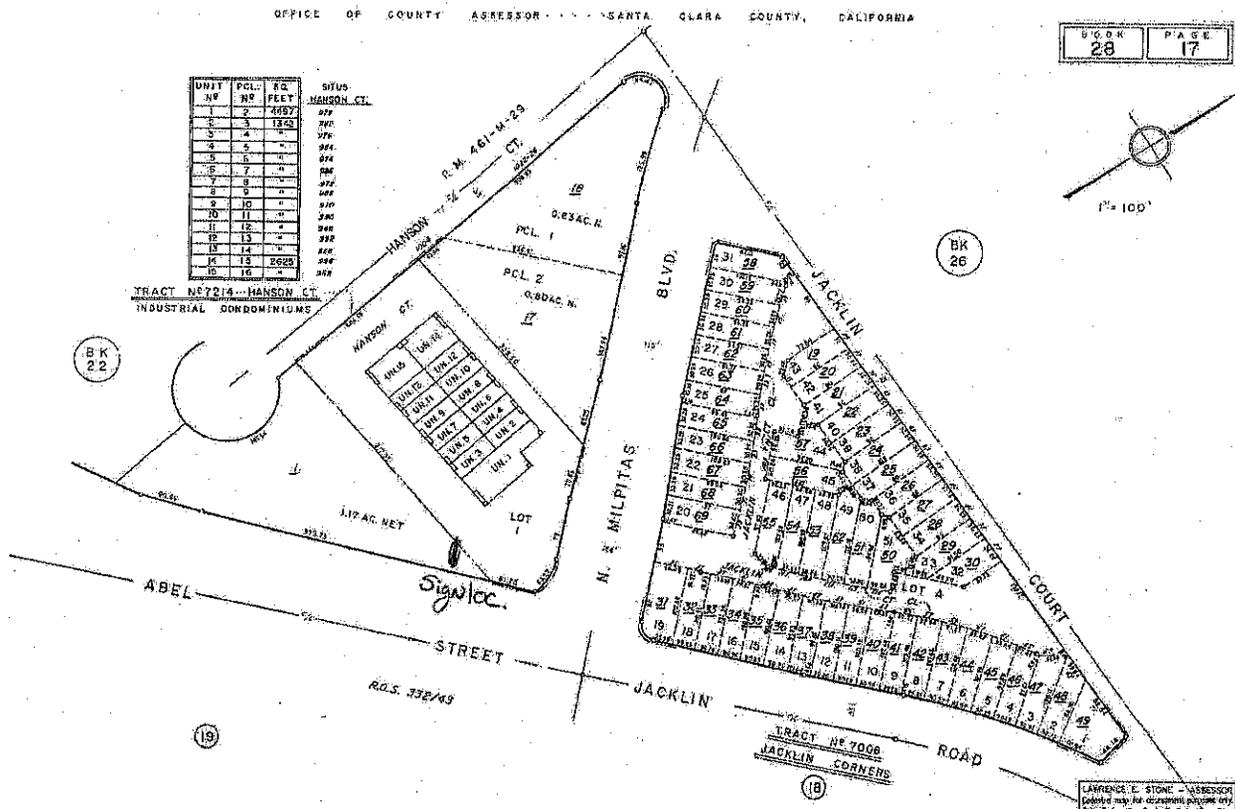
On April 13, 2005, the Planning Commission Subcommittee approved an “S” Zone Approval Amendment No. SA2005-18 for the request to install another tract sign for the Parc Place Development.

The above approved sign locations are the same locations where Paragon is proposing their signage (for Use Permit No. UP2007-8 and “S” Zone Approval Amendment No SA2007-9). One (1) of the two (2) temporary tract signs for Parc Place was approved in September of 2004, and the other sign is at the location that was approved in April 2005.

*Note: There will not be two signs in the same location. The applicant is proposing to replace the existing signs with the new designed tract sign for Paragon.

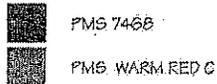
SITE DESCRIPTION

The first site location is on the northwest corner of Abel St. and N. Milpitas Blvd. It is a 117 acre lot zoned “A” for Agriculture. The sign will be located 50 feet away from Able Street and 10 feet away from Berryessa Creek Trial.



PROJECT DESCRIPTION

The applicant is proposing the same design for both locations. The sign size is a 4' x 8' freestanding sign that will stand 72" tall. The proposed colors are blue and red. See picture below.



CONFORMANCE WITH GENERAL PLAN

This project conforms with the General Plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with the following General Plan Implementing Policies.

Implementing Policy 2.a-1-22 which encourages development of the Midtown area as an attractive and economically vital district that accommodates a mixture of housing within a system of landscaped boulevards, streets and pedestrian/bicycle linkages. The proposed project meets the intent of the Midtown Specific Plan and is part of the home selling process that will facilitate the creation of new homes within the Midtown area.

Implementing Policy 2.b-1-3 which provides housing opportunities in Milpitas by meeting the City's regional fair-share housing obligations. The project is part of the larger housing development, which will add # new housing units to the city, thus, providing to Milpitas' fair share to the region.

Analysis: The proposed project is consistent with Implementing Policy 2.a-1-22 in its part of the home selling process that will facilitate the creation of new homes within the Midtown Area.

The proposed project is consistent with Implementing Policy 2.b-I-3 in that the signage supports the housing development, which is providing Milpitas' fair share to the region.

CONFORMANCE WITH THE ZONING ORDINANCE

The proposed project sites are zoned Industrial Park with an "S" Combining District (MP-S) and Agriculture with an "S" Combining District (A-S) and the signage is conditionally permitted with a Use Permit and "S" Zone Amendment Permit. The use is consistent with the Paragon Residential Development and provides potential applicants and interested neighbors with the location/information contact about the new residential development

NEIGHBORHOOD/COMMUNITY IMPACT

The Project is expected to have a positive community impact by generating public awareness on the location and how to find information about the new Paragon residential development. Based on this, staff concludes that this proposal will not have a negative community impact because the project sign location are out of the public right of ways and are a conditionally permitted use plus they provide the public with information.

CONFORMANCE WITH CEQA

This Project is categorically exempt from further environmental review pursuant to Class 2, Section 15032 ("Replacement or Reconstruction") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Conditional Use Permit No. UP2007-8 and "S" Zone Approval No. SA2007-9 based on the Findings and Special Conditions of Approval listed below.

FINDINGS

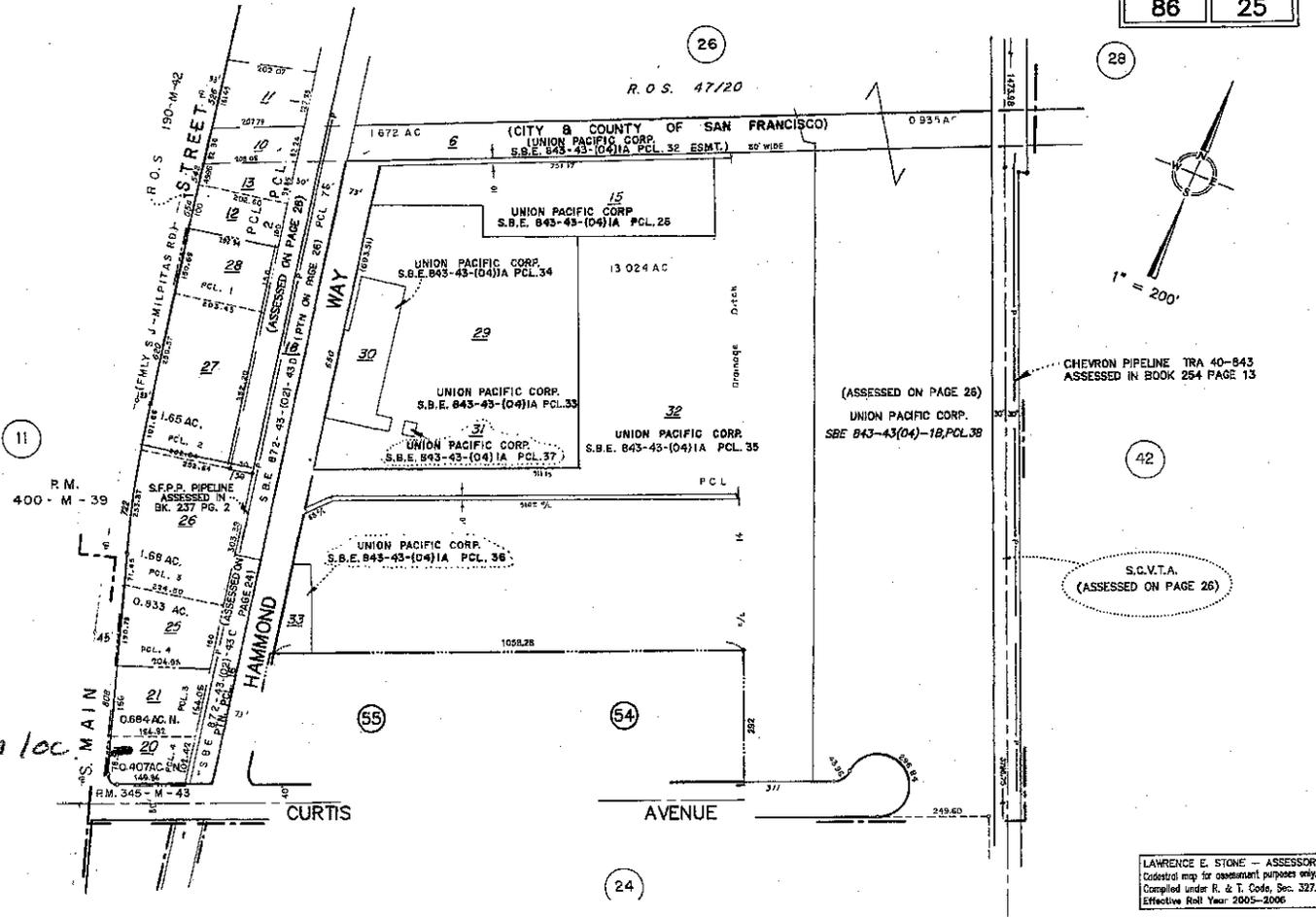
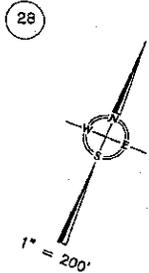
1. The proposed use is consistent with the City of Milpitas General Plan in terms of land use because the signage is compatible with the neighboring uses and encourages public awareness within the City.
2. The proposed signage is consistent with the City of Milpitas Zoning Ordinance because the proposed use is a conditionally permitted use in the Industrial Park zone. As for the Agriculture zone, the proposed is consistent with the site and architectural review permit.
3. The proposed signage will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community.
4. This proposed project is categorically exempt from further environmental review pursuant to Class 2, Section 15302 (Replacement or Reconstruction) of the State CEQA Guidelines.

SPECIAL CONDITIONS

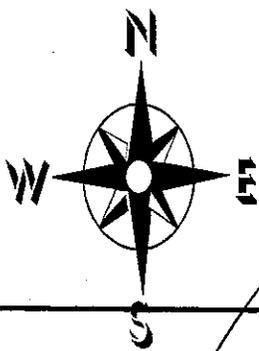
1. This Use Permit and "S" Zone Approval is for the placement of two offsite tract signs. Any modifications to the approved plans shall require the review and approval by the Planning Commission for an amendment to this permit. (P)

2. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies or private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
3. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to plan check and inspection deposit, and 2.5% building permit automation fee. (E)
4. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
5. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
6. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
7. The edge of the proposed sign at Abel Street & Milpitas Boulevard shall be located 45-foot minimum back from the Abel Street face of curb to clear the public right of way or easement. No permanent structure is allowed within the public right of way or easement. At the time of building plan check submittal, the developer shall revise the plan to incorporate the changes. (E)

Planning Division = (P)
Engineering Division = (E)



LAWRENCE E. STONE — ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2005-2006



Jacklin

680

880

Abel

Main St

Curtis

Milpitas Blvd



Main St

Montague Expy

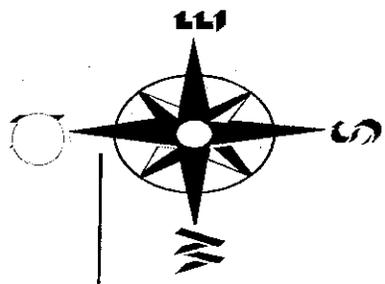
Capitol Ave

880

680

Hostetter

Capitol Ave

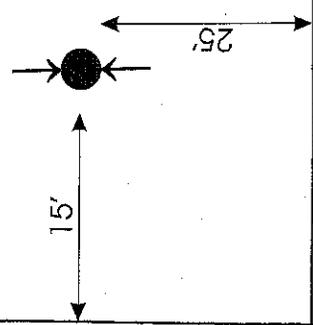


Calveras

Curtis

Main St

Abel



8'

4'

4'x8' panel made of
3/8" MDO plywood

All hardware to be galvanized or
stainless steel

Main Post os 4"x12"x12' #2 Pressure Treated
Douglas Fir withy a 2"x10"x10' attached
perpendicular to each side and decorative
pieces made of 2"x4"'s and 2"x2"'s

Maximum distance
between ground
and bottom of panel
is 72"

Post is sunk 50" into ground and
secured with earth and
concrete

24"