



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: February 11, 2009

APPLICATION:	SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0030
APPLICATION SUMMARY:	A request to amend the existing sign program and add a monument sign for Liberty Plaza.
LOCATION:	1200 S. Abel Street (APN: 86-16-099)
APPLICANT:	Cal-Neon Illuminart, 1206 Old Mt. View Alviso Road D, Sunnyvale, CA 94089
OWNER:	Tan T Nguyen, 1200 S Abel Street, Milpitas, CA 95035
RECOMMENDATION:	Staff recommends that the Planning Commission: 1. Close the public hearing; and 2. Approve the project subject to the attached Resolution No. 09-012 and conditions of approval.
PROJECT DATA:	
General Plan/	
Zoning Designation:	General Commercial / General Commercial
Specific Plan:	Midtown Specific Plan
Overlay(s):	Transit Oriented Development Overlay and Site and Architectural Overlay District
Related Permits:	'S' Zone Approval Amendment approved in 1991 for a sign program
CEQA Determination:	Categorically exempt from further environmental review pursuant to Section 15301 (g) Section 15311 of the California Environmental Quality Act (CEQA) guidelines.
PLANNER:	Tiffany Brown
ATTACHMENTS:	A. Resolution No. 09-012 B. Sign Program

LOCATION MAP



BACKGROUND

An ‘S’ Zone permit and Environmental Impact Assessment permit No. 532 for “Liberty Plaza” was approved on June 1, 1989 for a two-story retail/office building at the southeast corner of South Abel Street and Capitol Ave. On April 10, 1991 an ‘S’ Zone Approval –Amendment permit was approved for a sign program for the “Liberty Plaza” Center. The sign program included tenant signs to be internally-illuminated box style signs with rounded corners and a maximum height of 18 inches. The sign frame and sign face background would be an opaque teal color to match building window trim. Lettering and logo would be translucent ivory to allow light to shine through. Letter height would be a maximum of 10 inches, logos a maximum of 12 inches in height. No other color would be allowed.

On December 8, 2009, Ale Toscano of Cal-Neon Illuminart submitted an application amend the existing sign ordinance, updating the allowable store front signage style and adding a monument sign. According to the Milpitas Municipal Code Chapter 30, Section 4.04 (b) for Sign Programs, a sign program shall be reviewed through a site development permit by the Planning Commission because the applicant has requested the proposal.

PROJECT DESCRIPTION

Liberty Plaza is located on the Abel Street, just south of the New Centria Project near the Great Mall. Liberty Plaza is zoned General Commercial with Transit Oriented Development overlay and ‘S’ Zone overlay districts. Zoning to the north and east and south of the plaza is Multi Family Very High Density Residential (R4) and zoning to the west of the plaza is Single Family Residential (R1-6). A vicinity map of the subject site location is included on the previous page.

Development Standards

Per our Milpitas Municipal Code Chapter 30, Section 3.02 for maximum permissible sign area for the entire plaza is 980.5 square feet. In order to figure out the allowable amount of signage for each tenant, we have to compute the multiplier. The multiplier is derived from taking the total square footage of the building (29,895 square feet) and dividing that total by the maximum allowable signage for the entire plaza (980.5 / 29,895 = 0.0327 multiplier). See Table 1 below for each tenant space and the maximum allowable square footage.

Table 1
Allowable Sign Area

Tenant Square Footage	Maximum allowable square footage of signage
930 square feet (930 x 0.0327)	30.411 square feet
1,000 square feet	32.7 square feet
1100 square feet	35.97 square feet
1250 square feet	40.875 square feet
1300 square feet	42.51 square feet
1415 square feet	46.27 square feet
1450 square feet	47.415 square feet

Tenant Square Footage	Maximum allowable square footage of signage
2100 square feet	68.67 square feet
3800 square feet	124.26 square feet
5000 square feet	163.5 square feet
<i>Total storefront signage</i>	<i>632.581 square feet</i>
<i>Monument Sign</i>	<i>42 square feet</i>
<i>Total signage proposed</i>	<i>674.58 square feet</i>
<i>Total signage allowed</i>	<i>980.5 square feet</i>

Based on the proposed sign program, each tenant is allowed one wall sign. The style of the wall signage will be single channel letters with internal illumination. The maximum height of the letters is 18” tall and sign length shall not exceed a length of 20’. The letters will be made from black or bronze aluminum coil. Logo marks and custom letter styles are allowed within the following guidelines: Logo boxes must not exceed 20” tall. Faces to be translucent acrylic with face color and trim-cap (face color, trim-cap and returns must be same color) to be determined by the tenant and approved by the landlord. Letter styles may vary from tenant to tenant to offer some flexibility depending on the tenant’s advertising needs. The placement of the channel letters are to be on the off-white cement-plaster fascia above the tenant space preferably centered over the entry door, if possible. Entire sign must be located within the boundaries of the tenant space frontage unless special landlord variance is obtained.

Liberty Plaza is also proposing to have a double faced monument sign along the S. Abel street frontage to advertise the center and it’s tenants. The monument sign stands 5’ 11” tall measured from the top of curb and is 42 square feet per side. The Sign Ordinance does not “double count” the sign area, when a sign includes identical sign area on opposite sides of the sign. The proposed colors of the frame of the sign match the existing building and will complement the shopping center. As conditioned the project will include a maintained landscaping planter area, including small flowering shrubs will be included at the base of the sign. Table 1 demonstrates that including the square footage of the monument sign, project proposal is still within the allowed amount of sign square footage. (*Refer to attachment B; site plans*)

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project’s consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 2
General Plan Consistency

Policy	Consistency Finding
<i>Implementing Policy 2.a-I-3 Encourage economic pursuits which will strengthen and</i>	Consistent. The proposed sign program and monument sign will assist patrons in identifying

Policy	Consistency Finding
<i>promote development through stability and balance.</i>	the available retail within the Liberty Plaza. The proposed signage will add to the City’s economic vitality by generating business in its location and increased patronage of the commercial center.

Sign Ordinance

A sign program is consistent with the allowable amount of signage and they type of signage. All sign programs must meet the following findings:

1. That the program’s contribution to effective and attractive identification of businesses, services and uses and the design quality of the site and surrounding area will be superior to the quality that would result under the regulations and standards of the Sign Regulations;
2. That all of the proposed signs of the retail, office or industrial complex, multi-tenant building, shopping center, automobile dealership or building are well-related to each other, and compatible with the style or character of existing improvements on the site and adjacent sites;
3. That all of the proposed signage shall generally conform with the Design Guidelines in Section XI-30-3/04;
4. No signs in the Sign Program are prohibited signs as regulated in Section XI-30-6; and
5. That the requirements of Section XI-10-42 are met.

The proposed sign program meets all the above findings.

Zoning Ordinance

The proposed sign program is consistent with the Milpitas Zoning Ordinance in that the design of the sign is compatible an aesthetically harmonious with adjacent and surrounding development.

Midtown Specific Plan

The proposed sign program is consistent with the Midtown Specific Plan Design Guidelines for signage in that the proposal is designed to complement the architectural style and setting of the structure and the wall and fascia signs should be compatible with the predominant visual elements of the building.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Section 15301 (g) of the California Environmental Quality Act (CEQA) guidelines because the project’s update, removal, replacement, and use of existing tenant signs merely constitutes a minor alteration and operation of existing structures, facilities, or topographical features. . Furthermore, the project is categorically exempt from further environmental review pursuant to Section 15311 (Accessory Structures) of the CEQA guidelines

because the project's proposed installation of a monument sign constitutes the construction or placement of a minor structure accessory to (appurtenant to) existing commercial facilities.

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

CONCLUSION

By updating the store front signage and adding the complementing monument sign, the project proposal really updates the shopping center. The project is consistent with the General Plan, Zoning Ordinance, Sign Ordinance, and consistent with the design guidelines of the Midtown Specific Plan.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve Site Development Permit Amendment No. SA08-0030, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 09-012
- B. Sign Program

RESOLUTION NO. 09-012**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0030, LIBERTY PLAZA, TO AMEND THE EXISTING SIGN PROGRAM AND ADD A MONUMENT SIGN LOCATED AT 1200 S ABEL STREET**

WHEREAS, on December 8, 2009 an application was submitted by Cal-Neon Illuminart, 1206 Old Mt. View Alviso Road D, Sunnyvale, CA 94089, to allow for an amendment to the existing sign program and add a monument sign for Liberty Plaza. The property is located within the General Commercial Zoning District (APN 86-16-099); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from further environmental review pursuant to Section 15301 (g) of the California Environmental Quality Act (CEQA) guidelines.

WHEREAS, on February 11, 2009, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The project is categorically exempt from further environmental review pursuant to Section 15301 (g) of the California Environmental Quality Act (CEQA) guidelines because the project merely provides new copy on and updates existing tenant signs in a manner that constitutes only minor alteration and operation of existing structures, facilities, or topographical features. Furthermore, the project is categorically exempt from further environmental review pursuant to Section 15311 (Accessory Structures) of the CEQA guidelines because the project's proposed installation of a monument sign constitutes the construction or placement of a minor structure accessory to (appurtenant to) existing commercial facilities.

Section 3: The proposed sign program and monument sign is consistent with the Milpitas General Plan Policy (*Implementing Policy 2.a-I-3*) in that it will assist patrons in identifying the available retail within the Liberty Plaza. The proposed signage will add to the City's economic vitality by generating business in its location and increased patronage of the commercial center.

Section 4: The proposed Sign program is consistent with the Milpitas Municipal Code Chapter 30 for Signs in that the program's contribution to effective and attractive identification of businesses, services and uses and the design quality of the site and surrounding area will be

superior to the quality that would result under the regulations and standards of the Sign Regulations and all signage is compatible with the style and character of the building. The proposed signage complies with the design guidelines in Title XI, Chapter 30, Section 3/04.

Section 5: The proposed sign program is consistent with the Milpitas Zoning Ordinance in that the design of the sign is compatible an aesthetically harmonious with adjacent and surrounding development.

Section 6: The proposed sign program is consistent with the Midtown Specific Plan Design Guidelines for signage in that the proposal is designed to complement the architectural style and setting of the structure and the wall and fascia signs should be compatible with the predominant visual elements of the building.

Section 5: The Planning Commission of the City of Milpitas hereby approves Site Development Permit Amendment No. SA08-0030, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on February 11, 2009.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on February 11, 2009, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Cliff Williams				
Aslam Ali				
Lawrence Ciardella				
Alexander Galang				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				

EXHIBIT 1

**CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT AMENDMENT NO. SA08-0030**

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on February 11, 2009, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

2. Site Development Permit No. SA08-0030 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued.

Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of SA08-0030 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

3. Prior to building permit issuance for any sign on the property, the applicant shall submit a revised set of plans to the Planning Division showing the maximum allowable square footage of signage table, a landscape plan showing the plants around the monument sign, and an update on the allowable colors for the store frontage signs.
4. The maximum permissible sign area for the entire shopping center is 980.5 square feet. The multiplier for the allowable sign area per tenant is derived from taking the total square footage of the building (29,895 square feet) and dividing that total by the maximum allowable signage for the entire center ($980.5 / 29,895 = 0.0327$ multiplier).

The allowable sign area for the shopping center is as follows:

Allowable Sign Area

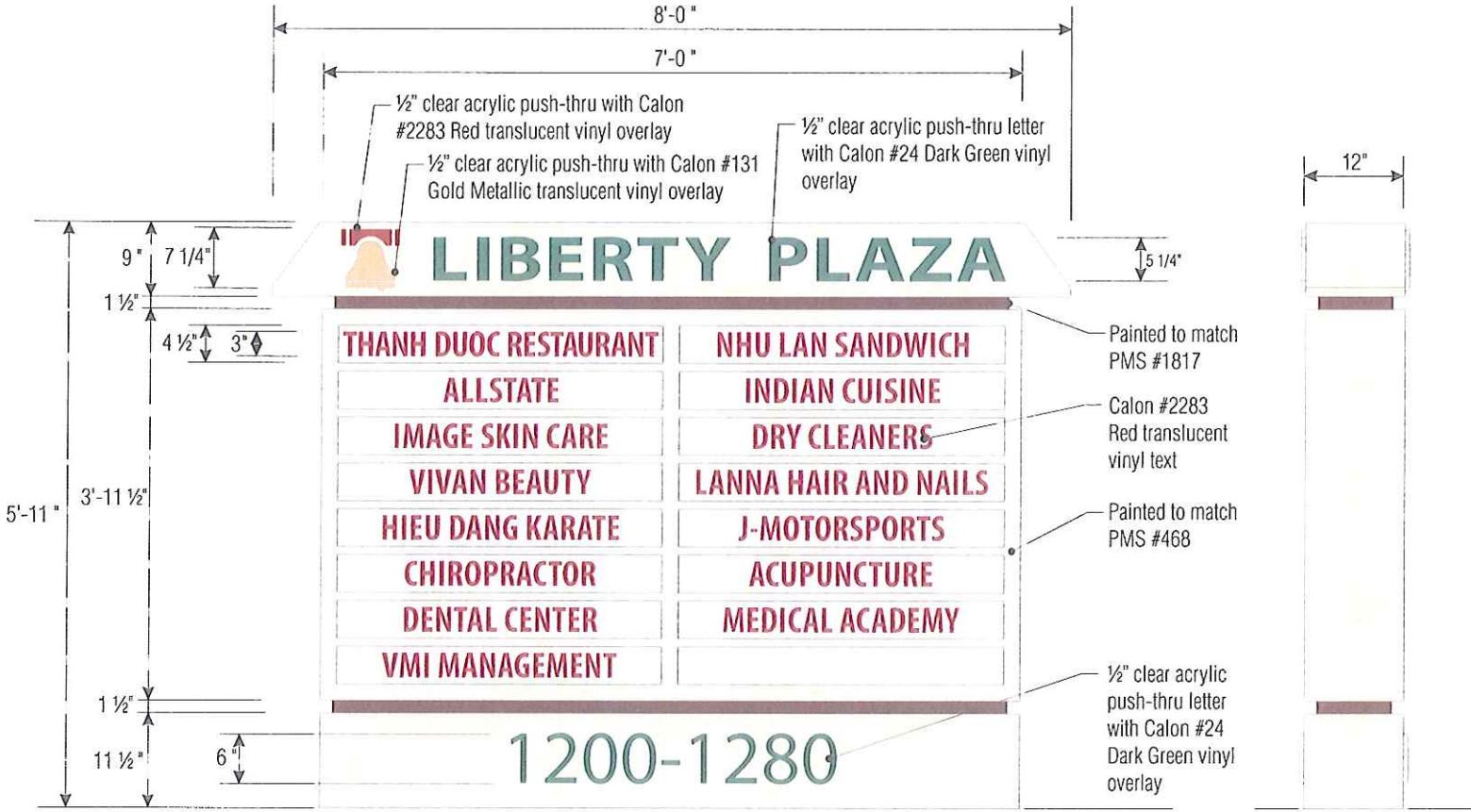
Tenant Square Footage	Maximum allowable square footage of signage
------------------------------	--

Tenant Square Footage	Maximum allowable square footage of signage
930 square feet (930 x 0.0327)	30.411 square feet
1,000 square feet	32.7 square feet
1,100 square feet	35.97 square feet
1,250 square feet	40.875 square feet
1,300 square feet	42.51 square feet
1,415 square feet	46.27 square feet
1,450 square feet	47.415 square feet
2,100 square feet	68.67 square feet
3,800 square feet	124.26 square feet
5,000 square feet	163.5 square feet
<i>Total storefront signage</i>	<i>632.581 square feet</i>
<i>Monument Sign</i>	<i>42 square feet</i>
<i>Total signage proposed</i>	<i>674.58 square feet</i>
<i>Total signage allowed</i>	<i>980.5 square feet</i>

5. Based on the sign program:

- a. Each tenant is allowed one wall sign.
- b. The maximum height of the letters is 18” tall and sign length shall not exceed a length of 20’.
- c. Logo marks and custom letter styles are allowed within the following guidelines:
 - i. Logo boxes must not exceed 20” tall.
- d. The style of the wall signage will be single channel letters with internal illumination.
- e. The letters will be made from black or bronze aluminum coil.
- f. Faces to be translucent acrylic with face color and trim-cap (face color, trim-cap and returns must be same color) to be determined by the tenant and approved by the landlord.
- g. Letter styles may vary from tenant to tenant to offer some flexibility depending on the tenant’s advertising needs.

- h. The placement of the channel letters are to be on the off-white cement-plaster fascia above the tenant space preferably centered over the entry door, if possible.
 - i. Entire sign must be located within the boundaries of the tenant space frontage unless special landlord variance is obtained.
- 6. Liberty Plaza's double faced monument sign along the S. Abel street stands 5'11" tall measured from the top of curb and is 42 square feet per side. The proposed colors of the frame of the sign shall match the existing building.
- 7. The owner or designee shall create and maintain a landscaping planter area that includes small flowering shrubs at the base of the monument sign.



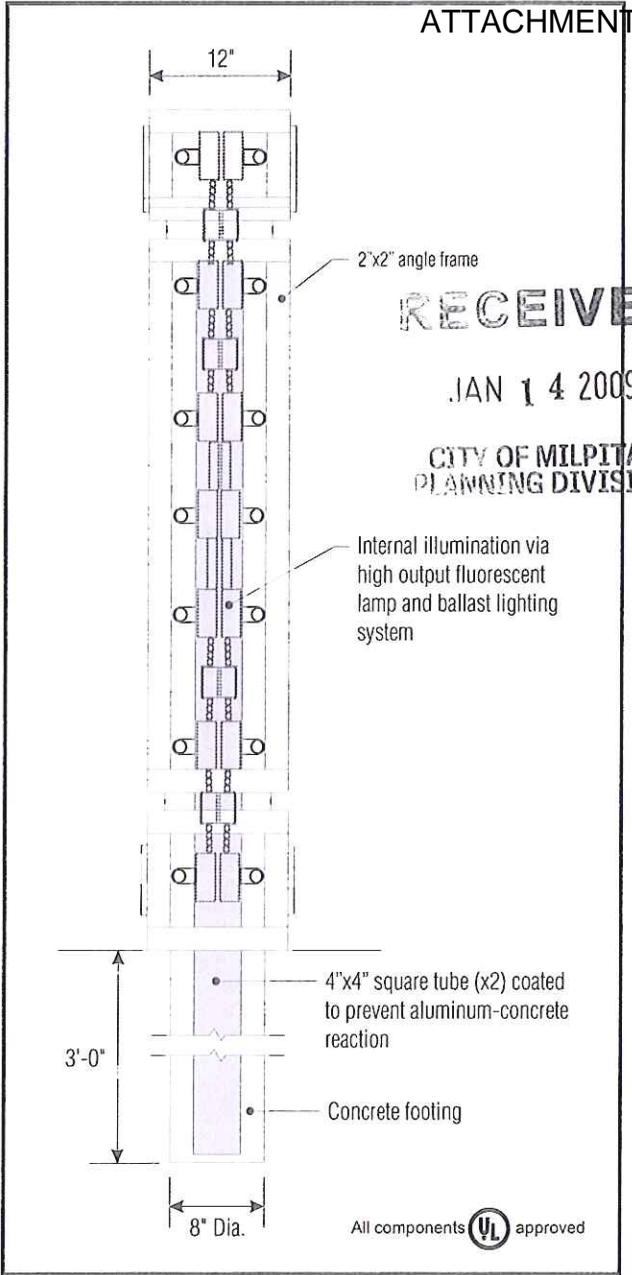
Note: Same layout both sides

1 Elevation View Scale: 3/4"=1'
Qty. 1

Double-sided aluminum monument sign with White Lexan faces with vinyl graphics. Internally illuminated with high-output fluorescent lamps.

42 Sq. Ft. per side

1a Side View.



RECEIVED

JAN 14 2009

CITY OF MILPITAS
PLANNING DIVISION

Internal illumination via high output fluorescent lamp and ballast lighting system

4"x4" square tube (x2) coated to prevent aluminum-concrete reaction
Concrete footing
8" Dia.
3'-0"

All components approved

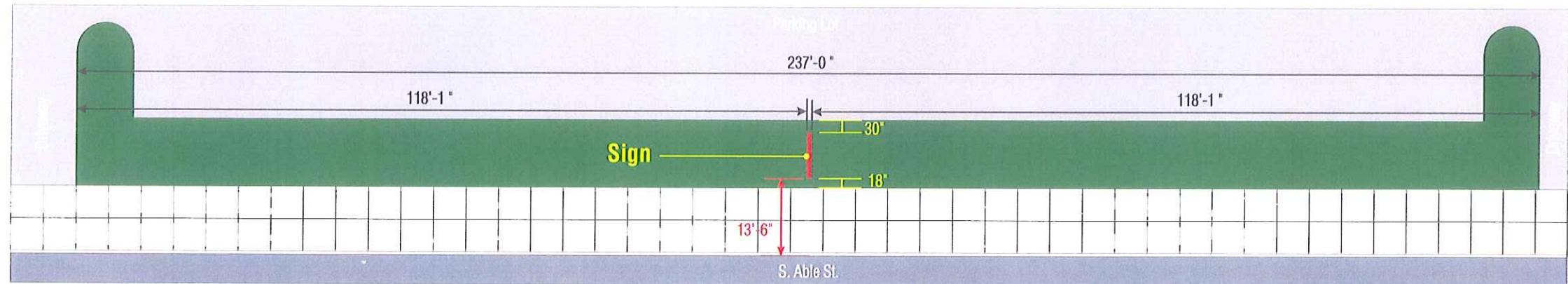


Drawn for: Liberty Plaza - 1200-1280 S. Abel St., Milpitas, CA		Date: 1/8/09	Sheet 1 of 5
Drawing No.: 1920	Salesperson: Stone Baxter	Revisions	
File Name.: dd-Liberty Plaza 1920 Rev 7	Designer: P. Pemberton	1	10/17/08 PRP 5 11/11/08 PRP
File Path: d:/Cal-Neon Job Files/Liberty Plaza/1920	Approved _____ Date _____	2	10/21/08 PRP 6 11/21/08 PRP
		3	10/22/08 PRP 7 1/8/09 PRP
		4	10/31/08 PRP 8

COPYRIGHT NOTICE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING SUBMITTED FOR USE IN CONNECTION WITH A PROJECT PLANNED BY CAL-NEON SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION WITHOUT THE WRITTEN PERMISSION OF AN AUTHORIZED OFFICIAL OF CAL-NEON SIGNS.



Site Map



Scale: 1/16"=1'



Drawn for: Liberty Plaza - 1200-1280 S. Abel St., Milpitas, CA

Date: 1/8/09

Sheet 2 of 5

Drawing No.: 1920

Salesperson: Stone Baxter

File Name.: dd-Liberty Plaza 1920 Rev 7

Designer: P. Pemberton

File Path: d:/Cal-Neon Job Files/Liberty Plaza/1920

Approved _____ **Date** _____

Revisions				
Date	By	Date	By	
10/17/08	PRP	5	11/11/08	PRP
10/21/08	PRP	6	11/21/08	PRP
10/22/08	PRP	7	1/8/09	PRP
10/30/08	PRP	8		

COPYRIGHT NOTICE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING SUBMITTED FOR USE IN CONNECTION WITH A PROJECT PLANNED BY CAL-NEON SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION WITHOUT THE WRITTEN PERMISSION OF AN AUTHORIZED OFFICIAL OF CAL-NEON SIGNS.



2008/10/29

LIBERTY PLAZA
 BROWN DOCK RESTAURANT KING LANS SANDWICH
 ALLSTATE INDIAN CUISINE
 WIDE OPEN OASE DAN CLEANING
 WYOM BEAUTY KENNA HAIR AND NAILS
 HIEU DA NG MARSAE 2 MOTORSPORTS
 CHIROPRACTOR ACUPUNCTURE
 DENTAL CENTER MEDICAL READERY
 WIND MANAGEMENT

1200-1280



Drawn for: Liberty Plaza - 1200-1280 S. Abel St., Milpitas, CA		Date: 1/8/09	Sheet 3 of 5																								
Drawing No.: 1920	Salesperson: Stone Baxter		<table border="1"> <thead> <tr> <th colspan="4">Revisions</th> </tr> <tr> <th>Date</th> <th>By</th> <th>Date</th> <th>By</th> </tr> </thead> <tbody> <tr> <td>1 10/17/08</td> <td>PRP</td> <td>5 11/11/08</td> <td>PRP</td> </tr> <tr> <td>2 10/21/08</td> <td>PRP</td> <td>6 11/21/08</td> <td>PRP</td> </tr> <tr> <td>3 10/22/08</td> <td>PRP</td> <td>7 1/8/09</td> <td>PRP</td> </tr> <tr> <td>4 10/30/08</td> <td>PRP</td> <td>8</td> <td></td> </tr> </tbody> </table>	Revisions				Date	By	Date	By	1 10/17/08	PRP	5 11/11/08	PRP	2 10/21/08	PRP	6 11/21/08	PRP	3 10/22/08	PRP	7 1/8/09	PRP	4 10/30/08	PRP	8	
Revisions																											
Date	By	Date		By																							
1 10/17/08	PRP	5 11/11/08	PRP																								
2 10/21/08	PRP	6 11/21/08	PRP																								
3 10/22/08	PRP	7 1/8/09	PRP																								
4 10/30/08	PRP	8																									
File Name.: dd-Liberty Plaza 1920 Rev 7	Designer: P. Pemberton																										
File Path: d:/Cal-Neon Job Files/Liberty Plaza/1920	Approved _____	Date _____																									

COPYRIGHT NOTICE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING SUBMITTED FOR USE IN CONNECTION WITH A PROJECT PLANNED BY CAL-NEON SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION WITHOUT THE WRITTEN PERMISSION OF AN AUTHORIZED OFFICIAL OF CAL-NEON SIGNS.

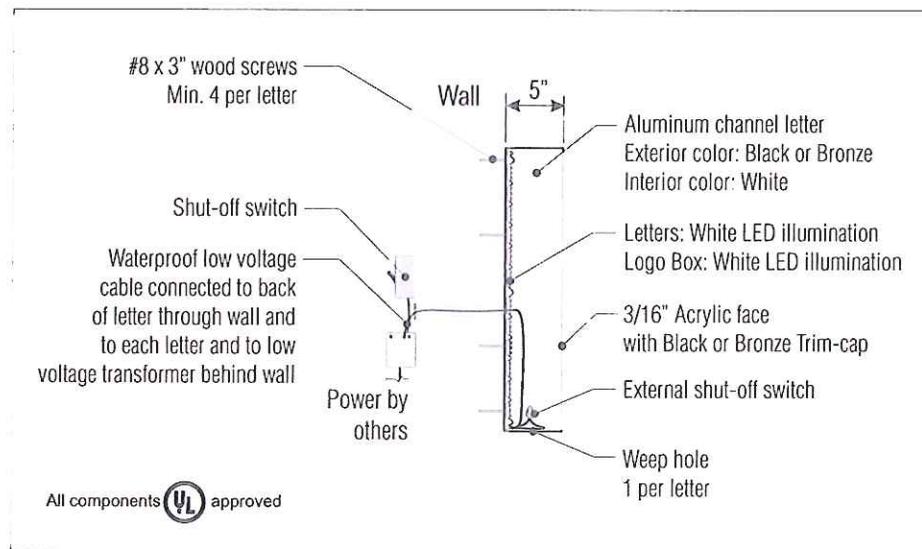


1 Elevation View Scale: 1/2"=1'
 Aluminum face-lit channel letters with Internal illumination.
 letters to be made from Black or Bronze aluminum coil. Faces to
 be translucent acrylic with Black or Bronze trim-cap. Face color
 to be determined by tenant and approved by landlord.

1a Side View



Existing



1b Electrical/Attachment Detail Scale: NTS
 Approx. weight: 2 lbs per letter / Light Box: 3 lbs



Proposed



Drawn for: Liberty Plaza - 1200-1280 S. Abel St., Milpitas, CA

Date: 1/8/09 Sheet 4 of 5

Drawing No.: 1920

Salesperson: Stone Baxter

File Name.: dd-Liberty Plaza 1920 Rev 7

Designer: P. Pemberton

File Path: d:/Cal-Neon Job Files/Liberty Plaza/1920

Approved _____ **Date** _____

Revisions			
Date	By	Date	By
1 10/17/08	PRP	5 11/11/08	PRP
2 10/21/08	PRP	6 11/21/08	PRP
3 10/22/08	PRP	7 1/8/09	PRP
4 10/30/08	PRP	8	

COPYRIGHT NOTICE: THIS IS AN ORIGINAL UNPUBLISHED DRAWING SUBMITTED FOR USE IN CONNECTION WITH A PROJECT PLANNED BY CAL-NEON SIGNS. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE COPIED, REPRODUCED, OR EXHIBITED IN ANY FASHION WITHOUT THE WRITTEN PERMISSION OF AN AUTHORIZED OFFICIAL OF CAL-NEON SIGNS.