



## MILPITAS PLANNING COMMISSION AGENDA REPORT

### PUBLIC HEARING

Meeting Date: May 13, 2009

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**APPLICATION:**     **CONDITIONAL USE PERMIT NO. UP09-0007**

**APPLICATION  
SUMMARY:**

A request to construct a new freestanding monument sign over six feet in height on the corner of Buckeye Drive and Sycamore Drive

**LOCATION:**

1511 Buckeye Drive (APN: 086-03-025)

**APPLICANT:**

Cal Neon, 1206 Old Mountain View Alviso Road, #D, Sunnyvale, CA 94089

**OWNER:**

Linear Technology, 1630 McCarthy Boulevard, Milpitas, CA 95035

**RECOMMENDATION:**

**Staff recommends that the Planning Commission:**

- 1. Close the public hearing following public testimony; and**
- 2. Adopt Resolution No. 09-025 approving the proposed project, subject to conditions of approval.**

**PROJECT DATA:**

General Plan/Zoning:

Industrial Park/ Industrial Park (MP)

Overlay District:

Site and Architectural Overlay (-S)

CEQA Determination:

Categorically exempt from CEQA pursuant to Section 15311 (Accessory Structures-On-premise signs)

**PLANNER:**

Judie Gilli, Associate Planner

**PJ:**

2579

**ATTACHMENTS:**

- A. Resolution No. 09-025
- B. Project Plans

# LOCATION MAP



Not to Scale

## **BACKGROUND**

On August 4, 1983, the Planning Commission approved, and on August 16, 1983, the Redevelopment Agency approved, Site and Architectural Review (now known as “Site Development Permit”) for a 73,622 square foot two-story industrial building on the southwest corner of Buckeye Drive and Sycamore Drive. The building was never built out to its approved size and the current building size is 43,027 square feet. Subsequent amendments to the previous approval have included modifications to the front entrance canopy design, and approvals of a freestanding sign, an underground water tank, a pump house structure, interior and exterior improvements, landscape improvements and parking lot re-stripe. Construction is in progress for the interior, exterior, landscape and parking lot improvements.

## **SITE DESCRIPTION**

The project site is located on the southwest corner of Buckeye Drive and Sycamore Drive. The 161,256 square foot lot consists of a 43,027 square foot industrial building, trash enclosure, underground water tank, and a pump house structure. The project site is located in an industrial park and is surrounded by other industrial buildings.

## **PROJECT DESCRIPTION**

The applicant is proposing to construct a freestanding monument sign located at the corner of Buckeye Drive and Sycamore Drive. The sign measures approximately nine feet tall and 13.5 feet wide. The sign area of one side is 91 square feet. The sign will be made of double sided aluminum with aluminum letters mounted to it that are internally illuminated (halo-lit). The concrete base is painted beige and grey to match the existing building. The text, “Linear Technology” will be featured on the sign, consistent with the other Linear Technology signs in the area.

## **ANALYSIS**

### ***Height and Area of Sign***

Per the Sign Ordinance, the height of a sign is measured from top of sidewalk to top of sign. The allowed sign height is 25 feet. The proposed sign is nine feet when measured from top of sign to top of sidewalk. The sign is located on a slight mound, approximately one foot from the sidewalk. The sign area is 91 square feet for each side, giving a total proposed square footage of 182 square feet. The allowed sign area, based on the linear frontage of the site is 1,578 square feet.

### ***Design Guidelines***

Section 30-3.04 of the Sign Ordinance requires that the Planning Commission consider the following design guidelines for proposed signs:

1. The relationship of the sign to the space on the building where the sign is to be located.
2. Relationship of the location of the sign to all facades of all buildings on the site.

3. Compatibility of materials, architecture, design, and continuity with other signs on the building.
4. Illumination of the sign as it relates to other signs on the subject building, other light sources, competition and interference of light sources and intrusion of light into residential areas.
5. Visibility and legibility (letter height and legibility, contrast-background relationship, placement and location).
6. Impact on other immediate signs in terms of visibility, legibility, and scale.
7. Traffic conditions, including but not limited to, traffic safety and circulation, visibility, road width, curb cuts, or driveway indentations, median, proximity of major intersections, signals or stops, average traveling speed or any other natural physical obstruction.
8. The proximity of the sign to residential districts.
9. Relationship of the height of the sign to the height of the building at that location.
10. Quantity of other signs in the vicinity of the subject sign on or off of the subject parcel.
11. Impact on visibility of other signs in the vicinity of the subject sign.
12. Other such factors that the Planning Commission, Planning Commission Subcommittee and Planning staff shall determine as relating to the impact of the sign to the general environment.

The proposed sign is located on the corner of Buckeye Drive and Sycamore Drive, which is reasonable and acceptable because the site does not currently have any signs calling attention to the building or its tenant. The proposed sign is compatible with the existing building in that it is made of masonry material and has a simple design that is in keeping with the existing building and buildings adjacent to it commonly found in the industrial area. The illumination will be internal, and acceptable for the area. The sign is legible and simple with the words, "Linear Technology and IC Design Center" with an address on the side of the sign. Linear Technology has constructed the same sign in another location nearby as shown below:



The letter height and colors are appropriate for the white background of the sign. The sign is placed in a location where sight distance and visibility have been reviewed and approved by the City’s Public Works Department. The height of the sign, at nine feet, is appropriate and necessary as this is the only sign proposed for the site. The quality of the sign meets the Sign Ordinance. The sign will be required to hide electrical conduits so that they are inconspicuous and will not have an exposed transformer. Pursuant to the Sign Ordinance, maintained landscaping will be at the base of the sign.

**ADOPTED PLANS AND ORDINANCES CONSISTENCY**

***General Plan***

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

**Table 1**  
**General Plan Consistency**

<b>Policy</b>	<b>Consistency Finding</b>
2.a-I-3 Encourage economic pursuits, which will strengthen and promote development through stability and balance.	<b>Consistent.</b> The proposed project is consistent with Implementing Policy 2.a-I-3 because it will strengthen and promote the use and provide a sign to direct the public.
2.a-I-7 Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.	<b>Consistent.</b> The project complies with Policy 2.a-I-7 in that it promotes business retention by safely directing the public to the site.

***Zoning Ordinance***

The proposed project is located in the Industrial Park Zoning District and is conditionally permitted with a Conditional Use Permit since the sign is over six feet in height. With the approval of this application, the proposed project conforms to City’s Zoning Ordinance. The proposed sign is appropriate because it is compatible with the existing building and adjacent structures and with the approval of this CUP will meet all the requirements of the Zoning Ordinance. The project complies with the Sign Ordinance for freestanding signs.

**ENVIRONMENTAL REVIEW**

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). This Project is categorically exempt from further environmental review pursuant to Class 11, Section 15311(a)

(“Accessory Structures--On-premise signs”) of the CEQA Guidelines. The proposed sign will not require an extensive amount of grading or negatively affect wildlife or the environment.

**PUBLIC COMMENT/OUTREACH**

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, no inquiries were received.

**CONCLUSION**

The primary consideration of a conditional use permit relates to the design of the sign and compatibility with surrounding structures. The applicant proposes to construct a freestanding sign that is compatible in design with the building it serves and the buildings around it. The proposed sign meets the requirement of the Sign Ordinance. The sign is appropriate because the colors, materials and location meets the Sign Zoning Ordinance and is necessary to direct the public to the building. Staff’s position is that the proposed sign is appropriate for the proposed location.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve UP09-0007 subject to the attached Resolution.

*Attachments:*

- A. Resolution No. 09-025
- B. Project Plans

**RESOLUTION NO. 09-025**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UP09-0007 TO ALLOW A FREESTANDING SIGN LOCATED AT 1511 BUCKEYE DRIVE**

**WHEREAS**, on March 31, 2009, an application was submitted by Cal Neon, 1206 Old Mountain View Alviso Road, #D, Sunnyvale, CA 94089, to allow a freestanding sign, located at 1511 Buckeye Drive (APN: 086-03-025) within the Industrial Park Zoning district; 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 is categorically exempt per Section 15311(a), (Accessory Structures--on-premise signs) of the California Environmental Quality Act (CEQA) Guidelines.

**WHEREAS**, on May 13, 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 per Section 15311, (Accessory Structures) of the California Environmental Quality Act (CEQA) Guidelines in that the proposed sign will constitute the construction of a minor structure appurtenant to existing commercial and industrial facilities and will not require an extensive amount of grading or negatively affect wildlife or the environment.

**Section 3:** With respect to UP09-0007, the proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare in that it meets all requirements of the City's Zoning Ordinance and General Plan. The proposed sign is nine feet in height and the location of the sign conforms to safety and lines of sight standards.

**Section 4:** The proposed use is consistent with the Milpitas General Plan in that it meets General Plan Policy 2.a-I-3 and 2.a-I-7. The proposed sign is necessary to direct the public to the subject building's location since the building does not currently have a sign. It would encourage economic activity in the area, thereby strengthening and promoting balanced development and promoting local business activity.

**Section 5:** The proposed use is consistent with the Milpitas Zoning Ordinance in that the height, sign area, materials and design all meet the requirements of the Sign Ordinance.

**Section 6:** The Planning Commission of the City of Milpitas hereby recommends approval of conditional use permit UP09-0007, 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 May 13, 2009.

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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 May 13, 2009, and carried by the following roll call vote:

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Cliff Williams				
Aslam Ali				
Lawrence Ciardella				
Alexander Galang				
Sudhir Mandal				
Gurdev Sandhu				
Noella Tabladillo				
Mark Tiernan				

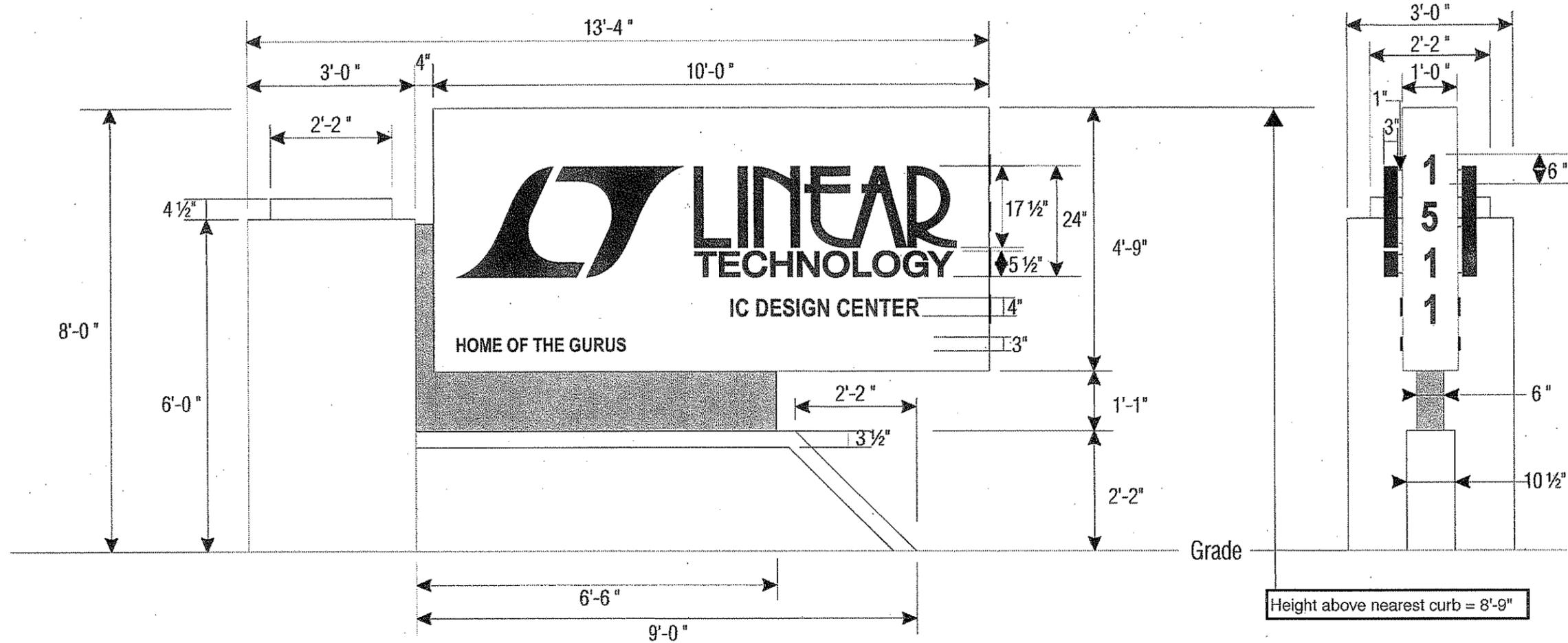
**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT UP09-0007**

A request for approval of a freestanding monument sign over six feet in height.  
1511 Buckeye Drive (APN: 086-03-025)

**General Conditions**

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials approved by the Planning Commission on May 13, 2009, in accordance with these Conditions of Approval. (P)
2. Any deviation from the approved elevations, materials, colors 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. (P)
3. UP09-0007 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. (P)
4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of UP09-0007 if said request is made, filed and approved by the City Council prior to expiration dates set forth herein. (P)



**1 Elevation View** Scale: 3/8"=1'  
Qty. 1

**1a Side View**

Double-sided aluminum sign cabinet with aluminum reverse-pan halo-lit channel letters to be mounted onto concrete monument structure. Letters are internally illuminated with LED lighting system.

- Concrete monument painted and texture coated gray and beige to match existing concrete monument structures.
- Sign cabinet shall be painted off-white/beige to match existing.
- Logo and letters painted to match PMS #202.
- "IC DESIGN CENTER", "HOME OF THE GURUS", and address numbers are 1/2" thick acrylic painted to match PMS #202. Non-illuminated.

106.66 Sq. Ft.

**Paint Color**



PMS #202



Drawn for: Linear Technology - 1511 Buckeye Dr., Milpitas, CA

Date: 3/12/09 Sheet 1 of 3

Drawing No.: 1986

Salesperson: David Gale

File Name.: dd-Linear Tech 1986 Rev 2

Designer: P. Pemberton

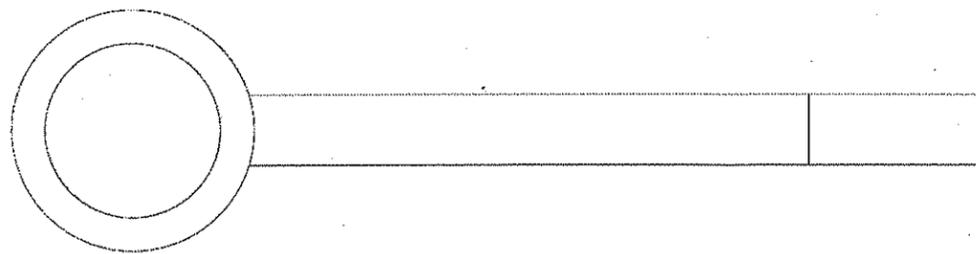
File Path: d:/Cal-Neon Job Files/Linear Technology

Approved \_\_\_\_\_ Date \_\_\_\_\_

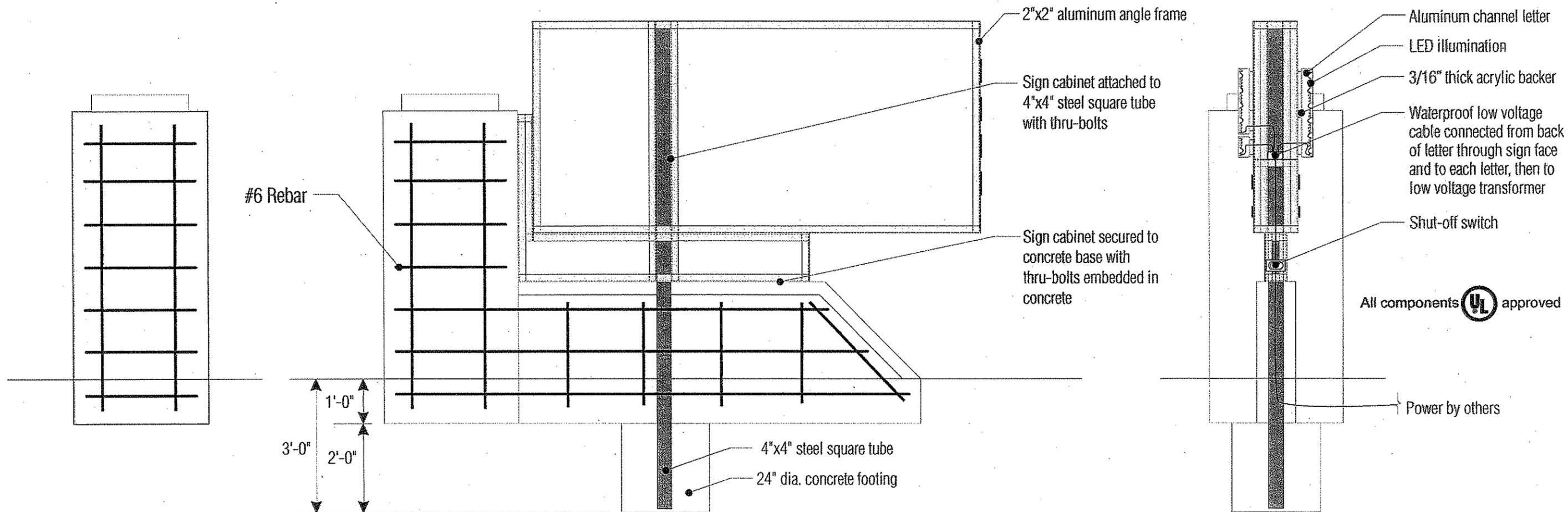
Revisions

	Date	By		Date	By
1	2/2/09	PRP	5		
2	3/12/09	PRP	6		
3			7		
4			8		

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**D** Top View - Concrete Base



**B** Back View

**A** Elevation View Scale: 3/8"=1'

**C** Side View - Electrical Detail



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Date: 3/12/09 Sheet 2 of 3

Drawing No.: 1986

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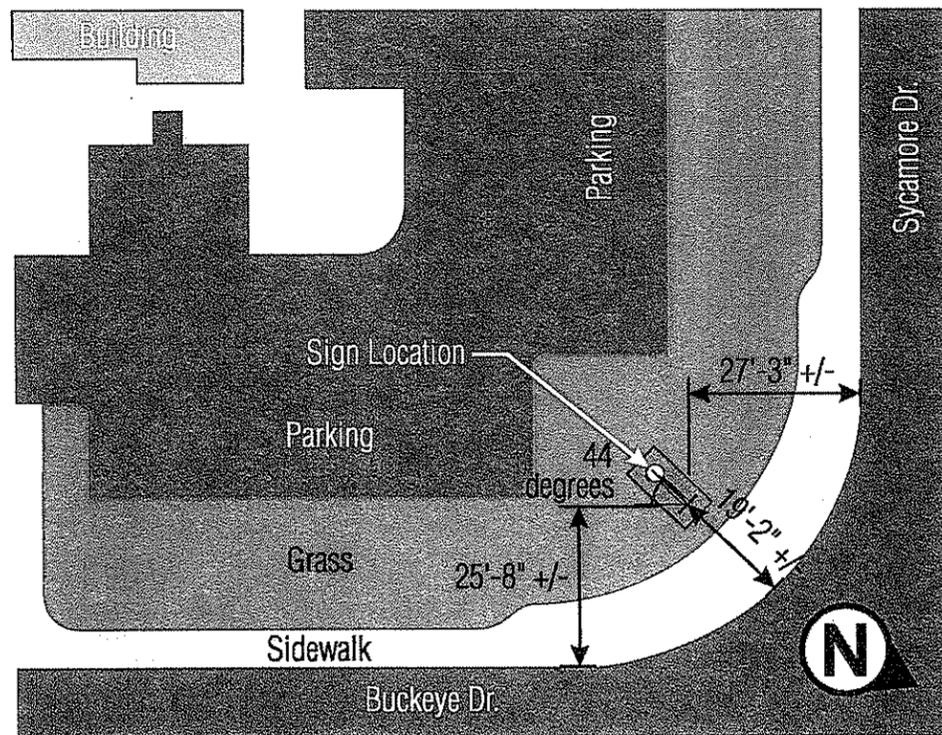
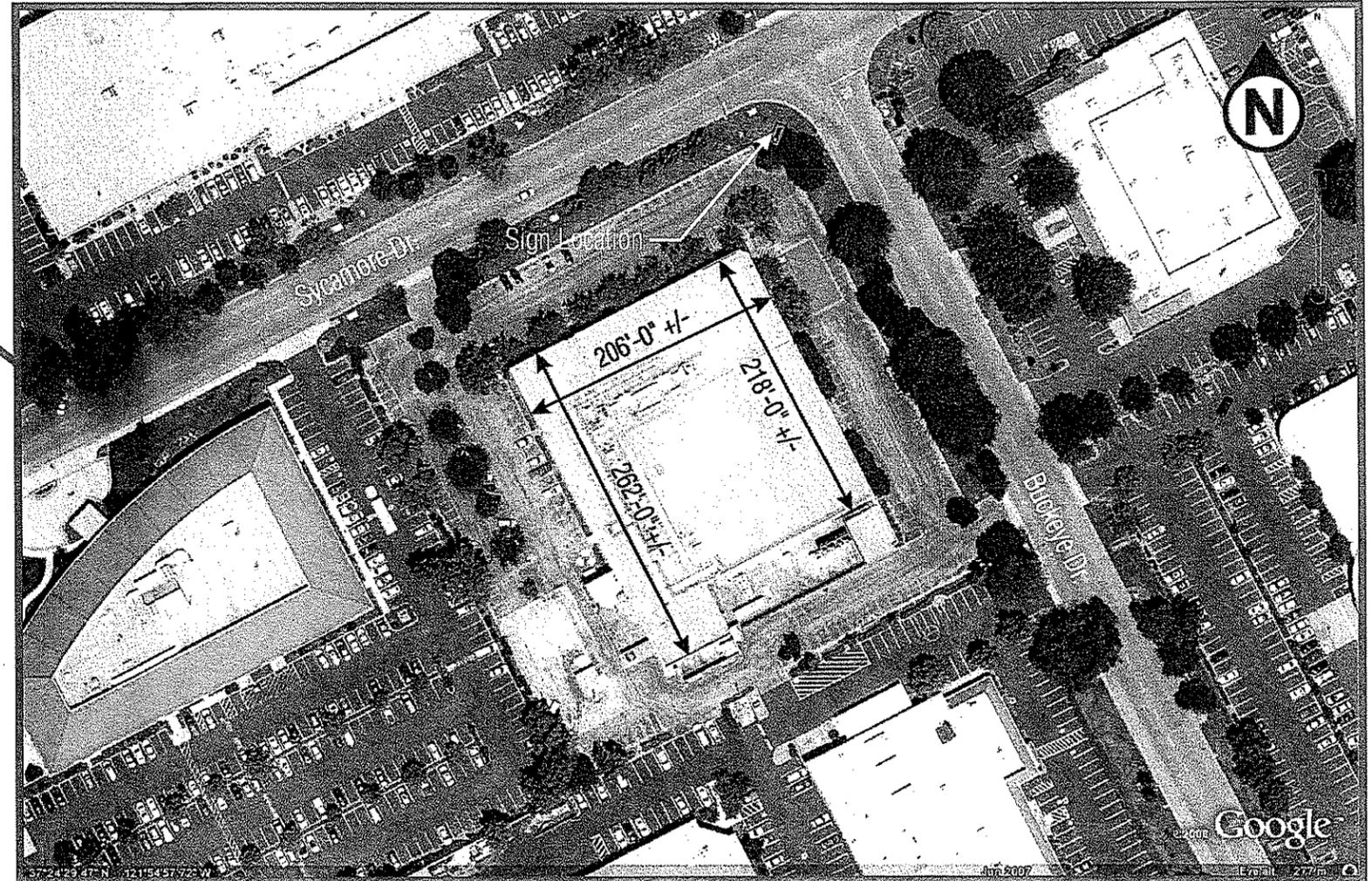
Designer: P. Pemberton

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Approved \_\_\_\_\_ Date \_\_\_\_\_

Revisions			
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Site Map



Drawn for: Linear Technology - 1511 Buckeye Dr., Milpitas, CA

Drawing No.: 1986

File Name.: dd-Linear Tech 1986 Rev 2

File Path: d:/Cal-Neon Job Files/Linear Technology

Salesperson: David Gale

Designer: P. Pemberton

Approved \_\_\_\_\_ Date \_\_\_\_\_

Date: 3/12/09

Sheet 3 of 3

Revisions				
	Date	By	Date	By
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2	3/12/09	PRP	6	
3			7	
4			8	

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