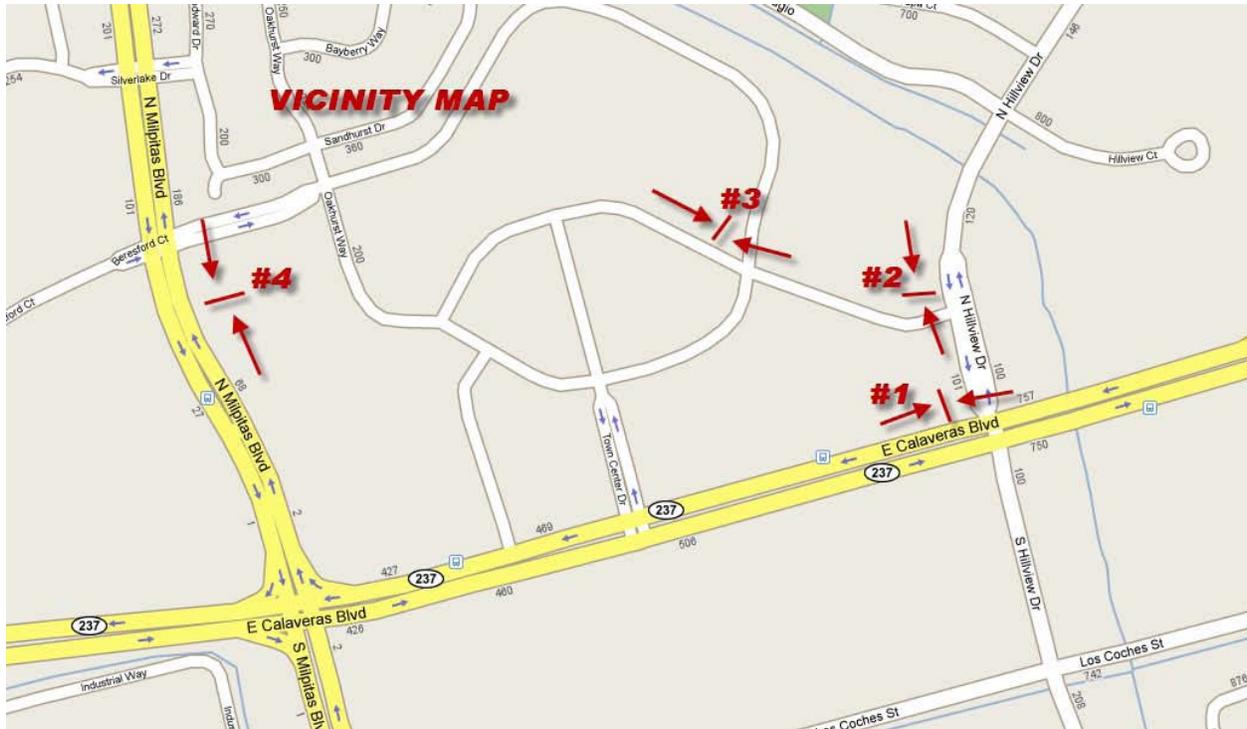


LOCATION MAP



Not to Scale

BACKGROUND

In 1980, the City Redevelopment Agency approved an S-Zone application (known now as a Site Development Permit) for the construction of the Milpitas Town Center. Subsequently, numerous 'S' Zone approval amendments and use permits for restaurants, multi-plex cinema, sign program, and monument signs have been approved. On March 24, 2004, the Planning Commission approved the Town Center redevelopment that includes the addition of 65 town homes, new supermarket and commercial areas, freestanding signs, and a new sign program. The retail portion of the project is complete and the residential portion of the project is currently under construction. Two of the eight buildings are complete. Pursuant to Section 30-3.10 (v) a conditional use permit is required to be considered by the Planning Commission for temporary tract advertising signs.

SITE DESCRIPTION

The temporary tract advertising signs are located on four locations in the vicinity of the Town Center Villas. The signs are already constructed in their locations indicated on the plans. The attached pictures in the plan set are pictures of the signs in their location. The applicant is requested approval of this conditional use permit to bring the signs into conformance. Please see the vicinity map of the plans for specific locations.

PROJECT DESCRIPTION

The applicant is proposing four temporary tract advertising signs to help them market the sale of the Town Center Villas. The signs are located in strategic locations in the vicinity of the townhomes. The first sign is located at the corner of N. Hillview Dr. and E. Calaveras. The second sign is located at the corner of N. Hillview Dr. near the former Mervyn's building. The third is located inside the Town Center Plaza on a landscape stripe near Georgio's. The fourth sign is located along N. Milpitas Blvd. south of Beresford Ct. All four signs are eight feet by four feet and are constructed on wood posts. Each sign advertises the name of the townhome, "Town Center Villas" and indicates the location of the townhomes. Currently, there are two permanent signs that advertise the Town Center Villas. These two signs occupy the signage area of the former Mervyn's store, which is now vacant.

ANALYSIS

Pursuant to the Sign Ordinance of the City's Municipal Code (Title XI, Chapter 30), temporary tract advertising signs are required to meet the following:

1. Have no more than six major signs
2. Shall not exceed twelve (12) feet in height including appendages
3. Shall not exceed thirty-two (32) square feet of surface area including all borders.
4. Not to be closer than one hundred fifty (150) feet from any residential building.
5. Be closer than one hundred (100) feet from any existing and authorized sign or billboard.
6. Be set back less than fifteen (15) feet from any property boundary line on which it is to be located.
7. Not be permitted within six hundred (600) feet of a Santa Clara County Expressway.

The signs meet all of the requirements above.

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

Policy	Consistency Finding
<i>2.a-I-3 Encourage economic pursuits, which will strengthen and promote development through stability and balance.</i>	Consistent. The project is consistent with Implementing Policy 2.a-I-3 because it will help market the townhomes and provide a sign to direct the public.

Zoning Ordinance

The proposed project is located in the Town Center Zoning District and a temporary tract advertising sign is permitted with a Conditional Use Permit. With the approval of this application, the proposed project conforms to City’s Zoning Ordinance. The signs are appropriate because it meets all the requirements of the Zoning Ordinance. The size and location of the signs are appropriate. The project complies with the Sign Ordinance for temporary tract advertising sign.

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”) and Class 4, Section 15304(e) (“Minor Temporary Use of Land”) of the CEQA Guidelines. The signs will not require an extensive amount of grading or negatively affect wildlife or the environment. The signs will further be used only for temporary advertising purposes.

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 requirements for temporary tract advertising signs. The applicant constructed four temporary tract advertising signs in the vicinity of the townhomes. The signs meet the requirement of the Sign Ordinance. The signs are appropriate because the size, area and location meet the Sign Zoning Ordinance and are necessary to direct the public to the townhomes. Staff’s position is that the signs are appropriate for the proposed locations.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 09-027, subject to the conditions of approval.

Attachments:

- A. Resolution No. 09-027
- B. Project Plans

RESOLUTION NO. 09-027

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UP09-0013 TO ALLOW FOUR TEMPORARY TRACT ADVERTISING SIGNS LOCATED IN THE VICINITY OF THE TOWN CENTER VILLAS

WHEREAS, on May 5, 2009, an application was submitted by Marketshare Inc., 2001 Tarob Ct., Milpitas, CA, to allow four temporary tract advertising signs in the vicinity of the Town Center Villas townhomes within the Town Center District of the City of Milpitas; 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 Sections 15311(a), (“Accessory Structures--On-premise signs”) and 15304(e) (“Minor Temporary Uses of Land Having Negligible or No Permanent Effect”) of the California Environmental Quality Act (CEQA) Guidelines.

WHEREAS, on June 24, 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(a), (“Accessory Structures--On-premise signs”) of the California Environmental Quality Act (CEQA) Guidelines in that the proposed signage will constitute the construction of a minor structure appurtenant to an existing institutional facility and will not require an extensive amount of grading or negatively affect wildlife or the environment. The project is also categorically exempt per Section 15304(e) (“Minor Temporary Uses of Land Having Negligible or no Permanent Effect”) in that the proposed signage will be for the terminal, short-term advertisement of real property for sale.

Section 3: With respect to UP09-0013 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 temporary signs complies with 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. The proposed signs are necessary to direct the public to the townhome location and advertise the sale of the new townhomes. Grading will be minimized to locate the sign.

Section 5: The proposed use is consistent with the Milpitas Zoning Ordinance in that the proposed use meets all the requirements set forth by the Zoning Ordinance in that the height, sign area, materials and design all meet the requirements of the Sign Ordinance for temporary tract advertising signs.

Section 6: The Planning Commission of the City of Milpitas hereby recommends approval of conditional use permit UP09-0013, 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 June 24, 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 June 24, 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				
Mark Tiernan				

EXHIBIT 1

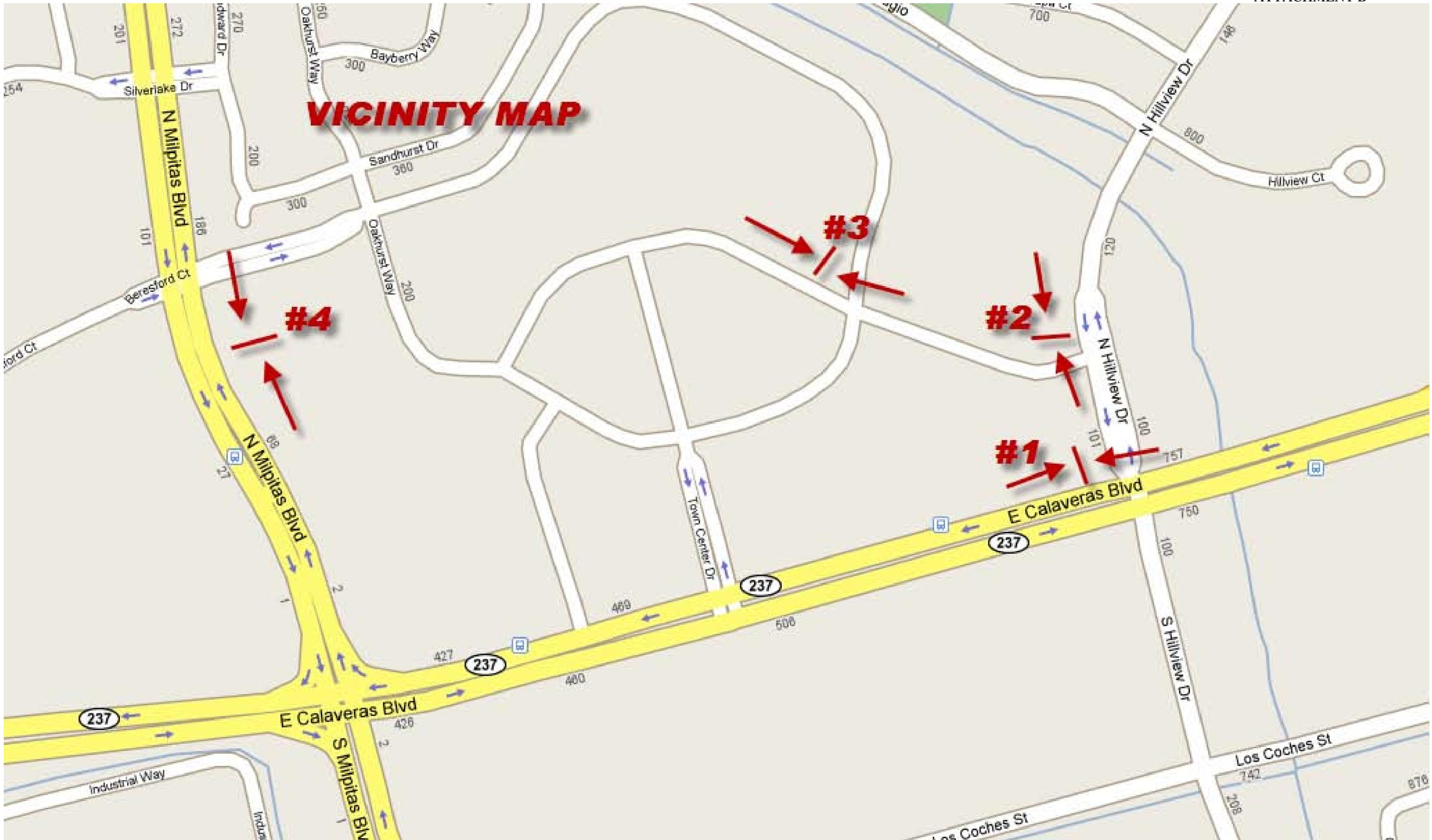
**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT UP09-0013**

A request for approval of four temporary tract signs for the Town Center Villas project.

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 June 24, 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. UP09-0013 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 UP09-0013 if said request is made, filed and approved by the City Council prior to expiration dates set forth herein. (P)
5. All signs shall be removed after the sale of the last unit in the project and before the building permit final is granted for the conversion of the model home unit to a “for sale” unit. (P)

(P) Planning Division





SIGN #1

N

**HILLVIEW
DR**

CALAVERAS BL

40'

15'

SIGN #2

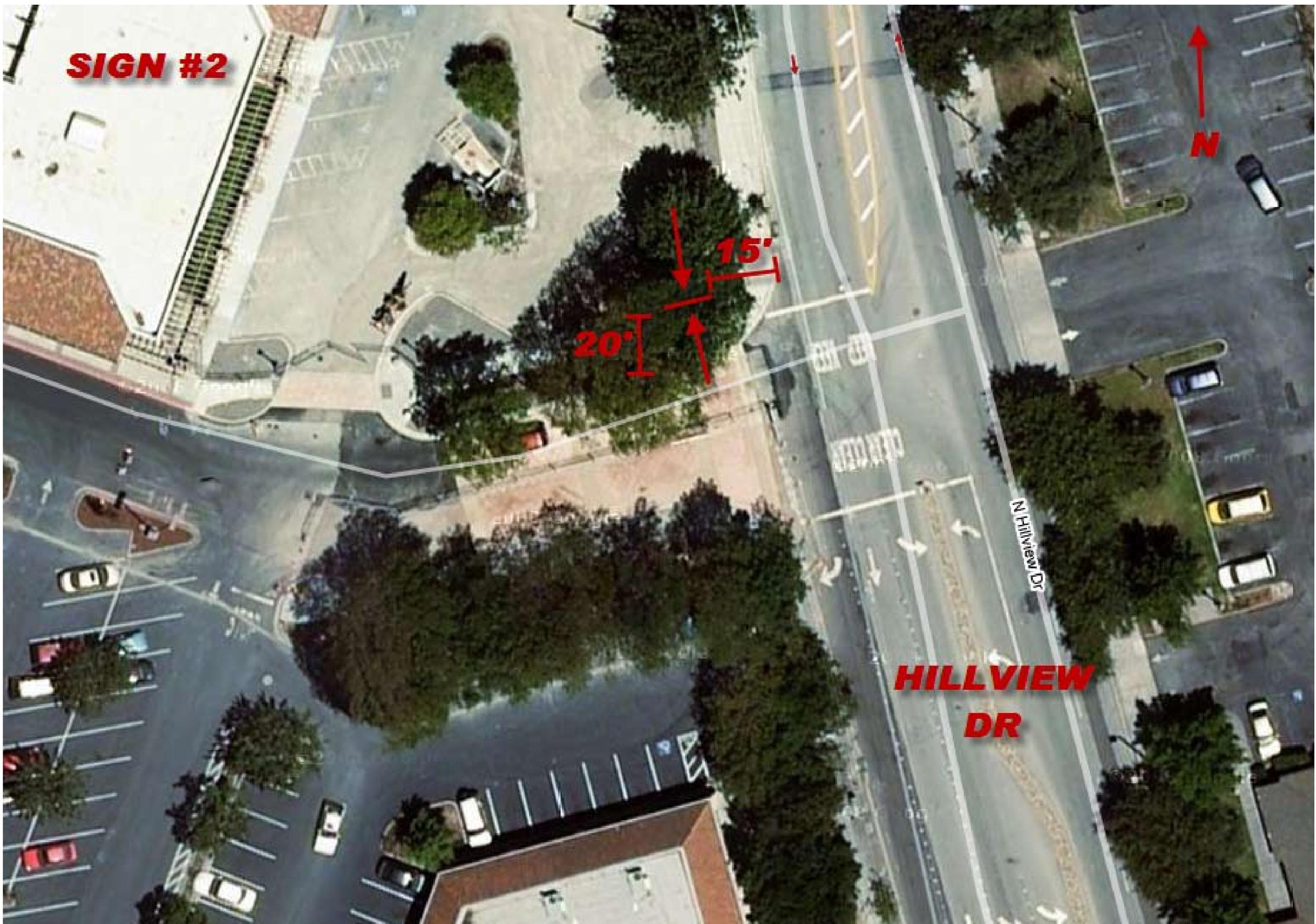
N

15'

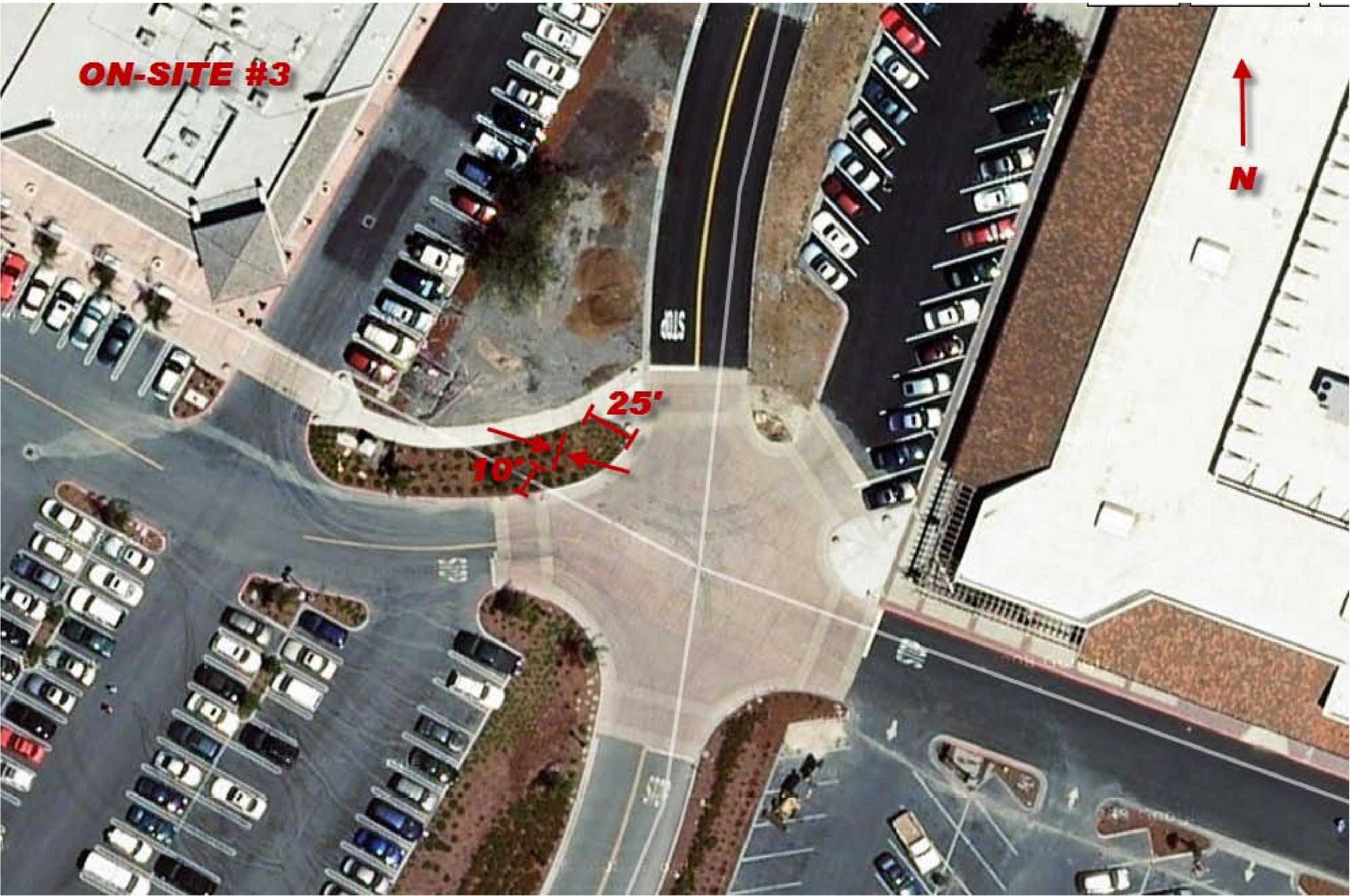
20'

N Hillview Dr

**HILLVIEW
DR**



ON-SITE #3



ON-SITE #4

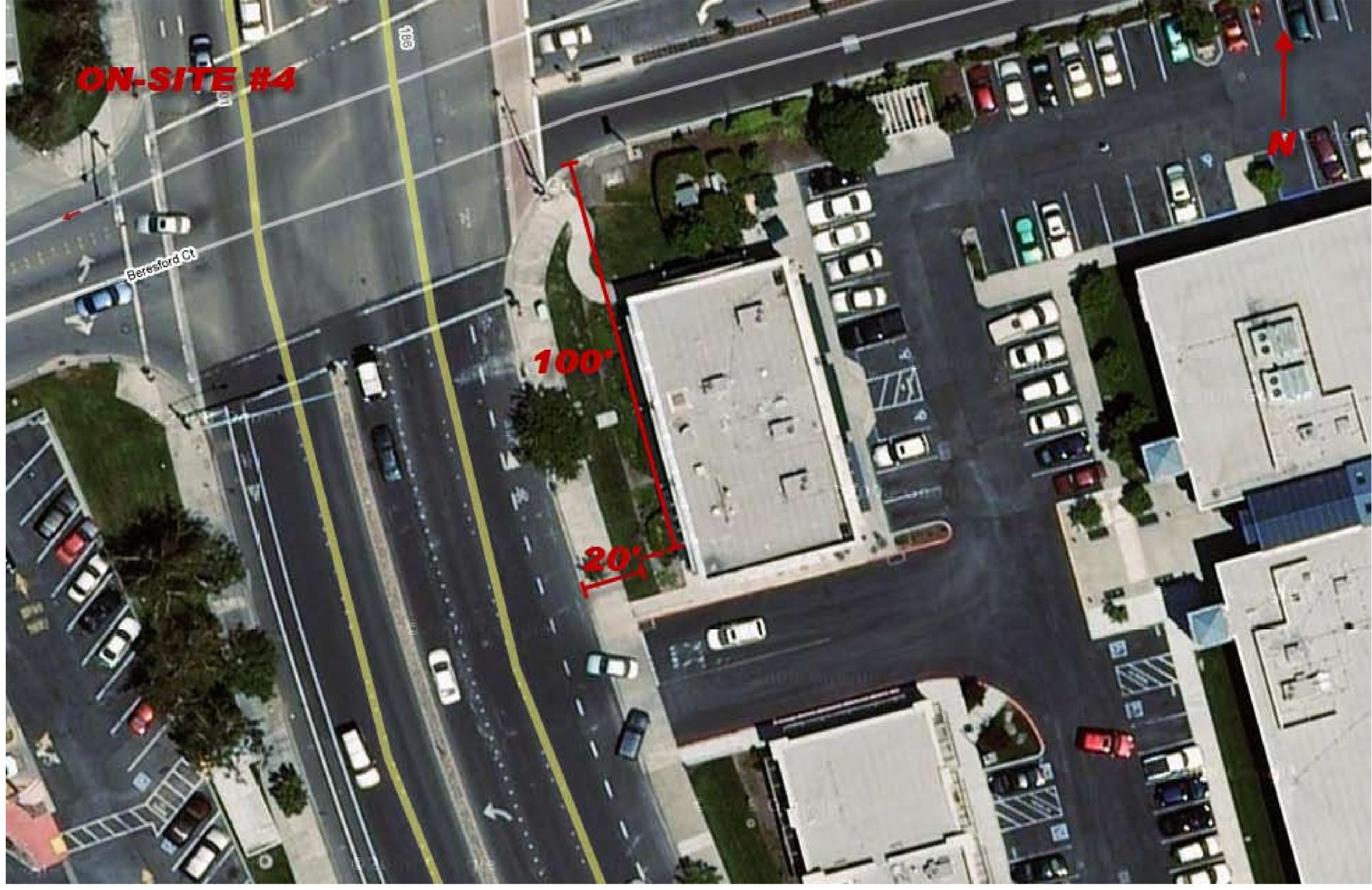
N

Beresford Ct

183

100'

20'





4'

SIGN #1

9'

8'



SHAPELL
HOMES

TOWN CENTER

Villas

3 to 4 Bedrooms Townhomes

Right Here



ShapellHomes.com

SIGN #2

SHAPPELL
HOMES

TOWN CENTER
Villas

3 to 4 Bedrooms Townhomes

Left Here

ShapellHomes.com

4'

9'

8'

SIGN #3



8'

6'

4'



SHAPELL
H O M E S

TOWN CENTER

Villas

3 to 4 Bedrooms Townhomes

ShapellHomes.com

← Left Here





4'

SIGN #4

9'



SHAPELL
HOMES

TOWN CENTER

Villas

3 to 4 Bedrooms Townhomes

Right Here



ShapellHomes.com

8'

