



# MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: July 22, 2009

**APPLICATION:** **CONDITIONAL USE PERMIT NOS. UP09-0015 - UP09-0028, and  
SITE DEVELOPMENT PERMIT AMENDMENT NO SA09-0008,  
SEASONS MARKETPLACE**

**APPLICATION SUMMARY:** A request to allow for the construction and operation of multiple restaurants, a 30-foot tall freestanding sign, and a master sign program for Seasons Marketplace Shopping Center.

**LOCATION:** 1535 Landess Avenue (APN 88-35-017)  
**APPLICANT:** Dinna Bayangos, Ayafafil Management LLC, 255 Shoreline Drive, Suite 428, Mountain View, CA 954065  
**OWNER:** Same as above.

**RECOMMENDATION:** **Staff recommends that the Planning Commission:**  
**1. Close the public hearing; and**  
**2. Adopt Resolution No. 09-035 approving the project subject to conditions of approval.**

**PROJECT DATA:**  
General Plan/  
**Zoning Designation:** General Commercial (GNC)/General Commercial

**Overlay District:** Site and Architectural Overlay (-S)

**Site Area:** 7.89 Acres

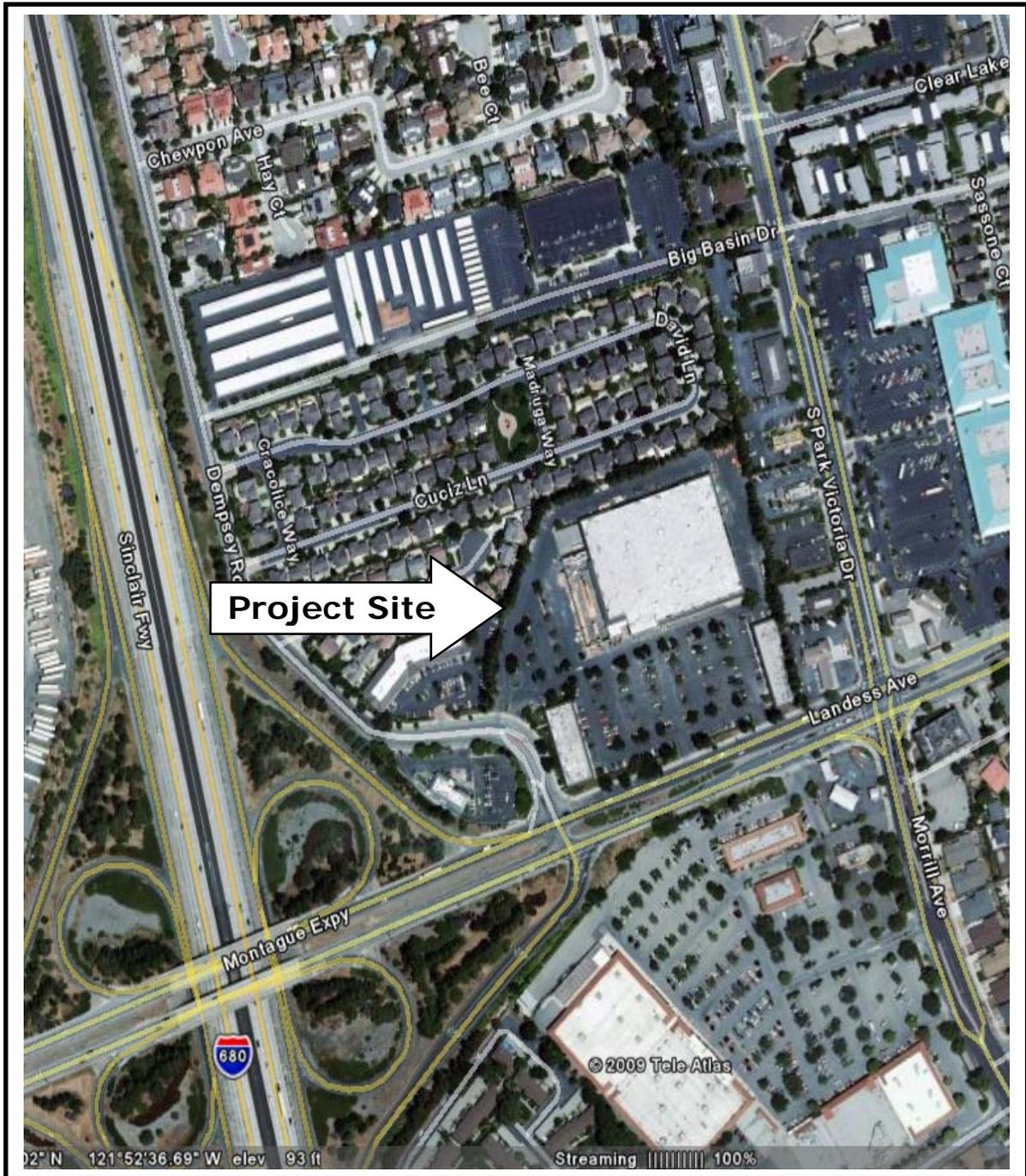
**CEQA Determination:** Categorically exempt from further environmental review pursuant to Sections 15301 (Existing Facilities), 15303 (New Construction), 15311 (Accessory Structures) and 15162(b) (Use of previous environmental document) of the CEQA Guidelines.

**PLANNER:** Cindy Hom, Assistant Planner

**PJ:** 2545

**ATTACHMENTS:** A. Resolution No. 09-035  
B. Project Plans  
C. Project Description Letter

## LOCATION MAP



No scale

## **BACKGROUND**

On March 11, 2009, the Planning Commission approved a Site Development Permit and Conditional Use Permit that allowed for the redevelopment of the site, including a 107,373 square foot mixed commercial retail center. Identified uses within the space include 32,975 square feet for a food market, 17,327 square feet for general retail, 10,715 square feet for office, and approximately 24,260 square feet for future restaurants requiring subsequent conditional use permits.

On May 18, 2009, Dinna Bayangos of Ayafafil Management LLC submitted an application to obtain conditional use permits for 13 restaurant tenants, the installation of 30-foot tall shopping center identification pylon sign, and site and architectural approval for a master sign program for the Seasons Marketplace. The application is submitted pursuant to the following Milpitas Municipal Codes:

- XI-10-5.02-1 (Restaurants with or without on-site consumption of alcohol)
- XI-10-57.03 (I) (Site Development Permits and Minor Site Development Permits, Applications for Modifications of or Amendment)
- XI-10-57-04 (Conditional Use Permits)
- XI-30-3.01 (Review and Approval Sign Requirements)
- XI-30-4.01 (Shopping Center Signs)
- XI-4.04 (Sign Programs)

## **PROJECT DESCRIPTION**

The project site is situated on a 7.89-acre parcel that is developed with a vacant 80,704 square foot single story commercial building and 13,000 outdoor garden center that was previous occupied by Home Depot and later Home Depot Pro. The project site is located at the northeast corner of the Dempsey Road and Landess Avenue intersection. The site is zoned General Commercial with a Site and Architectural Overlay (C2-S). Neighboring land uses include the Stonegate Development PUD (89 single-family homes) and the French Court PUD (20 single-family homes) both located north of the project site. The building is located approximately 70 feet from the rear property lines of the Stonegate residences, and the existing garden center is located approximately 100 feet from the rear of the French Court residences. A six-foot high masonry wall separates the adjacent residences from the subject site. Commercial retail buildings are located to the west, south and east. A vicinity map of the project site is shown on the previous page.

The project request is for a Conditional Use Permit for 13 restaurant/food service establishments that provide approximately 24,687 square of restaurant space, a Conditional Use Permit to allow the 30-foot height for the proposed pylon sign and secondary freestanding sign, and a Site Development Permit Amendment for the site and architectural approval of the proposed signage and master sign program for the Season's Marketplace Shopping Center.

A more detailed description for each permit request is provided in the following sections.

### ***Restaurants***

On March 11, 2009, the Planning Commission previously approved the allocation and use of approximately 24,260 square feet or more of the Seasons Marketplace Shopping Center for restaurant uses, subject to a future restaurant floor plan and layout specific proposal and entitlement application.

The developer has now completed its restaurant development plan and is submitting the following request for further additional interior modification approvals and entitlements for 13 restaurant tenant spaces that will occupy approximately 24,687 square feet. The proposed food tenants are located along the storefronts along Landess Avenue and the frontage at the corner of Dempsey Road/Landess Avenue.

The proposed layout and operations are summarized in the Table 1 below:

**Table 1:**  
**Restaurant Use Summary**

Unit No.	Floor Area	Sq. Ft. of Dining Area	Sq. Ft. of Take Out	Tenant	Use / Description	Business hours	Delivery hours	Beer & Wine
1	1500	0	256	Valerio's Bakery	Sale of bakery products, mainly takeout	Info not available	Info not available	No
2	1800	160	284	Unassigned	Casual dining or food service or fastfood	Info not available	Info not available	Yes
3	2283	493	305	Unassigned	Casual dining or food service or fastfood	Info not available	Info not available	Yes
4	1700	1380	377	Tokyo Tokyo	Fastfood	7am to 9pm	8am to 5pm	Yes
5	1700			Chowking	Fastfood	7am to 9pm	8am to 5pm	No
6	3343	1400		Goldilocks	Bakeshop and casual dining	8am to 9pm	5-8am & 7-9pm	Yes
7	1579	540	120	Unassigned	Casual dining or food service or fastfood	Info not available	Info not available	Yes
8	1633	389	60	Unassigned	Casual dining or food service or fastfood	Info not available	Info not available	Yes
9	1300	373	159	Yellow Cab Pizza	Casual dining with delivery service	10 am to 12am		Yes, beer only
10	1265	532	120		Casual dining or food service	Info not available	Info not available	Yes
11	962	398	60	Coffee Adventure	Coffee shop	Info not available	Info not available	No
12	3400	1448		Max's of Manila	Casual dining	9am to 10pm	8am to 5pm	Yes
15	1863	737	120	Unassigned	Casual dining or food service or fastfood	Info not available	Info not available	Yes
23	359	0	60	Unassigned	Food service, mainly takeout	Info not available	Info not available	No

**Odors and Solid Waste Handling**

Given the project's proximity to residential uses, the project has potential impacts that relate to cooking odors and solid waste handling. To address these concerns, the applicant proposes that all restaurants with Type 1 cooking hoods shall provide odor control equipment and that all roof top equipment shall be adequately screened in accordance with the city's zoning regulations. Staff recommends as a condition of approval, that prior to building permit issuance; the applicant or restaurant operator shall

provide odor control equipment on the roof or vent to control potential odors. The equipment shall be screened from view to the approval of the Planning Division and incorporated in the tenant improvement plans.

In terms of solid waste, the project provides two trash servicing areas. One trash facility with compactor is located at the northwest corner of the building and a second CMU trash enclosure is located along the eastern boundary of the project site. The Planning Commission has already reviewed the applicant's Solid Waste and Recycling Handling Plan at its March Planning Commission meeting. The project will also be subject to existing conditions of approval related to solid waste performance standards to ensure proper handling of solid waste and maintaining adequate levels of services.

To further minimize potential impacts and to ensure compatibility with adjacent uses, Staff recommends as a condition of approval, the following:

- The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all state and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines).
- The business owner shall post signs (in English, Vietnamese, Chinese, Filipino and Spanish) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage prior to the issuance of a certificate of occupancy.
- The preparation and storage of food is not permitted outside of the establishment.
- Washing of containers, equipment, and floor mats shall be conducted in the kitchen area so that wash water may drain into the sanitary sewer in perpetuity.
- Prior to issuance of a certificate of occupancy, the business owner shall submit a report detailing a program assigning restaurant staff perpetual responsibility for complying with the following guidelines
  - a. Keep garbage dumpsters clean inside and out; replace dirty or leaking dumpsters with new, clean ones.
  - b. Double or triple bag waste to prevent leaking.
  - c. Place, do not drop or throw, waste-filled bags, to prevent leaking.
  - d. Keep the ground under and around the garbage dumpsters swept.
  - e. Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
  - f. It is expected that Best Management Practices for solid waste handling will advance over time, thus it is the expectation that the applicant will modify their practices in accordance with future standards.

### ***Signage***

#### **Shopping Center Identification Sign**

At the March 11, 2009 Planning Commission provided design feedback for the conceptual pylon sign. No additional design comments were received. The project proposes a 30-foot tall double faced, internally illuminated pylon sign at the Landess Avenue Driveway. The proposed pylon sign consists

of a modern design to continue the style of the retail center and is designed with a tapered base, tile veneer accents, reveals, and textured to match the building. The “Seasons” identification consists of an aluminum cabinet painted with blue background with channel constructed letters. The proposed arch features above the “Season’s” sign copy are rout-out and push-through elements with yellow, green and orange surface. Below the center identification are the individual tenant panels that consist of rout-out and, push-through graphics. The pylon sign will provide shopping center identification sign and tenant signage. Given the location, the sign height and scale is appropriate given the location is near a gateway to the city and provides a regional landmark with its proximity to Interstate-680. The proposed pylon sign conforms to the MMC XI-30-4.01 (Shopping Center Identification) ordinance provision in that the 30-foot tall sign is within the 45-foot maximum height limit and the sign area does not exceed 300 square feet and each face that is allowed in addition to the total allowable sign area.

### Freestanding Signs

The sign program proposes a secondary double-faced, internally illuminated driveway monument sign at the Dempsey Road driveway. The proposed sign structure is 8-feet by 3-feet tall and 10-inches wide with 1-foot and 3-inches depth. The project also proposes two 4 ½ -foot tall by 2-feet and 7-inches directional signs are proposed at the eastern Landess driveway and at the southeast corner of the building for the purpose of way-finding. Directional signs are exempt signs provided they serve to direct motorist and motorist on private property and are not larger than 12 square feet in size. The driveway monument sign and directional signs are proposed with the same architecture, design, and styles as the shopping center identification sign.

### Master Sign Program

The Milpitas Sign Ordinance requires multi-tenant buildings to have a sign program to ensure design consistency and compliance with the total allowable sign area. The Season’s Marketplace sign program proposes internally illuminated pan channel letters and logo cabinets with a 3-foot maximum letter height. Signs are to be located in the design sign bands as shown on the project plans. Signs shall not extend or be located outside of any ban and not to exceed 75% of the length of the frontage. The Sign program restricts secondary tenants to a one line copy; however, major tenants (retail tenant occupying more than 20,000 square feet) may have two lines of copy. The amount of building signage is based on the calculation method of one square feet of signage for every one lineal feet of building square footage. The sign program also include construction requirements and general provisions that includes but not limit to landlord approvals, rules of measurement, sign allotments, and prohibited signs.

### Permissible Sign Area

As per Section 3.02 of the Sign Ordinance, the maximum permissible total sign area is calculated either by one square foot for each two lineal feet of building perimeter or two square feet for each one lineal foot of public street frontage. At the applicant’s discretion, the calculation that yielded the greater sign area was used. Based on the parcel’s public street frontage of 391.26 feet square feet, a total of 782.5 square feet of sign area is permitted for this site. As proposed the applicant proposes 807.98 square feet of sign area, which currently exceeds that total allowable sign area. Staff recommends as a condition of approval that the project plans and sign area are revised to comply with the 782.5 square foot maximum sign area requirement prior to building permit issuance.

*Development Standards*

**Table 2:**  
**C2 Development Standards**

	<b>Zoning Ordinance</b>	<b>Proposed</b>
<u>Setbacks</u> (Minimum)		
Front to Primary Structure	None	290'
Interior/Street Side	15' min	75' and 140'
Rear	15' min.	75'
<u>Lot Area</u> (Maximum)	10,000 s.f.	343,991 s.f.
<u>Floor Area Ratio</u> (Maximum)	50%	31%
<u>Building Height</u> (Maximum)	None	45'
<u>Parking</u> (Minimum) discussed further Parking Section below.	516	523

Parking

Based on the project proposal, the required number of parking spaces is 516 parking spaces for all uses of the building including the previously approved food market and retail shops. The project will provide 523 on-site parking spaces. Per MMC XI-10-53.09-1, restaurants and food service uses are parked at a ratio of one spacer per 39 square feet of dining area and one space per 60 square feet of take out area for sit down restaurants and one space for every 2.5 seat plus one space for 60 square feet of take. The project as proposed, complies with the parking requirements of the Milpitas Zoning Ordinance as demonstrated in the parking summary is provided in Table 3 below.

**Table 3:**  
**Parking Summary**

<b>Area of Building</b>	<b>Use</b>	<b>Parking Ratio</b>	<b>Area</b>	<b>Stalls</b>
Food Market	Retail	1/200	33,811 sq. ft.	85
Retail	Retail	1/200	17,078 sq. ft.	169
Restaurants (based on tentative layouts)	Food Service			
Gross Floor Area			24,687 sq. ft.	
Dining Area		1/39	8,996 sq. ft.	230
Take Out Area		1/60	1,921 sq. ft.	32
Common Area			20,169	
Total Number of Parking Required				516
Total Number Provided				523

**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 4:**  
**General Plan Consistency**

<b>Policy</b>	<b>Consistency Finding</b>
<p><i>Implementing Policy 2.a-I-3 Encourages economic pursuits which will strengthen and promote development through stability and balance.</i></p>	<p><b>Consistent.</b> The project will help encourage economic pursuits and new jobs. The project site has convenient freeway access and will be compatible with the purpose and intent of the General Commercial Zoning District.</p>
<p><i>Implementing Policy 2.a-I-5 Maintains policies that promote a strong economy within existing environmental, social, fiscal and land use restraints and policy.</i></p>	<p><b>Consistent.</b> The project would not have a substantial adverse economic effect on nearby uses because it would not reduce business activities or commercial uses in the area.</p> <p>Furthermore, the project would enable Milpitas to maintain a distinctive character to its retail base in order to effectively compete with neighboring retail developments in Fremont and San Jose.</p>
<p><i>Implement Policy 2.a-I-6 Endeavors to maintain a balanced economic base that can resist downturns in any one economic sector.</i></p>	<p><b>Consistent.</b> The project proposes a mix of commercial uses that that includes a supermarket, retail services, offices, and food service establishments that provides one stop shopping experience that will cater to nearby residents and the region.</p>
<p><i>Implementing Policy 2.a-I-7 Provides opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.</i></p>	<p><b>Consistent.</b> The project will expand employment opportunities and allows for the promotion of local business by providing aesthetic and appropriate signage for business identification.</p>

**Zoning Ordinance**

The project is consistent with the General Plan in the terms of land use and conforms to the Milpitas Zoning Ordinance. The project proposes restaurants and a master sign program that allows for wall signs and freestanding sign structures that conditionally permitted in the General Commercial zoning district.

The proposed project is compatible with the surrounding land uses and the architectural scale of surrounding structures. The previously approved shopping center renovation and proposed sign program will provide for a well articulated commercial building with appropriate design elements and business identification.

The project will not adversely impact existing properties, improvements, or the public health, safety and general welfare of neighboring residents within the area, in that the intended uses will service public need and convenience. As conditioned, delivery hours shall be restricted between the hours of 10:00 pm to 7:00 am. As a condition of the project, odor control equipment shall be required for all restaurant tenants to mitigate any potential odor issues. Proper handling of solid waster and adequate trash servicing shall be enforced through the conditions of approval.

***Department of Alcohol and Beverage Control “Undue concentration of Liquor License” Regulations***

According the Department of Alcohol and Beverage Control, the project site is located within Census Tract 5044.16 that permits five (5) On-Sale and three (3) Off-Sale establishments. Currently there are six (6) On-Sale and four (4) Off-Sale licenses active and is therefore within an undue concentration that requires the Planning Commission to make a finding that sale of beer and/or wine will not have a negative impact on the surrounding community and serves the public convenience or necessity.

The project adds ten additional on-sale permits for restaurants within the retail center. The proposed sale of beer and wine with meals for on-site consumption provides for customer convenience and necessity because the project is not adjacent to any school or other public facility. However, the proposed use is located 70-feet away from residential homes. Based on staff’s review, the area is not within an area that has a high volume of criminal activity that would exacerbate law enforcement service calls. However, staff recommends as condition of approval, that any change in liquor license type or the addition of any form of live entertainment including but not limited to bars, dancing, karaoke, and/or after hour clubs or lounge shall require an amendment to the conditional use permit for Planning Commission consideration.

**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 (Existing Facilities), 15303 (“New Construction or Conversion of Small Structures”), 15311 (Accessory Structures-On-Premise Signs), and 15162(b) (Use of previous environmental document) of the California Environmental Quality Act (CEQA). The previously adopted Negative Declaration for the project included the restaurants, however, did not include the on-premise signs.

**PUBLIC COMMENT/OUTREACH**

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

**CONCLUSION**

The proposed project is consistent with the Milpitas General Plan and Zoning Ordinance. The proposed project would add vitality to the area, expand job opportunities and furthers economic development in the city. The project includes a sign program consisting of a shopping center

identification and business identification signs that provide for an aesthetic and harmonious signage that complements the scale of development in the surrounding area.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission adopt Resolution No. 09-035 approving, Conditional Use Permit No. UP09-0015- to UP09-0028 and Site Development Permit Amendment No. SA09-0008, Season's Marketplace, subject to the attached Conditions of Approval.

*Attachments:*

- A. Resolution No. 09-035
- B. Project Plans
- C. Project Description Letter

**RESOLUTION NO. 09-035**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NOS. UP09-0015 TO UP09-0028 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0008, SEASON'S MARKETPLACE, TO ALLOW FOR MULTIPLE RESTAURANTS, A 30-FOOT FREESTANDING SIGN AND A MASTER SIGN PROGRAM FOR THE SEASON'S MARKETPLACE LOCATED AT 1535 LANDESS AVENUE.**

**WHEREAS**, on March 11, 2009, the Planning Commission approved a Site Development Permit and Conditional Use Permit and issued a Negative Declaration under the California Environmental Quality Act ("CEQA") for the conversion of an existing commercial site at 1535 Landess Avenue in Milpitas, California, into an indoor mall, mixed commercial retail center (referred to herein as the "the "Season's Marketplace") with approximately 24,260 square feet for future restaurants, subject to future review and conditional use permit approval of restaurant space-specific floor plan areas, layout review, and tenant improvement proposals; and

**WHEREAS**, in addition, the Planning Commission on March 11, 2009, provided preliminary comments on the conceptual design of a proposed 30-foot tall pylon sign identifying the proposed commercial retail center, subject to future review and approval pursuant to the sign ordinance requirements of the Milpitas Municipal Code; and

**WHEREAS**, now, a follow up application has been submitted by Dinna Bayangos of Ayafafil Management LLC to obtain certain restaurant-related entitlements that were not already addressed in the Planning Commission's previous land use approvals and environmental documentation for the Season's Marketplace development, specifically a proposal for further minor interior tenant modifications, unit-specific restaurant layouts, and conditional use permit approvals for the operation of thirteen restaurant tenant spaces; and

**WHEREAS**, the applicant also requests approvals for the installation of 30-foot tall shopping center identification pylon signs and site and architectural approval of a master sign program for the Season's Marketplace; and

**WHEREAS**, the Planning Division completed an environmental assessment for the project in accordance with CEQA, and recommends that the Planning Commission determine that this project is categorically exempt from further environmental review pursuant to Sections 15301, 15303, 15311 and 15162(b) of the CEQA Guidelines; and

**WHEREAS**, on July 22, 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 Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the proposed restaurant use and related interior improvements is exempt from further environmental review pursuant to Article 8, Section 65457 of the Government Code and Article 10, Section 15162(b) (Use of previous environmental document) of the California Environmental Quality Act (CEQA) Guidelines in that the restaurant use and related tenant improvements was analyzed in the previous Negative Declaration (EA09-0003).

**Section 3:** The project is categorically exempt from further environmental review pursuant to Section 15301 (“Existing Facilities”) of the California Environmental Quality Act Guidelines (“CEQA Guidelines”) in that the project entails minor interior modification to existing private facilities and mechanical equipment to allow for restaurant tenant improvements in an existing structure. The project is further categorically exempt under Section 15303 (“New Construction or Conversion of Small Structures”) and Section 15311 (“Accessory Structures”) of the CEQA Guidelines in that the illuminated pylon signs, freestanding signs, directional signs, and proposed sign program constitute the construction or replacement of minor structures accessory to existing facilities in very limited numbers.

**Section 4:** Regarding the Conditional Use Permit and Site Development Permit, the project is consistent with the General Plan Implementing Policies in that the proposed restaurants and sign program encourage new economic pursuits, expands employment opportunities, and promotes business retention. The project is located in a mixed commercial building that includes a supermarket and retail services that provides a one stop shopping experience that will cater to nearby residents and the region.

**Section 5:** Regarding the Conditional Use Permit for the restaurant uses, the project conforms to the Milpitas Zoning Ordinance in that the restaurant use is conditionally permitted in the General Commercial Zoning District and complies with all of the development standards in terms of setbacks, height, and parking.

**Section 6:** Regarding the Site Development Permit for the Sign Program, the proposed sign program, include freestanding signs and wall sign designs that are compatible and aesthetically harmonious with adjacent and surrounding development in that the sign program provides for appropriate accents and identification of well articulated commercial building with appropriate design elements and business identification signs to promote new business and business retention.

**Section 7:** Regarding the Site Development Permit for the Sign Program, as conditioned, the project is conforms to the Milpitas Sign Ordinance in terms of allowable sign area and provides uniformity and design consistency for the multi-tenant retail center signage.

**Section 8:** With respect to the Conditional Use Permit regarding the freestanding signs over six feet in height:

- a. The height and size of the signs, including the structure, and illumination are comply with the Milpitas Sign Ordinance design guidelines in that height, design, and materials provide continuity with the wall signs and building architecture. The illumination of the freestanding signs will not interfere with other light sources or intrude into residential areas given the location and surrounding structures (i.e. building, fences, and mature trees) that screens and/or partially screens views of the signs from residential homes.
- b. The signs' proximity to residential districts is approximately 169-feet from the Dempsey driveway sign and approximately 550 feet from the Landess driveway sign. As proposed the nighttime illumination is limited to the business name and logo while the background and structure is non-illuminated. The sign locations are appropriate given that the shopping center is at a Milpitas Gateway and announces the entry ways into the retail center.
- c. The relationship of height and size of the signs to that of the parcel and the density and impacts of other signs in the vicinity are complementary with the 45-foot tall single story commercial building situated on 7.89 acre site. Within the vicinity of the project site, there are two other illuminate monuments signs located on separate parcels that include the Dempsey Road Plaza and Burger King Restaurant. Proposed signs would offer a contrast as well as an architectural break and interest from other sign in the vicinity.

**Section 9:** With respect to the Conditional Use Permit for the restaurant uses:

The project will not adversely impact existing properties, improvements, or the public health, safety and general welfare of neighboring residents within the area, in that the intended uses will service public need and convenience. As conditioned, delivery hours shall be restricted between the hours of 10:00 pm to 7:00 am. Odor control equipment shall be required for all restaurant tenants to mitigate any potential odor issues. Proper handling of solid waster and adequate trash servicing shall be enforced through the conditions of approval.

**Section 10:** With respect to the Conditional Use Permit for alcohol sales:

The proposed sales of beer and wine with meals for on-site consumption would not be detrimental to adjacent uses and provide for customer convenience and necessity. The proposed beer and wine service is ancillary to restaurant uses and will be for on-site consumption with meal service. The project area is not in a high crime rate area that would exacerbate law enforcement service calls. As conditioned, any change in liquor license type or the additional of any forms of live entertainment including but not limited to bars, dancing, and/or after hour clubs or lounge shall require conditional use permit amendment to ensure compatibility and adequate enforcement.

**Section 11:** The Planning Commission of the City of Milpitas hereby approves Conditional Use Permit Nos. UP09-0015 through UP09-0028 and Site Development Permit Amendment No. SA09-0008, 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 July 22, 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 July 22, 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 NOS. UP09-0015 - UP09-0028, AND SITE  
DEVELOPMENT PERMIT AMENDMENT NO SA09-0008, SEASONS MARKETPLACE**

**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 July 22, 2009, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, 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. (P)

2. Conditional Use Permit Nos. UP09-0015 through UP09-0028 and Site Development Permit Amendment No. SA09-0008 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.06(2) of the Zoning Ordinance of the City of Milpitas. If the project requires the issuance of a building permit, the project shall be deemed to have commenced when the date of the building permit is issued and/or a foundation is completed, if a foundation is a part of the project. If the project does not require the issuance of a building permit, the project shall be deemed to have commenced when dedication of any land or easement is required or complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of UP09-0015 through UP09-0028 and SA09-0008 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. (P)

3. Private Job Account - If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
4. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
5. Prior to building permit issuance, the developer must pay all applicable development fees, including but not limited to, connection fees (water, sewer and storm), treatment plant fee, plan check and inspection deposit, and 2.5% permit automation fee. (E)
6. The developer must comply with all the conditions, mitigation measures previously approved by the Planning Commission and City Council for Conditional Use Permit No. UP08-0028,

Site Development Permit No. SD08-0006 and Environmental Assessment No. EA09.0003 and associated notes communicated to the applicant, unless amended here. (P)

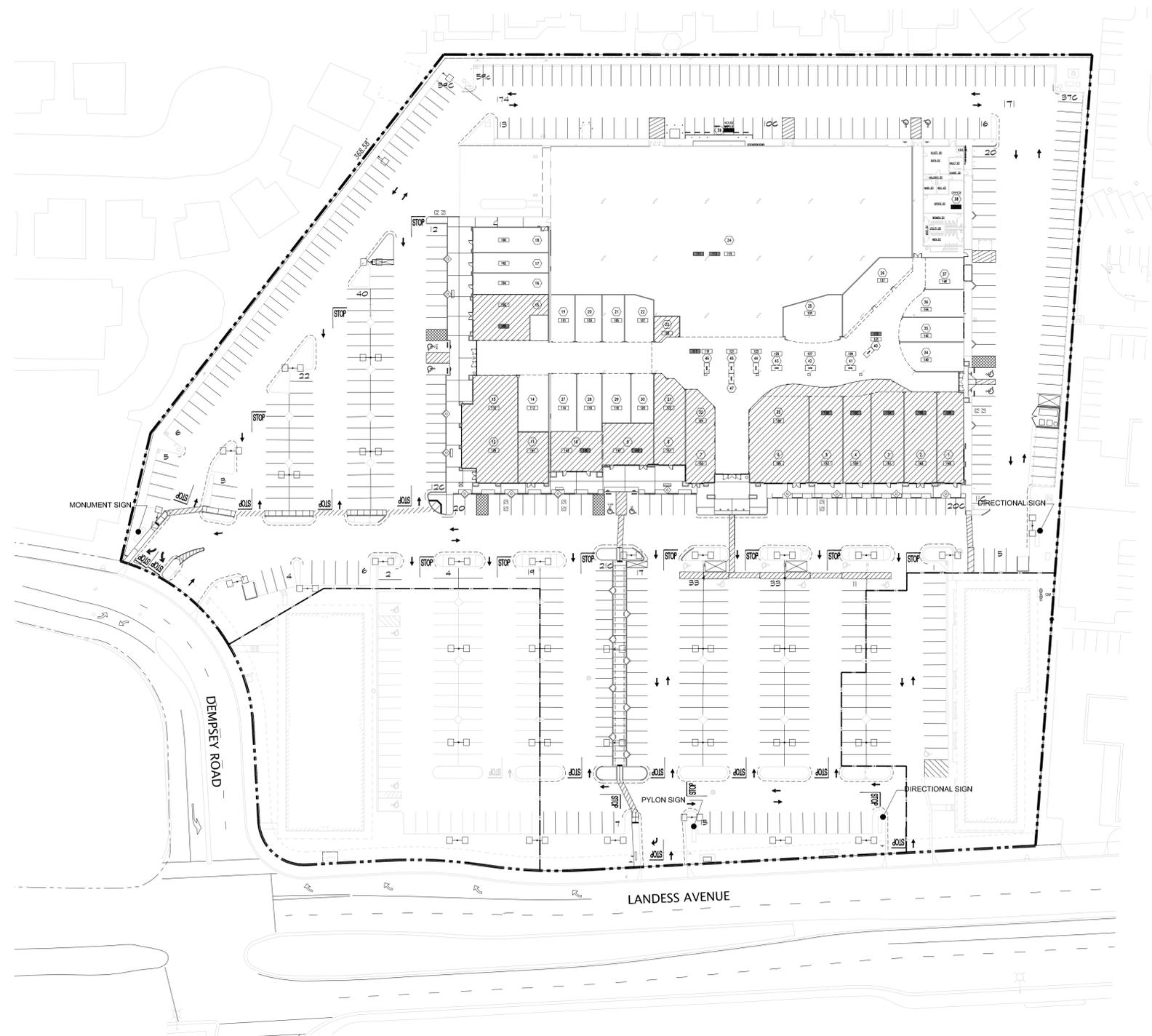
**Conditional Use Permit**

7. Prior to building permit issuance; the applicant or restaurant operator shall incorporate odor control equipment on the roof or vent to control odors. The equipment shall be screened from view to the approval of the Planning Division and incorporated in the tenant improvement plans. (P)
8. The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all state and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). (P)
9. Prior to issuance of a certificate of occupancy, the business owner shall post signs (in English, Vietnamese, Chinese, Filipino and Spanish) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage. (P)
10. The preparation and storage of food is not permitted outside of the establishment. (P)
11. Washing of containers, equipment, and floor mats shall be conducted in the kitchen area so that wash water may drain into the sanitary sewer in perpetuity. (P)
12. Business owner shall comply with best management practices for the handling and disposal of solid and food wastes, as permitted by and in compliance with local and state solid waste disposal regulations. (P)
13. Prior to issuance of a certificate of occupancy, the business owner shall submit a report detailing a program assigning restaurant staff perpetual responsibility to:
  - a. Keep garbage dumpsters clean inside and out; replace dirty or leaking dumpsters with new, clean ones.
  - b. Double or triple bag waste to prevent leaking.
  - c. Place, do not drop or throw, waste-filled bags, to prevent leaking.
  - d. Keep the ground under and around the garbage dumpsters swept.
  - e. Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach. (P)
14. Any change in liquor license type or the additional of any forms of live entertainment including but not limited to bars, dancing, karaoke, and/or after hour clubs or lounges shall require an amendment to a Conditional Use Permit for Planning Commission review and approval. (P)
15. Prior to occupancy permit issuance, applicant/property owner shall construct a new trash enclosure or expand the existing enclosures to accommodate the required number of bins or

compactors needed to serve this development. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. (E)

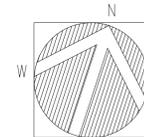
**Site Development Permit**

16. 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 two (2) feet when measured from street elevation. The proposed Monument Sign fronting Dempsey Road shall be located 20-foot minimum back from the Dempsey Road face of curb to clear the line of sight and Public Service Utility Easement. (E)
  
17. Prior to any building permit issuance, the applicant shall revise project plans and sign area calculations to comply with the 782.5 square foot maximum sign area requirement. (P)



**SITE PLAN**

1" = 50'



PROJECT SUMMARY				
<b>AREAS</b>				
SITE AREA			343,991 SF (+7.89 ACRES)	
BUILDING AREA				
AREA OF EXISTING BUILDING	359		80,704 SQ. FT.	
AREA OF NEW ADDITION			15,041 SQ. FT.	
TOTAL BUILDING AREA			95,745 SQ. FT.	
<b>PARKING ANALYSIS</b>				
AREA OF BUILDING	USE	CALC./ OCC.	AREA	STALLS
RETAIL	RETAIL	1/200	17,078 SQ. FT.	85
FOOD MARKET	RETAIL	1/200	33,811 SQ. FT.	169
RESTAURANT & FOOD USE (BASED ON TENTATIVE LAYOUTS)	GROSS FLOOR AREA		24,687 SQ. FT.	230
	DINNING AREA		8,996 SQ. FT.	230
	TAKE OUT AREA		1,921 SQ. FT.	32
COMMON AREA			20,169 SQ. FT.	-
TOTAL NUMBER OF PARKING REQUIRED				516
TOTAL PARKING PROVIDED				523
PARKING STALLS			REQUIRED	PROVIDED
STANDARD STALLS: 90° STALLS (9'x18'-0") 25' DRIVE AISLE				299
COMPACT STALLS: 90° STALLS (7.5'x15'-0") 20' DRIVE AISLE			40% MAX.	209
(4001 - 500) 9 SCC. STALLS ACCESSIBLE 2% OF TOTAL BETWEEN (500 - 1000)			10	11
ACCESSIBLE PARKING (VAN)			2	4
TOTAL				523

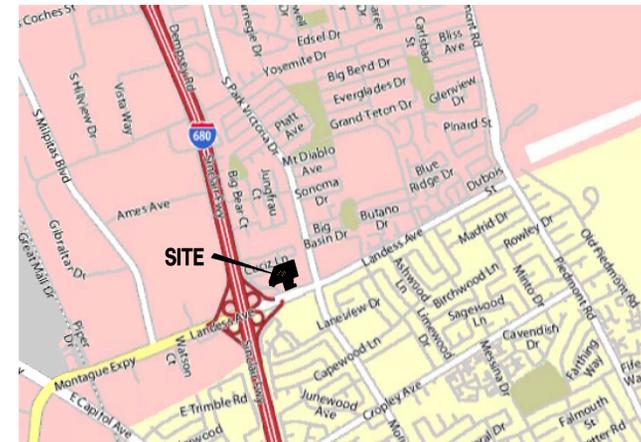
**LEGEND:**



**RESTAURANT / FOOD USE SPACES**



**TEMPORARY FOOD USE LOADING AREA**  
POST SIGN FOR EARLY MORNING DELIVERY USE ONLY



**VICINITY MAP**

**AYALAFIL (US) CO., INC.**  
255 SHORELINE DRIVE  
SUITE 428  
REDWOOD CITY, CALIFORNIA 94065  
T. 650.508.2000, F. 650.508.8988

DEVELOPER

**MILPITAS RETAIL CENTER**      **MILPITAS, CALIFORNIA**

LANDESS AVENUE

NOTE:  
THIS PLAN WAS PREPARED FROM INFORMATION FURNISHED BY THE  
OWNER AND WILL BE SUBJECT TO MODIFICATIONS AS REQUIRED BY  
A FINAL SURVEY AND GOVERNING AGENCY APPROVALS.

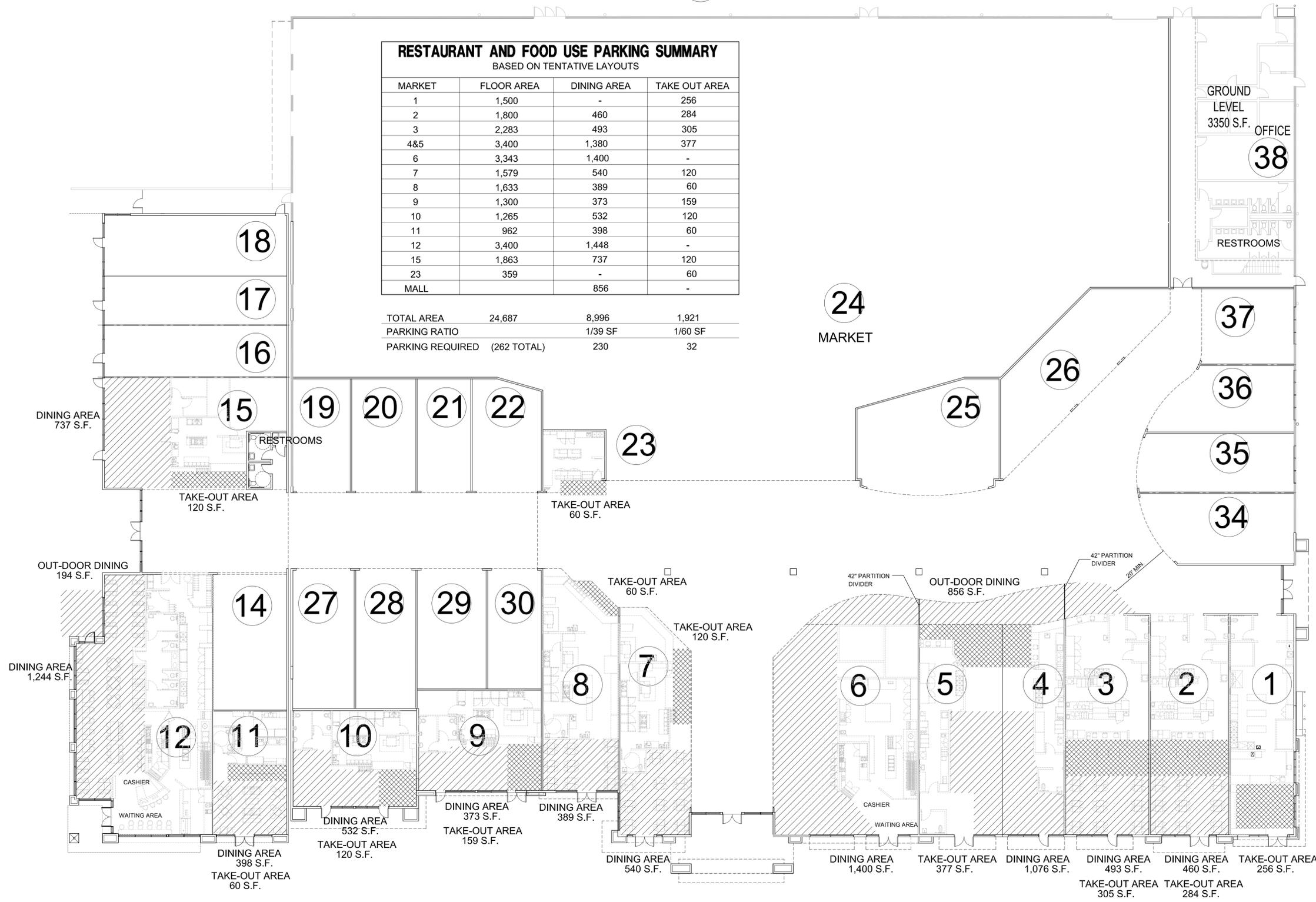
PROJECT # 70078  
P: \2008\70078\p\ts\ts\ref\090609-70078-XR-Plans.dwg 6-11-09 11:33:26 AM jee  
DATE: JULY 3, 2008 JUNE 11, 2009



1833 Victory Boulevard | Glendale | California 90201  
818 246 6050 | 818 240 0430 fax | www.gkkworks.com

**RESTAURANT AND FOOD USE PARKING SUMMARY**  
BASED ON TENTATIVE LAYOUTS

MARKET	FLOOR AREA	DINING AREA	TAKE OUT AREA
1	1,500	-	256
2	1,800	460	284
3	2,283	493	305
4&5	3,400	1,380	377
6	3,343	1,400	-
7	1,579	540	120
8	1,633	389	60
9	1,300	373	159
10	1,265	532	120
11	962	398	60
12	3,400	1,448	-
15	1,863	737	120
23	359	-	60
MALL		856	-
<b>TOTAL AREA</b>	<b>24,687</b>	<b>8,996</b>	<b>1,921</b>
<b>PARKING RATIO</b>		<b>1/39 SF</b>	<b>1/60 SF</b>
<b>PARKING REQUIRED (262 TOTAL)</b>		<b>230</b>	<b>32</b>



- NOTE:**
1. ALL RESTAURANTS WITH TYPE 1 HOOD SHALL PROVIDE ODOR CONTROL EQUIPMENT.
  2. ALL ROOF TOP EQUIPMENT SHALL BE FULLY SCREENED FROM PUBLIC RIGHT-OF-WAY AND PRIVATE PROPERTIES AS REQUIRED PER MMC XI-10-54.16D.



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**MILPITAS RETAIL CENTER** MILPITAS, CALIFORNIA  
LANDESS AVENUE

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PROJECT # 70078  
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DATE: JULY 3, 2008 JUNE, 11, 2009



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818 246 6050 | 818 240 0430 fax | www.gkkworks.com



MarketPlace at Landess

Landess Ave. & Dempsey Rd.  
Milpitas, CA  
4.30.09

Revision	Date	Description
1	6-15-09	Per city comments date June 5

**Provided By:**  
**David Esajian, National Sales**

**Designed By:**  
**James Franks**

**ARCHITECT:**  
GKK Works  
1833 Victory Blvd.  
Glendale, CA 91201  
Ph. (818) 246-6050 ext. 5032

**SIGN CONSULTANT:**  
AD ART SIGN CO.  
2670 W. Shaw Lane  
Fresno, Ca. 93711  
Ph. (559) 225-2183

**CITY PLANNING:**  
CITY OF Milpitas  
Planning Department  
455 East Calaveras Blvd.  
Milpitas, CA 95035-5411  
Ph. (408) 586-3305

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**Seasons Marketplace  
at Landess**  
Landess Ave. & Dempsey Rd.  
Milpitas, CA

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**DWG. NO.**  
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**Seasons Marketplace  
at Landess**  
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**DWG. NO.**

**S-1**

**1) Introduction**

Signage is an important element for the identity of the project. Our purpose, with the Master Sign Program, is to set forth guidelines to ensure a consistency in format and quality that reinforces the collective image of the project as an upscale and professional shopping center.

Our intention is to enhance the overall appearance of the Center and creating a signature sign style that carries across all the various signage types in the Center. Additionally, our purpose is to support each business in reaching its full potential by providing it with adequate exposure to its customers and vendors, to the financial community, and to the visiting public in order to benefit all parties concerned, and contribute to the benefit of the community as a whole.

**2) Purpose**

The Seasons Marketplace at Landess signage program has been established for the purpose of assuring a functional, coordinated graphics program that will provide project and Tenant identification and traffic control, while encouraging creativity, compatibility, an enhancement of the Project and City of Milpitas. The Seasons Marketplace at Landess program has been prepared in accordance with the City of Milpitas Zoning Ordinance Sign Standards.

**3) Design Intent**

The Guidelines for this program are designed to assure consistency in signage for the mutual benefit of current and future tenants, as well as to coordinate the type, placement and physical dimensions of signs placed within Seasons Marketplace at Landess to provide an artful, homogenous statement for the Project.

In Order to maintain consistency of quality and design characteristics, all signs must be requested in writing through the Landlord.

In cases not covered by the Seasons Marketplace at Landess Signage Program, the prevailing criteria will follow the City of Milpitas Zoning Ordinance Sign Standards.

**4) Approvals and Permits**

Each Tenant and/or user will be directed to contact the current Owner for the Seasons Marketplace at Landess. Conformance to the signage program will be strictly enforced. All signs are subject to the sign guidelines for the property's zoning district. Any non-conforming or unapproved signage installed by a Tenant and/or user must be brought into conformance at respective party's own expense.

These Criteria do not imply that governmental approval will automatically be granted. The Party desiring signage has sole responsibility for obtaining any and all required approvals from Landlord and governmental agencies, and must obtain appropriate permits through the City of Milpitas Planning and building Department.

**5) General Requirements**

A) Each Tenant and/or user shall submit or cause to be submitted to Landlord for approval, before fabrication, at least three (3) color copies of dimensioned, detailed design drawings indicating the location, size, copy, layout, colors, materials, finishes, illumination, and method of fabrication and attachment.

B) All sign applications require a signature from the property owner prior to review and approval from the City of Milpitas.

C) All permits for signs and their installation required by the City of Milpitas, shall be obtained by Tenant or tenant's representative, at Tenant's sole expense, prior to installation.

D) All signs shall be constructed, installed and maintained at Tenant's sole expense.

E) Tenant shall be responsible for fulfillment of all governmental requirements and specifications, including those of the City of Milpitas and the Uniform Electrical Code.

F) The size and amount of free-standing and wall-mounted signage shall be consistent with the appropriate Zoning District as spelled out in this sign criteria.

G) All signs shall be reviewed for conformance with these criteria and overall design quality. Approval or disapproval of sign submittals based on aesthetics or design shall remain the right of Landlord or Landlord's representative, and the City of Milpitas.

**6) Specifications Tenant Signs**

All companies bidding to manufacture these signs are advised that no substitutes will be accepted by purchaser whatsoever, unless so indicated in the specifications and approved by landlord, tenant and city. Any deviation from these specifications may result in purchaser's refusal to accept same. All manufacturers are advised that prior to acceptance and final payment, each unit will be inspected for conformance by an authorized representative of Owner. Any signs found not in conformance will be rejected and removed at tenant's expense.

**7) General Specifications**

A) No animated, flashing or audible signs will be permitted.

B) No exposed lamps or tubing will be permitted.

C) All signs and their installation shall comply with all local building codes, electrical codes and City Sign Ordinance.

D) No portable signs will be permitted.

E) Grand opening or promotional sales signs shall comply with the City of Milpitas Sign Ordinance.

F) No exposed raceway, crossovers or conduit will be permitted.

G) All cabinets, conductors, transformers and other equipment shall be concealed.

H) Painted Lettering will not be permitted.

**8) Location of Signs**

All signs or devices advertising an individual use, business or building shall be attached to the building at the location directed by landlord and in accordance with the City of Milpitas Sign Ordinance.

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**Seasons Marketplace  
at Landess**  
**Landess Ave. & Dempsey Rd.  
Milpitas, CA**

**9) General Construction Specifications**

- A) All signs must meet or exceed all current applicable codes (i.e. Electrical, Mechanical, Structural, etc).
- B) Signage must meet all requirements of the State of California, landlord requirements, and the City of Milpitas.
- C) All exterior signs shall be secured by stainless steel, nickel, or cadmium plated fasteners.
- D) All exposed fasteners to be painted to match the background surface.
- E) All wireways, transformers, electrical boxes, switches, wiring, conduit and access doors shall be concealed behind the storefront wall
- F) All exterior signs exposed to the weather shall be flush mounted unless otherwise specified and approved by Landlord.
- H) All illuminated Tenant signs attached to building wall or fascia shall be connected to a junction box & final hookup, with connections to be made by Tenant's or Landlord's signage contractor. All Tenants shall have their signs connected to their own respective electrical panel , unless otherwise approved in writing by Landlord.I) All penetrations of the building structure made by Tenant's signage contractor required for sign installation shall be neatly sealed and watertight.
- J) All identification labels shall be concealed, except where required by code. An Underwriters' label is required on all electrical signage.
- K) Signage contractor shall repair any damage caused by his work. Damage to structure that is not repaired by the signage contractor shall become the Tenant's responsibility to correct at its own expense.
- L) Tenant shall be fully responsible for the work of its signage contractor, and shall indemnify, defend and hold the Landlord, Landlord's representative, and all parties harmless from dangers or liabilities on account thereof.
- M) Sign surfaces that are intended to be flat shall

be without oil canning, or other visual deformities.

N) All exposed welded seams and joints shall be finished smooth.

O) The general location of wall signs shall be centered vertically and horizontally on fascia, unless otherwise specified and approved by Landlord.

**10) Administration**

A) Hours in which signage will be illuminated, shall be determined and controlled at the Landlord's sole discretion.

B) Landlord reserves the right to hire an independent electrical engineer (at Tenant's sole expense) to inspect the installation of all signs and to require that any discrepancies and/or code violations be corrected at Tenant's expense.

C) Tenant's sign company shall carry workman's compensation and public liability insurance against all damage suffered or done to any and all persons and/or property while engaged in the construction or erection of signs in the amount per occurrence set by the Landlord at that time.

D) At the expiration, or sooner termination of Tenant's lease term, Tenant shall be required to remove its signs, cap-off the electrical, patch the fascia, and paint the entire fascia area to match the surrounding areas, if required by Landlord, at Tenant's expense within seven (7) days of Landlord's notification of same.

E) Sign contractors shall be advised (by Tenant) that no substitute will be accepted whatsoever unless so indicated in specification and approved in writing by Landlord and Tenant. Any deviation from these specifications may result in the rejection of the sign by Tenant and/or Landlord.

F) In the event any conflict in the interpretation of the these guidelines cannot be satisfactorily resolved, the Landlord's decision shall be final and binding upon the Tenant.

**11) Prohibited Sign**

A) Abandoned Signs;

B) Signs advertising or publicizing an activity, service or product, except for community interest signs permitted by the City of Milpitas, which must be pre approved by Landlord in writing;

C) Animated, moving, flashing, blinking, reflecting, revolving, or any other similarly moving or simulated moving sign;

D) Balloons, gas-filled balloons, flags, banners (except as permitted by Code), and Pennants;

E) Signs on benches, bicycle Racks, picnic tables, light poles, trash receptacles, foot bridges, decks or other site appurtenances;

F) Off-site signs, except as permitted Code;

G) Signs mounted on the roof or above the lower ease line of a mansard or similar roof;

H) Signs on public property or in a public right-of-way, except for publicly installed traffic and street identification signs, approved special event signs or other signs expressly permitted by this Code;I) Signs painted on or affixed to fences or roots;

J) Signs that stimulate in color or design a traffic sign or signal, or which make use of words, symbols or characters in a manner which could interfere with, mislead or confuse pedestrian or vehicular traffic;

K) Temporary signs, including but not limited to "A" frame signs and sandwich boards, any sign attached to utility or street name poles and any product or temporary sign mounted or painted on a vehicle parked or located so as to function as an identification or directional sign(s) identifying a business or product; and

L) Windblown devices, including but not limited to windmills, kites, display flags, streamers, balloons, blimps, or similar devices designed to attract attention to a property or business by moving in the wind.

**12) Temporary Signs**

A) Temporary signs shall be permitted within the Seasons Marketplace at Landess at the sole

**ADART**  
SIGN COMPANY  
2670 W. SHAW LANE  
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discretion of the Landlord and the City of Milpitas and require prior written approval.

**13) Guarantee**

Entire display shall be guaranteed for one (1) year from date an installation against defects in material and workmanship. Defective parts shall be replaced without charge.

**14) Insurance**

Sign Company shall carry workmen's compensation and public liability insurance against all damage suffered or done to any and all persons and/or property while engaged in the construction or erection of signs in the amount of \$1,000,000 per occurrence.

**15) Installation**

A. Tenant's sign contractor shall completely install and connect sign display and primary wiring at sign location stipulated by landlord. All signs will be Wired to house panel for uniform control of hours of illumination.

B. Landlord reserves the right to hire an independent electrical engineer (at tenant's sole expense) to inspect the installation of the all tenants signs and to require the tenant to have any discrepancies and/or code violations corrected at the tenant's expense.

**Seasons Marketplace  
at Landess**  
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Milpitas, CA**

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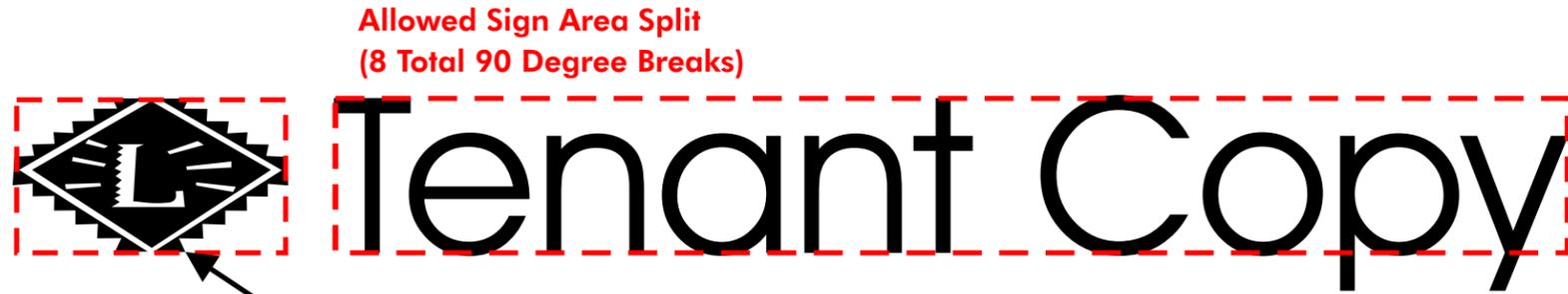
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**DWG. NO.**  
**S-3**

# Rules of Measurement

**AREA**

Overall sign area is defined as a single or split area enclosed by a continuous line composed of 90 degree angles not to exceed (8) breaks. Any trim, backing, frame, structure and or element used to differentiate the sign from its background will be included in the calculation of allowable square footage.



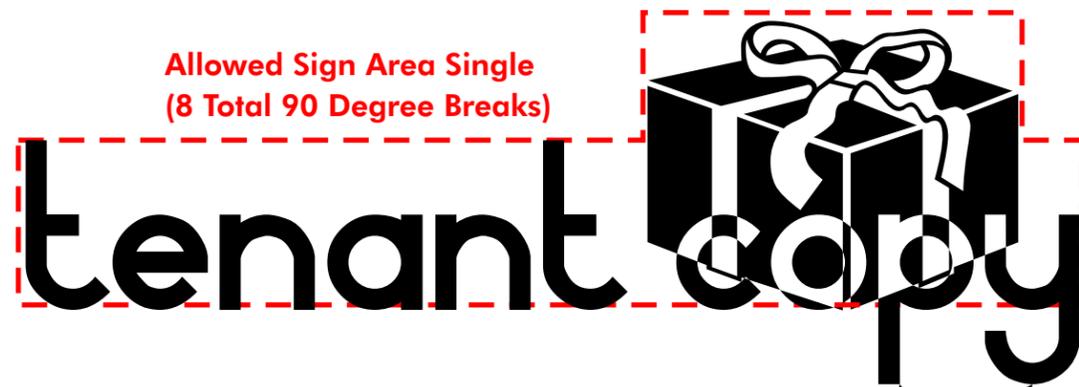
Allowed Sign Area Split  
(8 Total 90 Degree Breaks)

Tenant to Determine Logo & Copy Color along with shapes as per their Nationally Recognized Trademarks.



Allowed Sign Area (Copy Logo)

Trying to Bend the Rules  
Descending letter logo elements changed from the intended font will be included with the allowable copy height and square footage.



Allowed Sign Area Single  
(8 Total 90 Degree Breaks)

Descending letter elements in certain fonts such as letters f, g, j, p, q, y & z will not count against allowable copy height and square footage as long as it does not serve as a logo element and/or has been changed from the intended font.

**Irregular shaped icons & logos should be considered in sign design for increased visual impact. However, flat cut out painted aluminum shapes or elements placed near, in front of or behind logo and/or letters are prohibited.**



\*Signs are shown for illustrative purposes only and do not represent the font, color, size, etc. of signs allowed by this program.

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DWG. NO.  
**A-1**

# Seasons Marketplace at Landess Landess Ave. & Dempsey Rd. Milpitas, CA

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## SIGNAGE CALCULATIONS

ALLOWABLE CENTER WALL SIGNAGE			
PARCEL	METHOD USED	LINEAL FOOTAGE	ALLOWABLE SIGNAGE
Parcel 1	Street Frontage (Landess Ave.)	283.5	567 s.f.
Parcel 1	Street Frontage (Dempsey Rd.)	107.76	215.52 s.f.
<b>TOTAL ALLOWED CENTER BUILDING SIGNAGE</b>			<b>782.52 s.f.</b>

Estimated from available plans  
Calculation method for allowance used  
\*Two (2) square feet of signage per one (1) lineal foot of public street frontage.

CENTER I.D. AND TENANT WALL SIGNAGE	
Proposed Center I.D. Signage	81.58 s.f.
Proposed Major Signage	135.00 s.f.
Balance for Secondary Tenants Wall Signage	557.50 s.f.
<b>CENTER I.D. AND TENANT SIGNAGE (TOTAL SHOWN)</b>	<b>774.08 s.f.</b>
<b>CENTER I.D. AND TENANT SIGNAGE (TOTAL ALLOWED)</b>	<b>782.52 s.f.</b>

Calculation method for allowance used:  
\*One (1) square foot of signage for every one (1) lineal foot of building frontage.

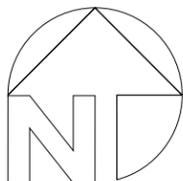
PROJECT PYLON SIGNAGE	
Pylon Sign Surface Area	300.00 s.f.
<b>PROJECT I.D. TOTAL SHOWN</b>	<b>300.00 s.f.</b>

Per the Milpitas Sign Ordinance, a double faced freestanding shopping center ID sign may be granted as per MMC XI-30-4.0. Said sign shall not exceed 300 square feet of surface area on any one face and does not count against the total allowed sign calculation.



- MAJOR TENANT**  
Retail tenant occupying more than 20,000 s.f.
- SECONDARY TENANTS**  
Tenants occupying less than 20,000 s.f.

KEY	
<b>PS</b>	Pylon Sign
<b>MS</b>	Monument Sign
<b>CS</b>	Center I.D. Sign
<b>DS</b>	Directional Sign
<b>BS</b>	Banner Sign (Quantity and location TBD)



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**P-1**

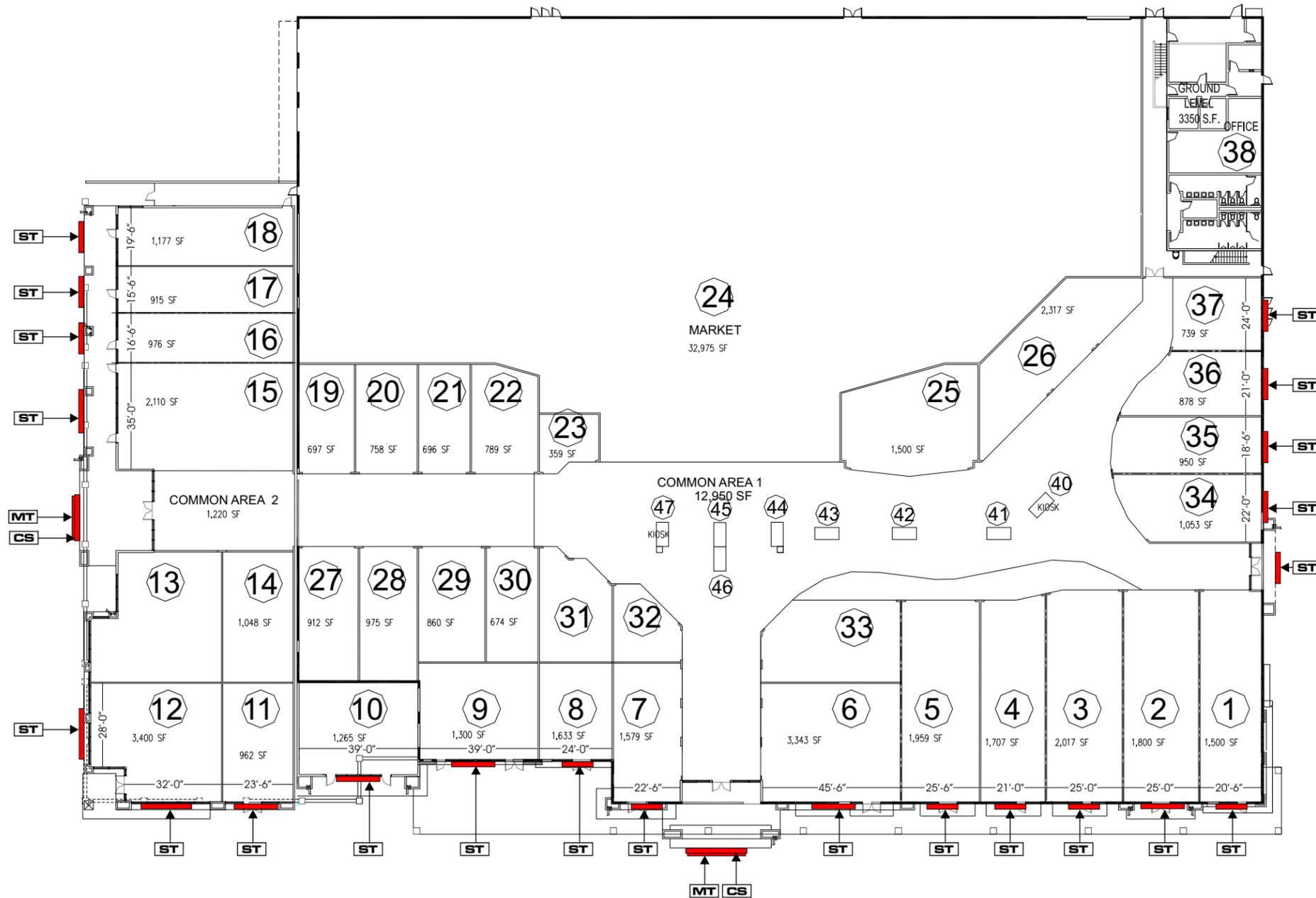
# Seasons Marketplace at Landess

Landess Ave. & Dempsey Rd.  
Milpitas, CA

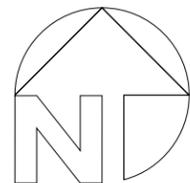
## BUILDING SIGN ALLOTMENTS

TENANT	ELEVATION	MAXIMUM SQUARE FOOTAGE ALLOWED
Center Identification	South	49.58
	West	32.00
Major Tenant	South	75.00
	West	60.00
Secondary Tenant 1	South	20.50
Secondary Tenant 2	South	25.00
Secondary Tenant 3	South	25.00
Secondary Tenant 4	South	21.00
Secondary Tenant 5	South	25.50
Secondary Tenant 6	South	45.50
Secondary Tenant 7	South	22.50
Secondary Tenant 8	South	24.00
Secondary Tenant 9	South	39.00
Secondary Tenant 10	South	39.00
Secondary Tenant 11	South	23.50
Secondary Tenant 12	South	32.00
	West	28.00
Secondary Tenant 15	West	35.00
Secondary Tenant 16	West	16.50
Secondary Tenant 17	West	15.50
Secondary Tenant 18	West	19.50
Secondary Tenant 34	East	22.00
Secondary Tenant 35	East	18.50
Secondary Tenant 36	East	21.00
Secondary Tenant 37	East	24.00
Secondary Tenant TBD	East	15.00
<b>Total Allowed</b>		782.52
<b>Total Shown</b>		774.08

Estimated from available plans  
 Calculation method for allowance used  
 \*One (1) square foot of signage for every one (1) lineal foot of building frontage.  
 \*Exception: Due to unique circumstances Major Tenant and Secondary Tenant without frontages will be allowed signage as shown above.



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KEY	
<b>MT</b>	Major Tenant Sign (Seafood City)
<b>ST</b>	Secondary Tenant Sign
<b>CS</b>	Center Sign

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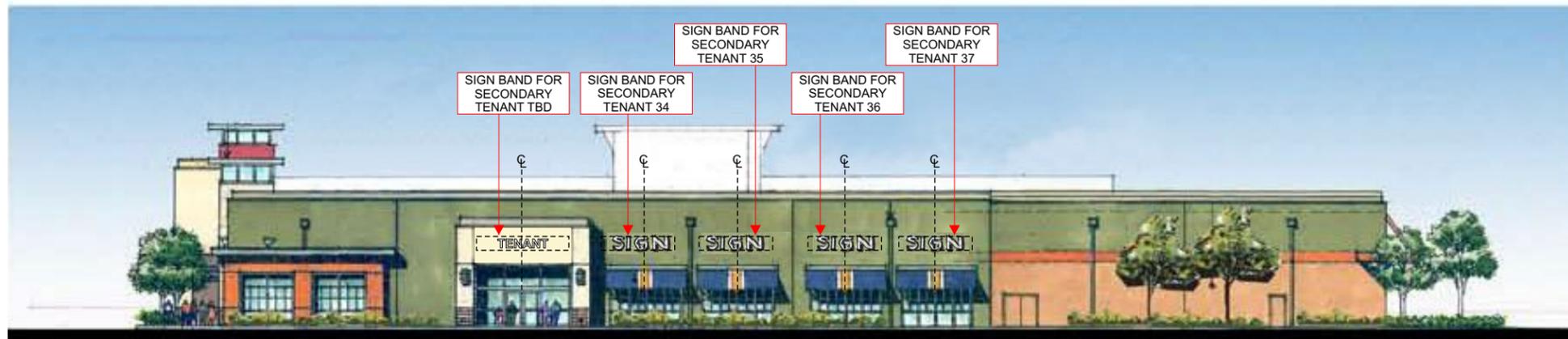
**Seasons Marketplace  
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**South (Primary) elevation - Scale: 1/32" = 1'-0"**



**West elevation - Scale: 1/32" = 1'-0"**



**East elevation - Scale: 1/32" = 1'-0"**

**NOTE: All signs to be a minimum of 3'-0" from other signs, 1'-0" from the edge of wall and 6" from any architectural features.**

**WALL SIGNS**

- \* Internally illuminated pan channel letter/logo cabinets.
- \* Sizes and colors vary
- \* Maximum letter height for all tenants is 3 ft. OAH.
- \* Two lines of copy is allowed for Major Tenant only.
- \* Sign bands are indicated by dashed lines on the elevation.
- Signs shall not extend or be located outside of any bands and are not to exceed 75% of the length of the frontage.
- \*No signage to be submitted to city of Milpitas without owner review and approval

\*In the case where two tenants take one space the allowed square footage is to be prorated based on a percentage of building frontage and square footage with the signs to be centered over the entrance doors. At no point will signage square footage exceed total amount allowed (i.e. One (1) square foot of signage for every one (1) lineal foot of building frontage).

\*In the case where one tenant takes two spaces they will be allowed to combine the square footage of the two spaces but may not exceed 75% of the frontage or One (1) square foot of signage for every one (1) lineal foot of building frontage.

- MAJOR TENANTS**  
Retail tenant occupying more than 20,000 s.f.
- SECONDARY TENANTS**  
Tenants occupying less than 20,000 s.f.

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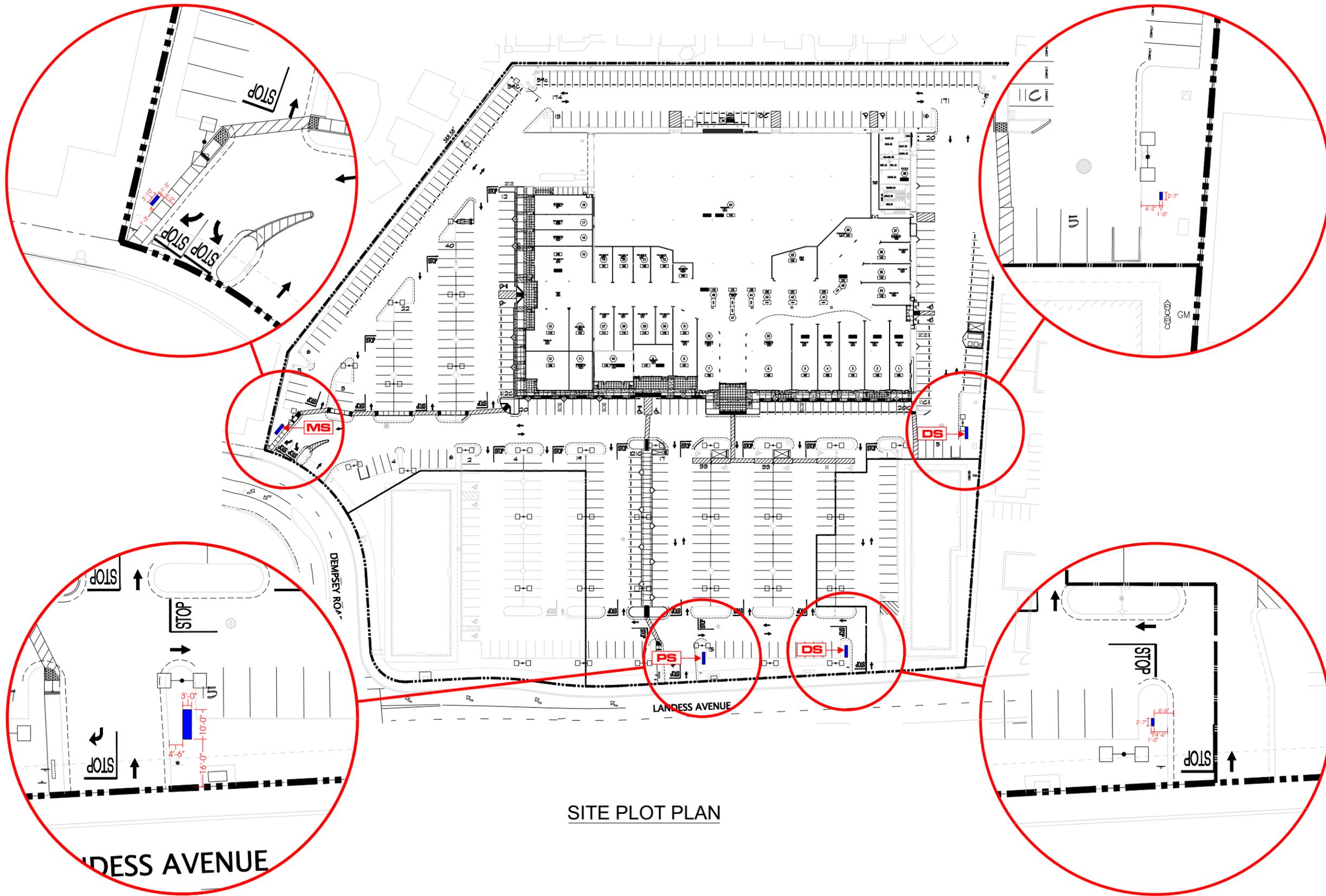


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**E-1**

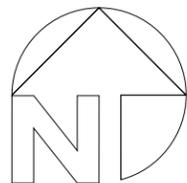
# Seasons Marketplace at Landess Landess Ave. & Dempsey Rd. Milpitas, CA



SITE PLOT PLAN

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KEY	
<b>PS</b>	Pylon Sign
<b>MS</b>	Monument Sign
<b>DS</b>	Directional Sign

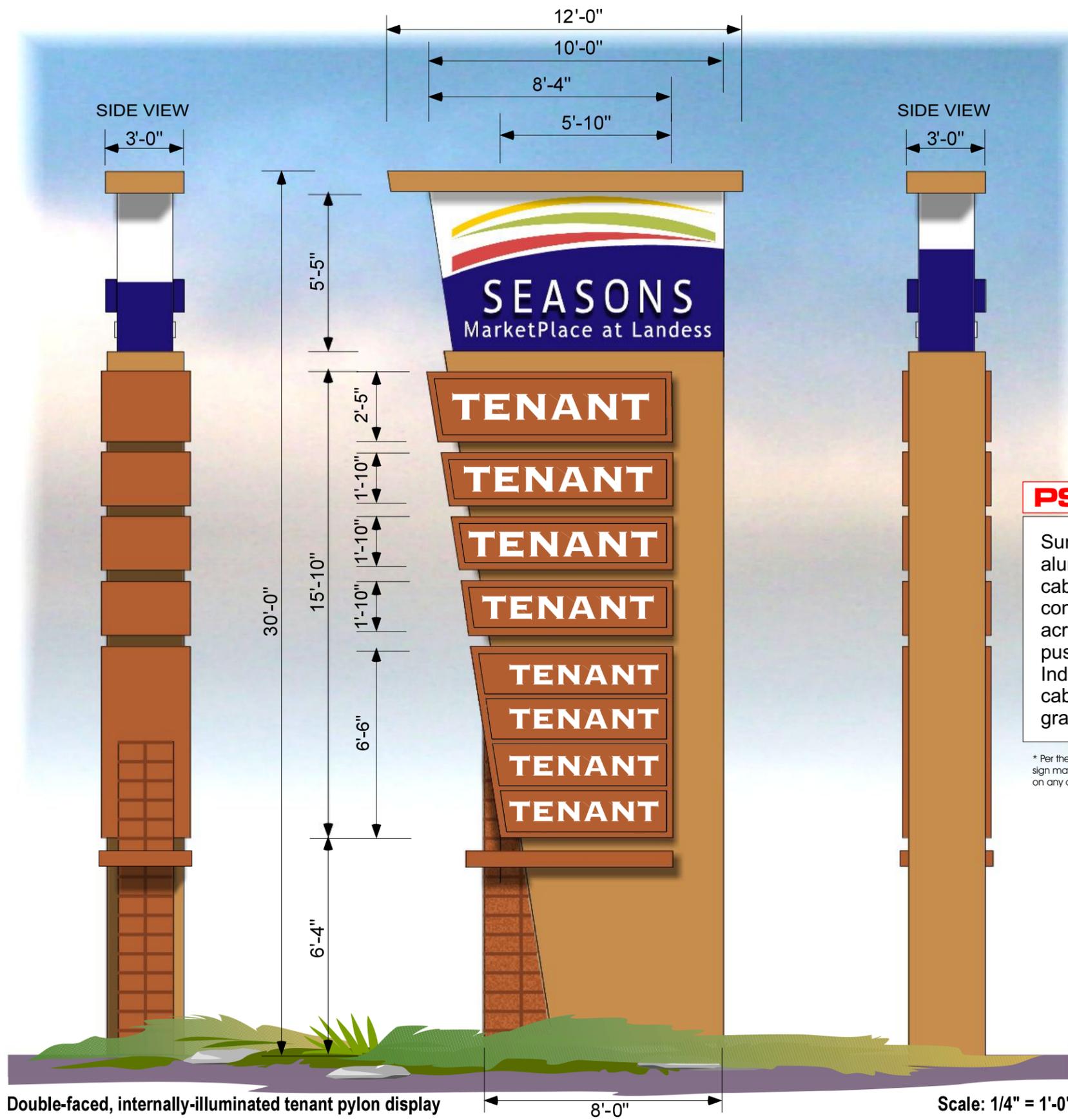
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1.1

**Seasons Marketplace  
at Landess**  
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**PYLON SIGN ALLOTMENTS**

PYLON SURFACE AREA ALLOWED = 300 S.F TOTAL
PYLON SURFACE AREA SHOWN = 300 S.F TOTAL

**PS**

Surface fabrication either painted or textured aluminum. "Seasons" ID to consist of aluminum cabinet with painted blue background and channel constructed letters with LED illuminated white acrylic faces. "Arc" features above to be rout-out push-thru white acrylic with film-applies faces. Individual tenant panels and lower multi tenant cabinets to be aluminum faces with rout out graphics and backed with acrylic.

\* Per the Milpitas Sign Ordinance, a double faced freestanding shopping center ID sign may be granted as per MMC XI-30-4.0. Said sign shall not exceed 300 square feet on any one face and will not count against the allowed sign calculation.

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NOTE: Tenant panels to be distributed at the sole discretion of the Landlord, subject to city approval

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**Seasons Marketplace  
at Landess**  
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**Double-faced, internally-illuminated monument display**

Scale: 3/4" = 1'-0"

Surface fabrication either painted or textured aluminum. "Seasons" ID to consist of internally-illuminated aluminum cabinet with push-thru white acrylic graphic sections with film-applied faces. "Seasons" copy to be cut-out (exposed) white. Tenant cabinet to have individual aluminum panels with rout-out graphics backed with acrylic.



**Typical double or single-faced internally-illuminated directional**

3/4" = 1'-0"

Surface fabrication either painted or textured aluminum. Internally-illuminated aluminum cabinet to have rout-out white acrylic copy and arrows. "Seasons" graphic to consist of rout-out white acrylic letters with film-applied "arcs".

Note: Display option non-illuminated with all film-applied graphics and copy on aluminum face.

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NOTE: Tenant panels to be distributed at the sole discretion of the Landlord, subject to city approval

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**1.3**

**Seasons Marketplace  
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**Pylon Sign (Night View)**

**Scale: NTS**



**Monument Sign (Night View) Scale: NTS**

**Directional Sign (Night View) Scale: NTS**

NOTE: Display option illuminated with all graphics to be rout-out show thru


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**1.4**

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**DWG. NO.**  
**1.5**



**BS** Double faced banner sign

Scale: NTS



Scale: 1 1/2" = 1'-0"

**Banner**

- \* Double sided vinyl banner display (quantity TBD)
- \* Attach to light pole with Valmont banner arm, or equivalent

**Graphic**

- \* Graphic to be determined

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# DEFINITIONS

**AESTHETICS:** A term dealing with form, design, and/or quality of construction of a particular sign, building, site or structure that presents a judgmental statement concerning the level of beauty or artistic value.

**ANIMATED SIGN:** A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display.

**AWNING SIGN:** A building mounted sign that provides additional functionality as shelter.

**BACKLIT LETTER:** An illuminated reverse channel letter (open or translucent back) so light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter. Also referred to as Silhouette lighted or halo lighted.

**BALLAST:** An electrical device required to operate fluorescent lamps.

**BANNER:** A sign composed of lightweight material. Promotional banners include those used to announce open houses and grand openings, make special announcements, or communicate events. Ornamental banners use images or colors of a decorative nature.

**BRAND EQUITY (Branding):** The intangible, but real, value of words, graphics or symbols that are associated with the products or services offered by a business. Developing branding of a site includes the presentation of signage and architecture to create a unique awareness and memory by the potential customer of the products or services offered at that site. Brand equity for a particular business is similar to the goodwill of an enterprise.

**BUILDING CODE:** State, provincial and/or local regulations governing public health, welfare and safety of construction and maintenance.

**BUILDING FASCIA:** That portion of any elevation of a building extending vertically from the grade to the top parapet wall or eaves, and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as a mansard.

**BUILDING MOUNTED SIGN:** A sign that is applied or attached to a building.

**CABINET SIGN:** A sign structure consisting of the frame and face(s), not including the internal components, embellishments or support structure.

**CHANGEABLE COPY PANEL:** A section of a sign that functions like a changeable copy sign.

**CHANGEABLE COPY SIGN:** A variable message sign composed of individual letters panel-mounted in or on a track system.

**CHANNEL LETTER:** Fabricated or formed three-dimensional letter that may accommodate a light source.

**COATED TUBING:** Clear glass tubing, coated on the interior surface with phosphorus powder. Coated tubing produces a variety of different light colors, dependent upon the specific mixture of phosphorus powders utilized.

**COLD CATHODE:** 1.) Electric discharge lighting, which

uses an electrode with a large metal mass to emit electrons. Neon tubing is a cold cathode type. 2.) Generic term employed to specify custom interior lighting produced through the use of larger diameter cold cathode tubing.

**COLORED TUBING:** Transparent glass tubing manufactured with color pigments, typically color examples include ruby red, canary yellow, green, and midnight blue.

**CONFORMING SIGN:** A sign that is legally installed in accordance with federal, state/province, and local laws and ordinances.

**CONSPICUITY:** The characteristics of the sign that enable an observer to differentiate the sign from its surrounding environment.

**CONTRAST:** The difference or degree of difference between things having similar or comparable natures, such as light and dark areas, colors, or typefaces.

**COPY:** The words or message displayed on a sign.

**COPY AREA:** Areas that enclose the actual copy on a sign.

**COVERAGE:** A marketing term that refers to the percentage of the total market population reached by an advertising message displayed in a given medium; measured at least once a month.

**CUSTOM SIGN:** A sign designed, manufactured and installed to meet the requirements of a specific location.

**DIMENSIONAL LETTER:** A specification description of a letter, logo or symbol, either cut out, cast, molded or fabricated in material such as metal or plastic to create a raised condition.

**DIRECTIONAL SIGN:** Signs designed to provide direction to pedestrian and vehicular traffic.

**DIRECTORY SIGN:** A sign that identifies the names and locations of tenants in a multi-tenant building or in a development made up of a group of buildings.

**DOUBLE-FACED SIGN:** A sign with two parallel opposing (back-to-back) faces.

**ELECTRIC SIGN:** Any sign containing or using electrical wiring.

**ELECTRONIC MESSAGE CENTER:** A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix.

**EXTERIOR ILLUMINATED SIGN:** A sign that is illuminated by a light source that is directed towards, and shines on the face of a sign. Also called direct illumination.

**FACE:** The surface area on a sign where advertising copy is displayed.

**FASCIA SIGN:** A building mounted sign.

**FLASHING SIGN:** A sign with an intermittent or flashing light source. Generally, the sign's message is constantly repeated, and the sign is most often used as a primary attention-getting device. Government highway departments frequently use flashing signs to improve highway safety.

**FLAT CUTOUT LETTER:** A dimensional letter cut from sheet or plate stock.

**FLUORESCENT LAMP OR TUBE:** Electric-discharge lighting utilizing glass tubing manufactured to standard lengths.

**FONT:** A set of letters, numerals, and shapes, which conform to a specific set of design criteria.

**FREESTANDING SIGN:** A sign that is not attached to a building.

**FREQUENCY:** The average number of times an individual has the opportunity to see an advertising message during a defined period of time. Typically measured over a four-week period.

**FRONT LIGHTED LETTER:** An illuminated channel letter with translucent face.

**FULL SERVICE SIGN COMPANIES:** Sign companies that complete the entire signage project, including surveying, designing, engineering, permitting, manufacturing, installing, and maintaining signs.

**GROUND SIGN:** A freestanding sign with no visible support structure.

**INCANDESCENT BULB:** A lamp that produces light through the application of electrical energy to a wire filament, which glows as it is heated.

**INTERIOR SIGNS:** Signs that are located inside a building or other facility.

**INTERNALLY ILLUMINATED SIGN:** A sign that is illuminated by a light source that is contained inside the sign.

**ISA:** International Sign Association.

**LISTED SIGN:** A sign labeled to indicate that the manufacturer of the sign is identified in a list published by a National Recognized Testing Laboratory as producing signs in conformance with the applicable American National Standard.

**LOGO:** A design that represents goods, identity or service.

**MALL SIGNAGE:** A wide variety of typical on-premise sign types located within the interior of a multi-tenant building or mall.

**MARQUEE:** A permanent canopy often of metal and glass projecting over an entrance.

**MARQUEE SIGN:** 1) a sign mounted on a permanent canopy, 2) a traditional industry term for the variable message section of a canopy sign, 3) an integral sign and permanent canopy.

**MENU BOARD:** A variable message sign that allows a retailer to list products and prices. For example, the bill of fare for a fast food restaurant.

**MESSAGE AREA:** The area within the sign panel describing the limits of the message.

**MOBILE SIGN:** A portable sign mounted on a trailer.

**MONUMENT SIGN:** A ground sign with low overall height. (See freestanding sign.)

**NEON SIGN:** A sign manufactured utilizing neon tubing, which is visible to the viewer.

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2.1

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**2.2**

**NEON TUBING:** Electric discharge, cold cathode tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, and other decorative elements or art forms, in various colors and diameters and filled with inert gases.

**ON-PREMISE SIGN:** A communication device whose message and design relates to a business, an event, goods, profession or service being conducted, sold or offered on the same property as there the sign is erected. OPEN

**CHANNEL LETTER:** A dimensional letter that has no face and, if illuminated with the light source visible. A clear face for physical protection of internal components may be used.

**PAINTED WALL SIGN:** See building mounted sign.

**PAN CHANNEL LETTER:** A dimensional letter that is constructed with side walls, back and a face making the letter a solid integral unit with the side walls and back having a pan-shaped cross section.

**PAN FACE:** A plastic sign face molded into a three dimensional shape. Also called molded face, molded and embossed face, molded and debossed face.

**PARAPET SIGN:** A sign mounted on top of the parapet of a building. (See building mounted sign.)

**PERMANENT SIGN:** A sign attached to a building, structure, or the ground in a manner that enables the sign to resist environmental loads, such as wind, and precludes ready removal or movement of the sign.

**POLE OR PYLON COVER:** An enclosure for concealing and/or for decorating poles or other structural supports of a ground sign.

**POLE SIGN:** A freestanding sign with visible support structure.

**PORTABLE SIGN:** A sign not permanently attached to the ground or building, with a power-cord for connection to an electrical source, and readily removable using ordinary hand tools.

**POST AND PANEL SIGN:** An unlighted sign fabricated by using one or more visible posts to support the sign body.

**PROJECTING SIGN:** A building mounted sign with the faces of the sign perpendicular to the building fascia.

**PUSH-THROUGH:** A letter or logo cut out of a backing material that is as thick or thicker than the sign face material, and mounted on the inside of the sign face so that the backing material's thickness extends flush with or through and beyond the front plane of the sign face.

**PYLON SIGN:** A freestanding sign with visible support structure or with the support structure enclosed with a pole cover.

**RACEWAY:** An electrical enclosure that may also serve as a mounting structure for the sign.

**REGULATORY SIGN:** A sign having the primary purpose of conveying information concerning rules, ordinances or laws.

**RETAINER:** A framing member mounted around the perimeter of a sign face, and attached to the sign cabinet structure. It is designed to attach the face to the cabinet and/or intended to provide a decorating trim piece.

**RETURN:** The sides of a channel letter.

**REVEAL:** An indented detail on a sign.

**REVERSE CHANNEL LETTER:** A fabricated dimensional letter with opaque face and side walls.

**ROOF SIGN:** A building mounted sign erected on the roof of a building.

**SIDEWALK/SANDWICH SIGN:** A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A.

**SIGN:** Any visual display with words or symbols designed to convey information or attract attention.

**SIGN BAND:** A horizontal area above a multi-tenants' building's entrances, architecturally designed to accommodate signage in a signcentric manner.

**SIGN FACE:** The area of a sign on which copy is intended to be placed.

**SIGNAGE:** A system of signs.

**SINGLE-FACE SIGN:** A sign with only one face plane.

**STATIONARY SIGN:** A sign with a power-cord for attachment to a source of electrical power that is not readily moveable or portable.

**TARGET AUDIENCE:** The profile of the most desired consumer prospects for a product or service, listed by characteristics such as demography, lifestyle, brand or media consumption, purchase behavior, etc. This is common to all media.

**TEMPORARY SIGN:** Any sign not intended for permanent installation, such as banners and signs at construction sites. They may be incidental or miscellaneous in nature, such as political and real estate signs.

**TIME AND TEMPERATURE DISPLAY:** A variable message sign which displays current time and temperature in a stationary or alternating manner. Some also display simple messages.

**TRADE AREA:** Most retail businesses have a relatively fixed area that customers come from to do business at their store. In general; the trade area is either the living or work locale for the customer. The selling zone of place-based retail business will be dynamic for two reasons; the customer is moving residences or jobs or the customer is passing through on a trip that intersects the trade area. The trade area for most small businesses is 3 to 5 miles.

**TRADEMARK:** Used by a business to distinguish itself and its products from the competition. A trademark may include a name, symbol, word or combination of those. Protected by the federal government and considered to have financial value. The circled "R" or "Reg. T.M." printed with the mark indicates that it is a registered trademark. See United States Trademark Act 15 U.S.C. Section 1127 (1988).

**TRANSFORMER:** Electrical equipment that converts input voltage and current to a different output voltage and current.

**UL:** An abbreviation for Underwriters Laboratories, Inc., a Nationally Recognized Testing Laboratory.

**UNDER-CANOPY SIGN:** A sign designed to be mounted underneath a canopy.

**VARIABLE MESSAGE SIGN:** A sign that includes provisions for message changes. Also called changeable copy panel, changeable copy sign, time and temperature sign, electronic message center, menu board.

**VARIANCE:** Special administrative procedure by which one may obtain an exception to zoning rules such as height, setback and type of use. (See the "Legal Considerations" section.)

**VISIBILITY:** The quality of a letter, number, graphic, or symbol, which enables the observer to distinguish it from its surrounds or background.

**WALL SIGN:** A building mounted sign. (See also Fascia sign.)

**WINDOW SIGN:** A sign that is displayed in a window.

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Ayalafil Management LLC  
c/o 255 Shoreline Drive Ste 428  
Redwood City, CA 94065

May 18, 2009

City of Milpitas  
Planning Division  
455 E. Calaveras Blvd, Milpitas  
CA 95035

Re: 1535 Landess Avenue Project

Gentlemen:

The proposed project consists of the renovation of an existing building for use as a neighborhood shopping center. The Center will have restaurants and food use, mostly facing the parking areas located at the southern and western parts of the property.

The intent is to have a variety of dining and food shopping options to attract a broad base of customers. Attached are the tentative plans for the spaces that have been identified for restaurant and food use and the list of tenant information as of this date. Also attached is our proposed signage design program.

We are requesting approval of our application for a conditional use permit for restaurant and food use and approval of our proposed signage design program.

Very truly yours,



Dirina Bayangos