



## MILPITAS PLANNING COMMISSION AGENDA REPORT

### PUBLIC HEARING

Meeting Date: October 14, 2009

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**APPLICATION:** **SITE DEVELOPMENT PERMIT NO. SD09-0003, South Bay Honda Sign Program**

**APPLICATION  
SUMMARY:**

A request to consider a new sign program that includes 13 on-site signs (nine wall illuminated/non-illuminated and four freestanding non-illuminated) for the purposes of advertising the new automobile dealership.

**LOCATION:** 920 Thompson Street (APN: 85-05-026)

**APPLICANT:** Chris Merrell, 120 Encinal Street, Santa Cruz, CA 95060

**OWNER:** Santa Clara County, C/O Larry Klamecki, 70 W. Hedding Street, 9<sup>th</sup> floor, San Jose, CA 95110

**RECOMMENDATION:** **Staff recommends that the Planning Commission:**  
**1. Close the public hearing following public testimony; and**  
**2. Adopt Resolution No. 09-044, subject to the findings and conditions of approval.**

**PROJECT DATA:**

General Plan/

Zoning Designation: General Commercial/General Commercial (C2)

Overlay District: Site and Architectural (-S)

Specific Plans: Midtown Specific Plan

Related Permits: Site Development Permit No. SZ08-0001, Conditional Use Permit No. UP08-0001

CEQA Determination: Exempt pursuant to Section 15311 (Class 11), Accessory Structures, because of the on-premises signs.

**PLANNER:** Sheldon S. Ah Sing, Senior Planner

**ATTACHMENTS:** A. Resolution No. 09-044  
B. Site plans

# LOCATION MAP



No scale

**BACKGROUND**

On June 11, 2008, the Planning Commission approved a Site Development Permit and Conditional Use Permit for the construction and operation of a new automobile dealership. The construction is nearing completion and the dealership expects to be open in October 2009.

On June 30, 2009, Chris Merrell of Northwest Signs submitted an application to consider a sign program for 13 on-site signs in accordance with the conditions of approval (Resolution No. 08-019) for the project and Section 30-4.04, Sign Programs, of the City’s Sign Ordinance. New automobile dealerships are subject to sign programs, requiring Planning Commission consideration.

**PROJECT DESCRIPTION**

The project site encompasses a 4.82 acre vacant parcel bounded by Interstate 880 to the west, Thompson Street to the east, a vacant parcel to the north (including Hetch-Hetchy) and the Toyota dealership to the south. The subject site is also adjacent to the Elmwood Correctional facility, across Thompson Street to the east and residential development, across Thompson Street to the northeast.

The subject property is zoned General Commercial (C2) with a Site and Architectural (-S) Overlay. The correctional facility is zoned Institutional (I-S), the residential neighborhood is zoned Multi-family High Density (R3-S). A vicinity map of the subject site location is included on the previous page.

***Project Scope***

The applicant proposes nine wall signs to advertise the Honda brand and four freestanding monument signs to direct customers through the ingress and egress of the site.

Sign Area

According to Section 30-3.02(a), Maximum Permissible Sign Area, of the Sign Ordinance, the site is allowed a maximum of 856 square feet for signs (two square feet of sign area for every one lineal foot of public street frontage). As demonstrated in Table 1, the project proposes 507 square feet of sign area, which is less than the maximum allowed for the site.

Sign colors, materials and location

The table below summarizes the type of signs, locations, sizes, colors and illumination. For further reference, consult the associated plans for the project (Attachment B).

**Table 1**  
**Sign Summary**

<i>Sign (Type)</i>	<i>West Elevation</i>	<i>East Elevation</i>	<i>North Elevation</i>	<i>Sign Area Total (Sq. Ft.)</i>
<b>Honda Emblem</b>	80 sq. ft., non-illuminated, painted to match brushed aluminum	80 sq. ft., non-illuminated, painted to match brushed aluminum	None	160
<b>30" Honda</b>	56.25 sq. ft., internally illuminated, blue face, aluminum returns	56.25 sq. ft., internally illuminated, blue face, aluminum returns.	None	112.5
<b>30" Dealer Name</b>	42.5 sq. ft., internally illuminated, blue face, aluminum returns	42.5 sq. ft., internally illuminated, blue face, aluminum returns	None	85
<b>24" Service Letters</b>	None	None	42 sq. ft., internally illuminated, blue face, aluminum returns	42
<b>Service Ovals</b>	None	None	Two, 16 sq. ft., internally illuminated, blue face, aluminum returns	32
<b><i>Wall Subtotal</i></b>				<b><u>431.5</u></b>
<b>Directional Monument</b>	None	Four, 19 sq. ft., non-illuminated, blue and gray.	None	<b>76</b>
<b><i>Freestanding Subtotal</i></b>				<b><u>76</u></b>
<b><u>Site Total</u></b>				<b>507.5</b>

**ADOPTED PLANS AND ORDINANCES CONSISTENCY**

***General Plan***

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

**Table 2**  
**General Plan Consistency**

<b>Policy</b>	<b>Consistency Finding</b>
<i>2.a-1-23, Require development in the Midtown area to conform the adopted design guidelines/requirements contained in the Midtown Specific Plan.</i>	<b>Consistent.</b> The project complies with the Midtown Specific Plan design guidelines.
<i>2.a-1-3. Encourage economic pursuits which will strengthen and promote development through stability and balance.</i>	Consistent. The project promotes an automobile dealership, which strengthens the city’s tax base.

The proposed project is consistent with the General Plan, which encourages the development of a wide variety of commercial uses. The proposed sign will help promote the automobile dealership.

***Sign Ordinance***

The project is consistent with Chapter 30 (Signs) of the Milpitas Municipal Code. The proposed signs are compatible in colors, design, scale and materials with the building they intend to advertise. While the freestanding signs are closest to residential development, none of those signs are illuminated. The freestanding signs will also be located in planter areas as required by the Sign Ordinance.

***Midtown Specific Plan***

The project is located within the Midtown Specific Plan. The Specific Plan provides design guidelines for the entire Midtown area, including criteria for signage. While the design guidelines discourage freestanding signs, the benefits of promoting an automobile dealership outweigh the intent of the guideline. The guidelines do not holistically capture the uniqueness of an automobile dealership. The Planning Commission is empowered to allow deviations from the guidelines if appropriate findings are made.

**Table 3**  
**Midtown Specific Plan Consistency**

<b>Midtown Guidelines</b>	<b>Proposed Project</b>
<i>All signs should be designed to complement the architectural style and setting of the structure or use it is adjacent to.</i>	<b>Consistent.</b> The proposed sign carries over the architectural style and colors of the automobile dealership.
<i>Sign letters and materials should be professionally designed and fabricated.</i>	<b>Consistent.</b> The proposed sign is manufactured by a professional sign company.

**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 per Section 15311, (Class 11) Accessory Structures, because the project includes the construction of on-premise signs.

**PUBLIC COMMENT/OUTREACH**

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

**CONCLUSION**

The project proposes a combination of illuminated and non-illuminated wall signs and logos along with non-illuminated directional freestanding signs. These signs are compatible with the dealership building in terms of scale, color, design and materials. Deviations proposed from the Midtown Specific Plan guidelines are warranted because the freestanding signs direct customers to ensure safe ingress and egress to the facility.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve **Site Development Permit No. SD09-0003**, South Bay Honda Sign Program, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

- A. Resolution No. 09-044
- B. Project Plans

**RESOLUTION NO. 09-044**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT NO. SD09-0003, SOUTH BAY HONDA SIGN PROGRAM, TO ALLOW A NEW SIGN PROGRAM THAT INCLUDES 13 ON-SITE SIGNS (NINE WALL ILLUMINATED/NON-ILLUMINATED AND FOUR FREESTANDING NON-ILLUMINATED) FOR THE PURPOSE OF ADVERTISING, LOCATED AT 920 THOMPSON**

**WHEREAS**, on June 30, 2009, an application was submitted by Chris Merrell, of Northwest Signs, 120 Encinal Street, Santa Cruz, CA 95060, to allow a new sign program that includes 13 on-site signs (nine wall illuminated/non-illuminated and four freestanding non-illuminated) for the purpose of advertising the new automobile dealership. The property is located within the General Commercial with Site and Architectural Overlay Zoning district (C2-S) (APN: 85-05-026); 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 that this project is Categorical Exempt; and

**WHEREAS**, on October 14, 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 pursuant to CEQA Section 15311 (Class 11), accessory structures because the project contemplates on-premise signs.

**Section 3:** The layout of the site and design of the proposed signs are compatible and aesthetically harmonious with adjacent and surrounding development in that the signs incorporate materials, colors, scale and lighting that is consistent and compatible with the building they serve and are consistent with other retail enterprises in the area.

**Section 4:** The project is consistent with the zoning ordinance in that the signs comprise of design that incorporates materials, colors, scale and lighting that is consistent and compatible with the building they serve.

**Section 5:** The project is consistent with the general plan in that project encourages economic pursuits, which will strengthen and promote development through stability and balance by promoting a use that can strengthen the city's tax base.

**Section 6:** The project is consistent with the Midtown Specific Plan in that the project’s wall signs conform to the design guidelines in most cases, except as noted in Sections 7 and 8 below.

**Section 7:** The deviations from the Midtown Specific Plan design guidelines meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development in that the design of the proposed freestanding sign comprises of a design that incorporates materials, colors, scale and lighting that is consistent and compatible with the building it is serving.

**Section 8:** The deviations from the Midtown Specific Plan design guidelines allows for a public benefit such as a more diverse economic base for the community, a convenient service for local residents and a resource for city services, not otherwise obtainable through the strict application of the design guidelines.

**Section 5:** The Planning Commission of the City of Milpitas hereby approves Site Development Permit No. SD09-0003, South Bay Honda Sign Program, 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 October 14, 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 October 14, 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				

<b>COMMISSIONER</b>	<b>AYES</b>	<b>NOES</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Noella Tabladillo				
Mark Tiernan				

**EXHIBIT 1**

**CONDITIONS OF APPROVAL  
SITE DEVELOPMENT PERMIT NO. SD09-0003**

A request to consider a new sign program that includes 13 on-site signs (nine wall illuminated/non-illuminated and four freestanding non-illuminated) for the purposes of advertising the new automobile dealership.  
920 Thompson Street (APN: 085-05-026)

**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 October 14, 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. SD09-0003 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 SD09-0003 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

3. Prior to the issuance of building permits, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project.
4. 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, the review of permits will not be initiated until the balance is paid in full and there is at least 25% of the initial account balance maintained.

**Site Development Permit**

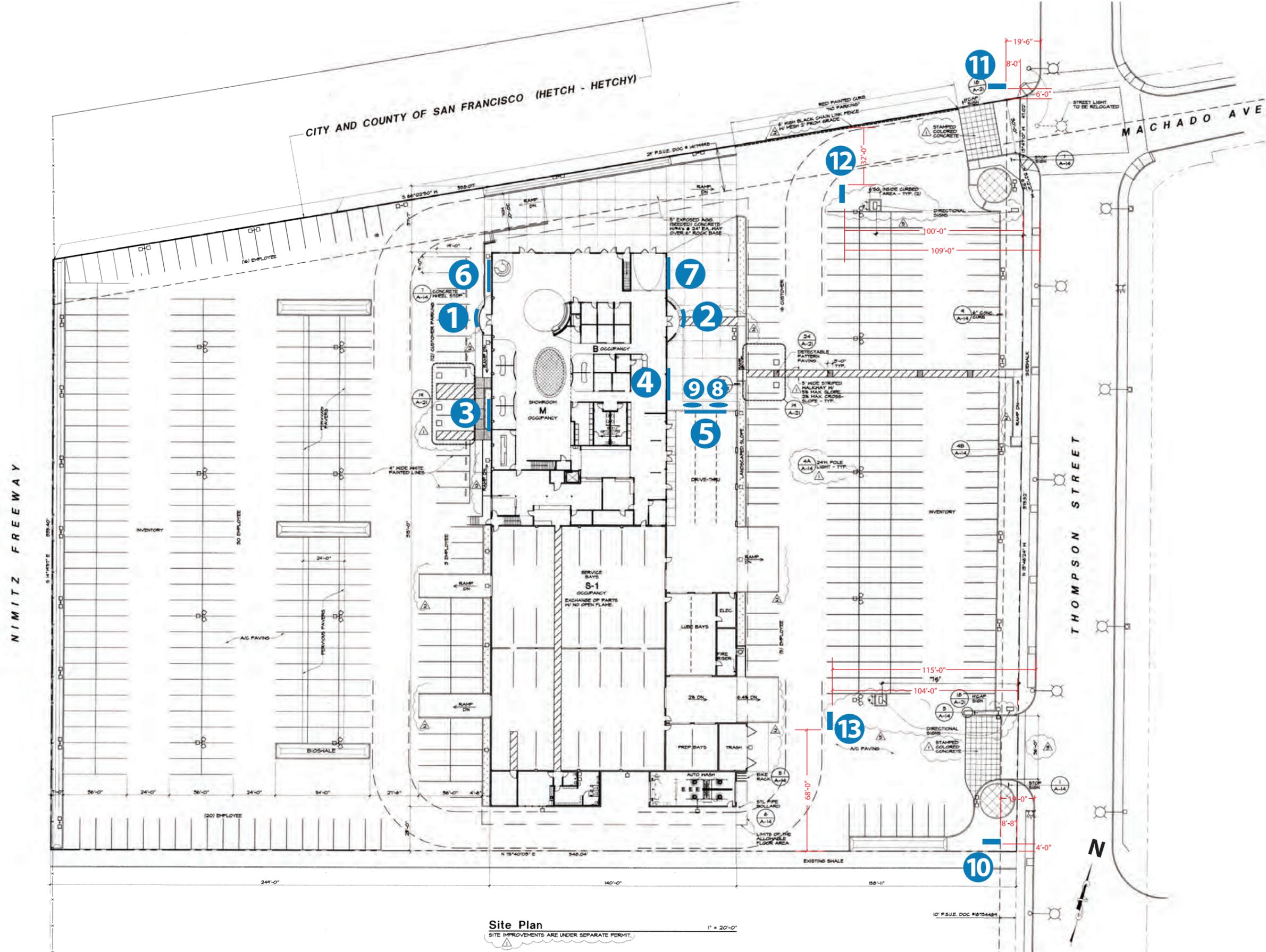
5. The plans shall be revised to demonstrate the northern freestanding monument sign (Sign 11) be located on the subject site, out of the Hetch-Hetchy area, unless an easement is recorded or other arrangement is submitted to allow the sign at that location.

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire Prevention



**Site Plan**  
 SITE IMPROVEMENTS ARE UNDER SEPARATE PERMIT.  
 1" = 20'-0"

**Job No.**  
 \_\_\_\_\_

Vantage #:  
 Date: 24-MAR-09  
 Design #: 09-0543  
 Scale: N.T.S.  
 Sales: A. Jackson  
 Designer: J. Foster

**Rev. #: R1**  
**Date: 9-SEPT-09**

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required

**Conceptual artwork only**

**Electrical Requirements**

120V     347V  
 Other \_\_\_\_\_

\* Voltage needs to be specified prior to customer approval

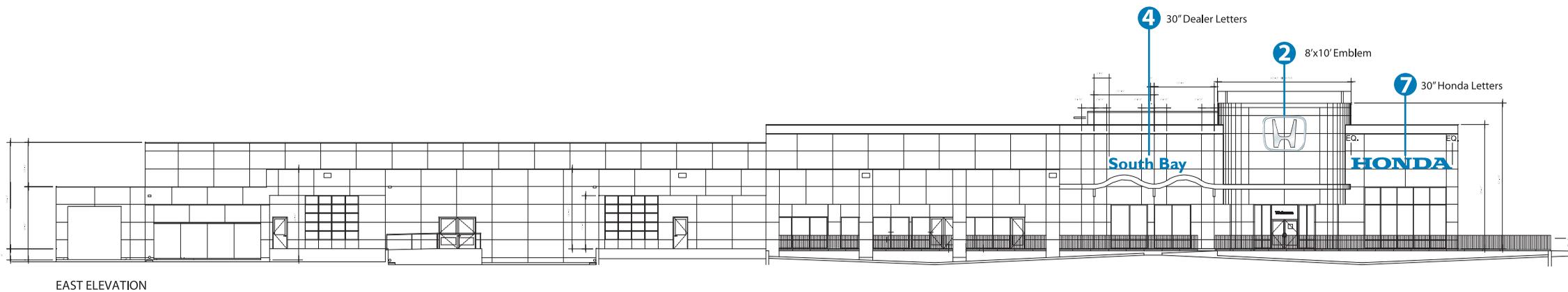
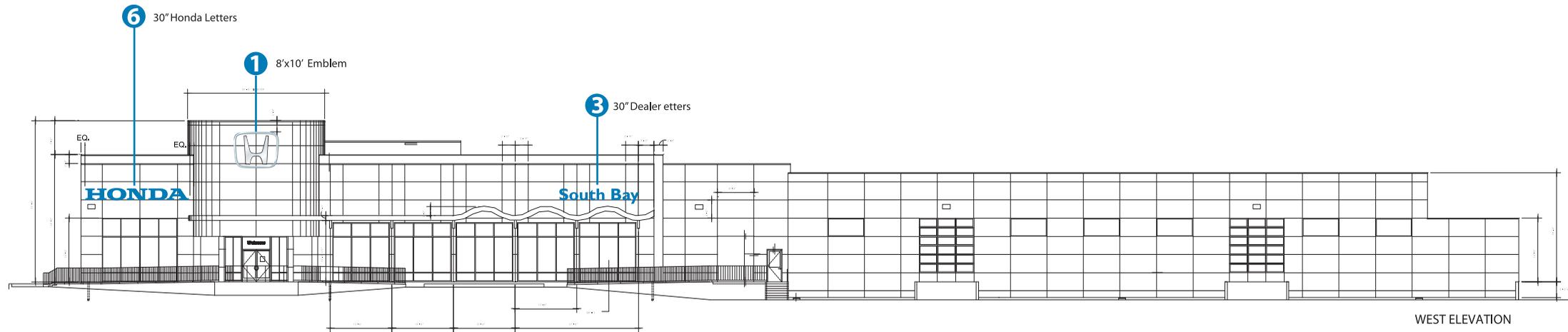
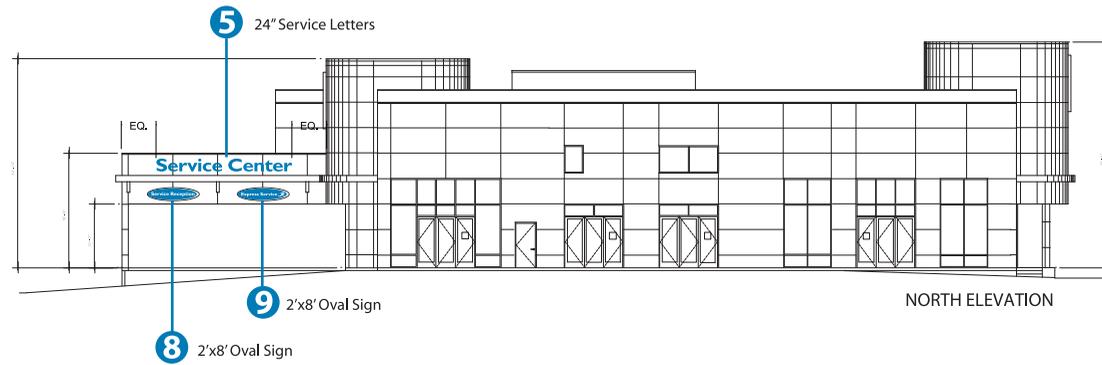
**Customer Approval**

\_\_\_\_\_  
 Date



**HONDA**

South Bay #208350  
 920 Thompson St.  
 Milpitas, CA



Job No.

Vantage #:

Date: 24-MAR-09

Design #: 09-0543

Scale: N.T.S.

Sales: A. Jackson

Designer: J. Foster

Rev. #:

Date:

Vector Artwork Required

High Resolution Image Required

Final Colours Required

Conceptual artwork only

Electrical Requirements

120V  347V

Other \_\_\_\_\_

\* Voltage needs to be specified prior to customer approval

Customer Approval

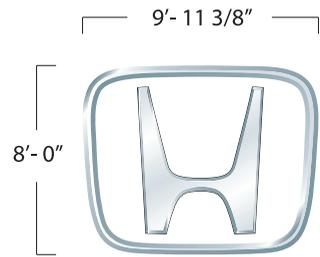
Date \_\_\_\_\_



**HONDA**

South Bay #208350  
920 Thompson St.  
Milpitas, CA





- 1 8'x10' Honda Wall Emblem
- 2 8'x10' Honda Wall Emblem

Non-illuminated fabricated fiberglass emblem painted to match brushed aluminum



- 3 30" Dealer Name Letters
- 4 30" Dealer Name Letters

Fabricated aluminum channel letters  
Returns prefinished satin anodized aluminum  
Trimcap 1" satin silver (Westrim)  
Acrysteel #6701 blue faces  
Illuminated with 15mm Neo Blue neon  
Self contained transformers



- 5 24" Service Center Letters

Fabricated aluminum channel letters  
Returns prefinished satin anodized aluminum  
Trimcap 1" satin silver (Westrim)  
Acrysteel #6701 blue faces  
Illuminated with 15mm Neo Blue neon  
Self contained transformers



- 6 30" Honda Letters
- 7 30" Honda Letters

Fabricated aluminum channel letters  
Returns prefinished satin anodized aluminum  
Trimcap 1" satin silver (Westrim)  
Acrysteel #6701 blue faces  
Illuminated with 15mm Neo Blue neon  
Self contained transformers



- 8 2'x8' Mounted Oval Sign



- 9 2'x8' Mounted Oval Sign

Fabricated aluminum cabinet  
Returns prefinished satin anodized aluminum  
Trimcap 1" satin silver (Westrim)  
Acrysteel #7328 white faces  
3M 3630-8264 blue vinyl face applied  
3M 7725-31 gray vinyl face applied  
Illuminated with H.O. fluorescent lamps

- #7328 white acrysteel
- 3M 3630-8264 blue vinyl
- 3M 7725-31 gray vinyl

Job No.

Vantage #:

Date: 23-MAR-09  
Design #: 09-0543  
Scale: 1/8"=1'-0"  
Sales: A. Jackson  
Designer: J. Foster

Rev. #:  
Date:

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required

**Conceptual artwork only**

**Electrical Requirements**

- 120V  347V
- Other \_\_\_\_\_

\* Voltage needs to be specified prior to customer approval

Customer Approval

Date

**\* Refer to construction /engineering drawings for specifications**



**HONDA**

South Bay #208350  
920 Thompson St.  
Milpitas, CA

12 4' X 4'-6" Directional Sign  
D/F illuminated pylon sign

*non*



FACING EAST



FACING WEST

\* Refer to construction / engineering drawings for specifications

**Job No.**  
\_\_\_\_\_

Vantage #:  
Date: 23-MAR-09  
Design #: 09-0543  
Scale: 3/4"=1'-0"  
Sales: A. Jackson  
Designer: J. Foster

**Rev. #:**  
**Date:**

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required

**Conceptual artwork only**

**Electrical Requirements**

120V     347V  
 Other \_\_\_\_\_

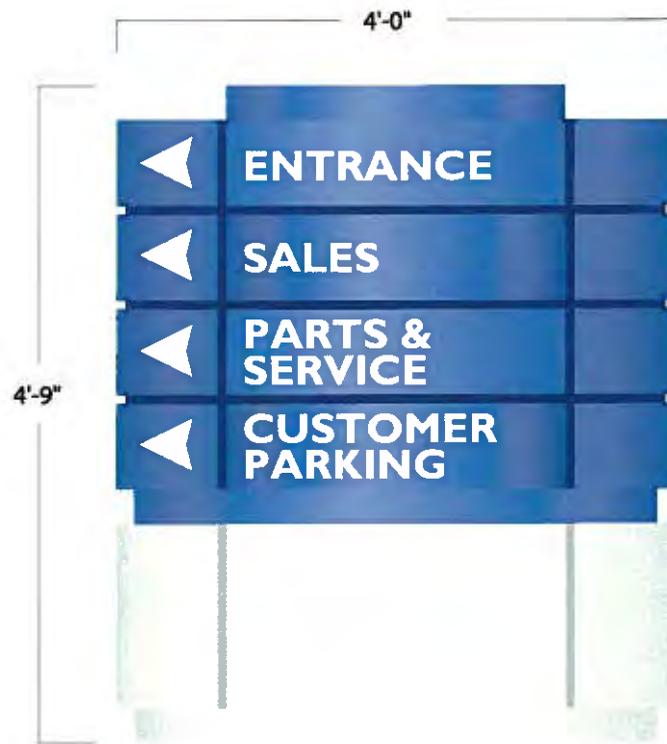
\* Voltage needs to be specified prior to customer approval!

**Customer Approval**

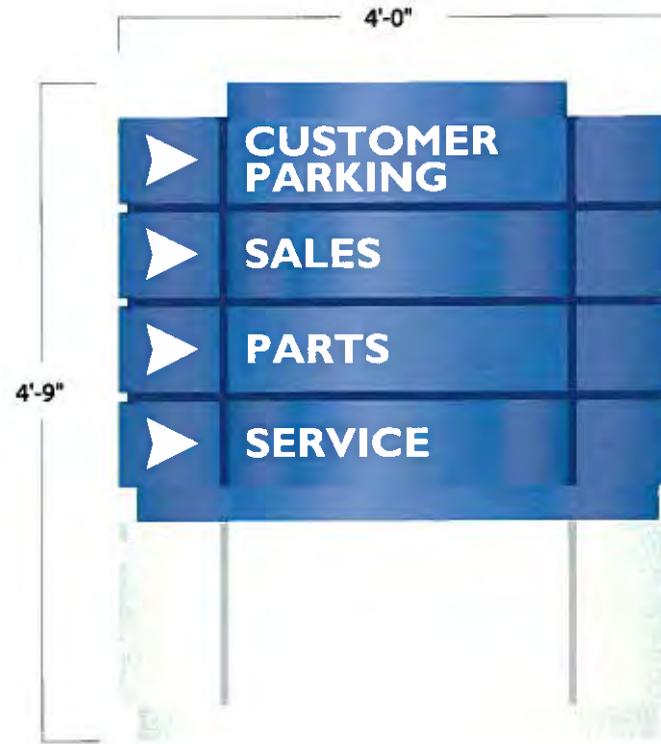
Date \_\_\_\_\_

11 4' X 4'-6" Directional Sign  
D/F illuminated pylon sign

*non*



FACING SOUTH



FACING NORTH

\* Refer to construction / engineering drawings for specifications

**Job No.**  
\_\_\_\_\_

**Vantage #:**  
Date: 23-MAR-09  
Design #: 09-0543  
Scale: 3/4"=1'-0"  
Sales: A. Jackson  
Designer: J. Foster

**Rev. #:**  
Date:

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required

**Conceptual artwork only**

**Electrical Requirements**

120V     347V

Other \_\_\_\_\_

\* Voltage needs to be specified prior to customer approval

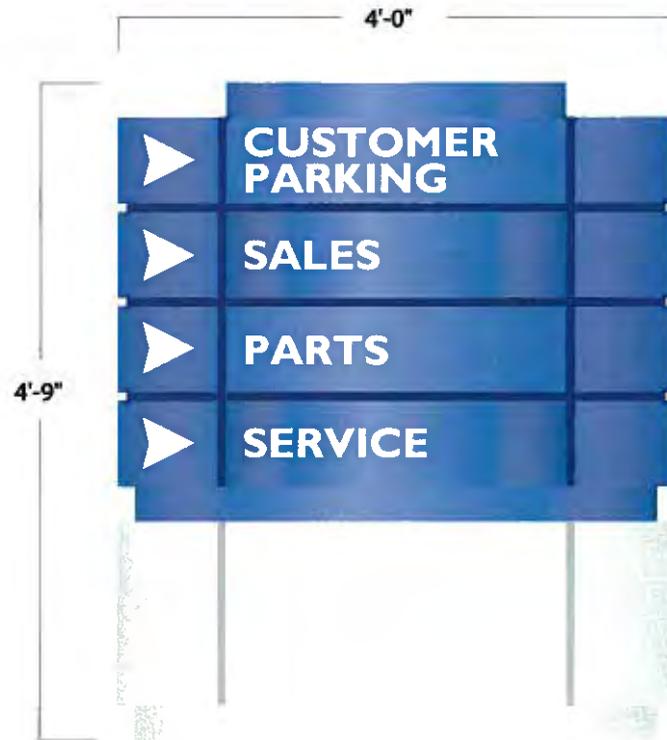
**Customer Approval**

Date \_\_\_\_\_



**13** 4' X 4'-6" Directional Sign  
D/F illuminated pylon sign

*non*



FACING EAST



FACING WEST

**\* Refer to construction / engineering drawings for specifications**

**Job No.**  
\_\_\_\_\_

**Vantage #:**  
**Date:** 23-MAR-09  
**Design #:** 09-0543  
**Scale:** 3/4"=1'-0"  
**Sales:** A. Jackson  
**Designer:** J. Foster

**Rev. #:**  
**Date:**

- Vector Artwork Required
- High Resolution Image Required
- Final Colours Required

**Conceptual artwork only**

**Electrical Requirements**

120V     347V  
 Other \_\_\_\_\_

\* Voltage needs to be specified prior to customer approval

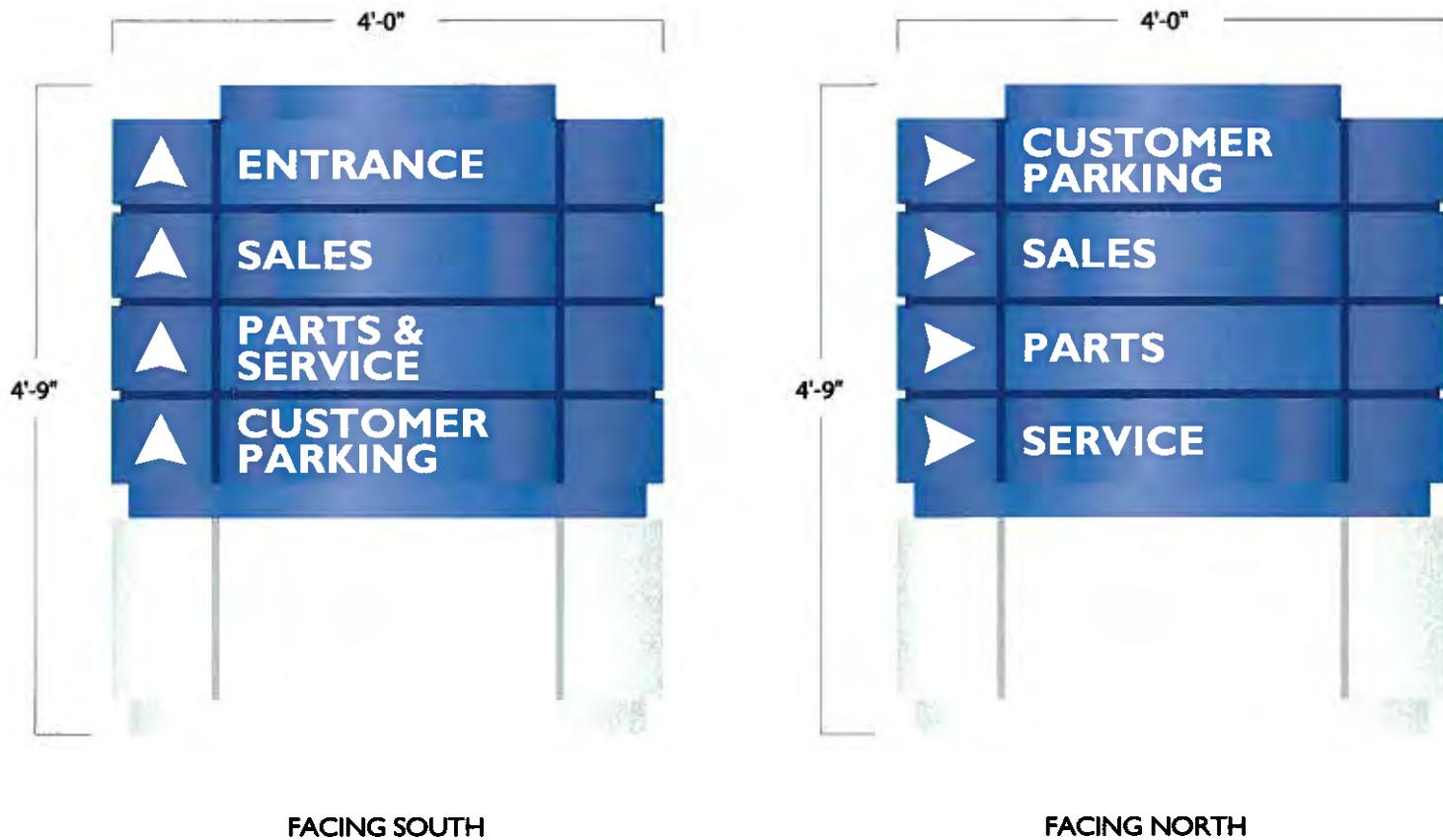
**Customer Approval**

Date \_\_\_\_\_



10 4' X 4'-6" Directional Sign  
D/F illuminated pylon sign

*non*



\* Refer to construction / engineering drawings for specifications

**Job No.**  
\_\_\_\_\_

**Vantage #:**  
**Date:** 23-MAR-09  
**Design #:** 09-0543  
**Scale:** 3/4"=1'-0"  
**Sales:** A. Jackson  
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- Vector Artwork Required
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**Electrical Requirements**

120V     347V  
 Other \_\_\_\_\_

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**Customer Approval**

Date \_\_\_\_\_

