



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: October 28, 2009

APPLICATION: **CONDITIONAL USE PERMIT NO. UP09-0034 AND SITE DEVELOPMENT PERMIT NO. SA09-0014**

APPLICATION SUMMARY: A request to construct a new monument sign with an LED display for Mount Olive Lutheran Church.

LOCATION: 1989 E. Calaveras Blvd. (APN: 29-25-009)
APPLICANT: Larry Clark, 1217 Autumnsong Way, San Jose, CA
OWNER: Todd Flesner, 1989 E. Calaveras Blvd, Milpitas, CA 95035

RECOMMENDATION: **Staff recommends that the Planning Commission:**
1. Close the public hearing; and
2. Approve the project subject to the attached Resolution and conditions of approval.

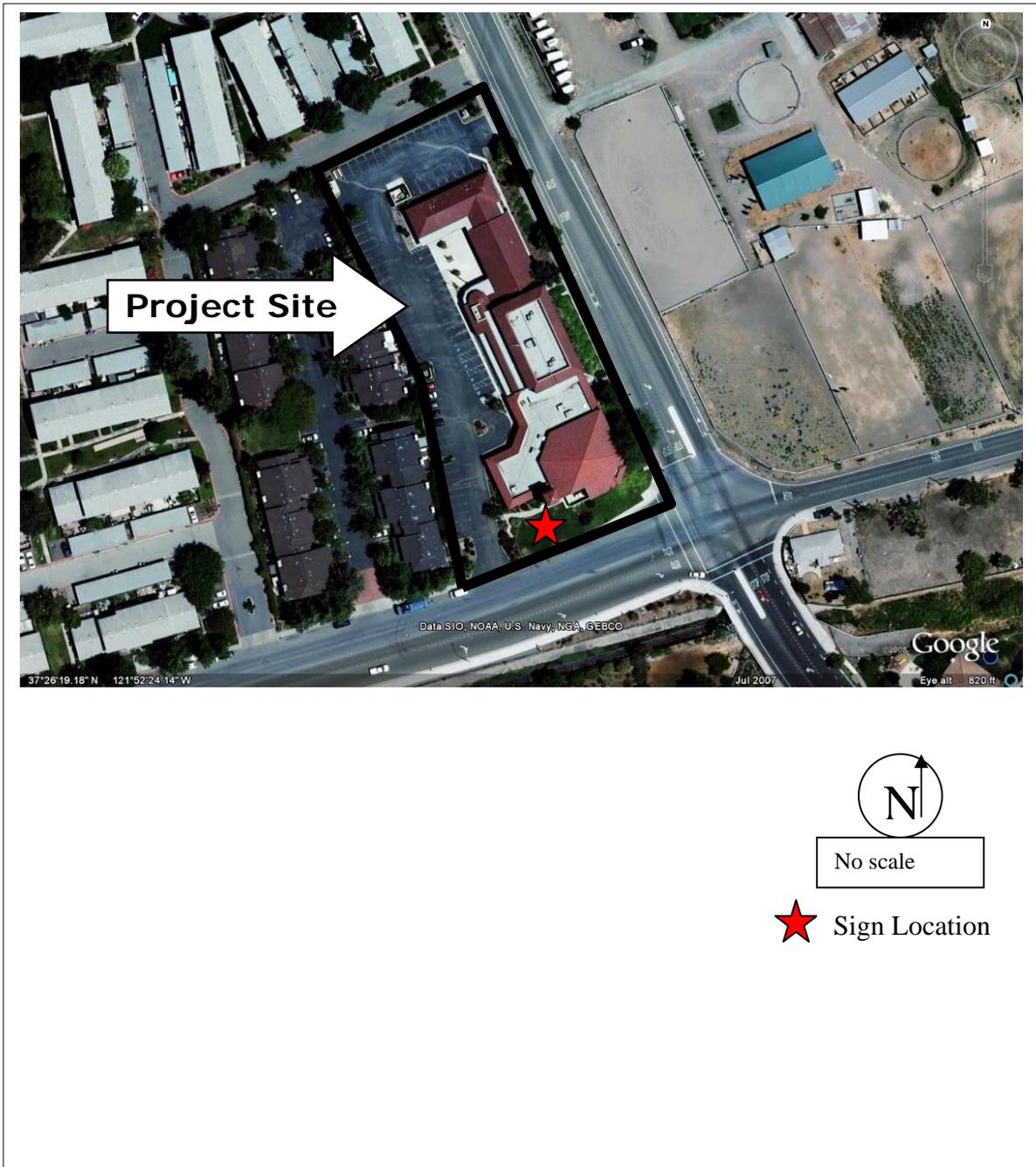
PROJECT DATA:
General Plan/
Zoning Designation: Multi Family Residential / Multi Family Residential with Site and Architectural Review Overlaying District (R3-S)

CEQA Determination: Categorically exempt from further environmental review pursuant to Section 15303 (e) of the California Environmental Quality Act (CEQA) guidelines.

PLANNER: Tiffany Brown

ATTACHMENTS:
A. Resolution No. 09-051
B. Site Plans
C. Letter from the Applicant

LOCATION MAP



BACKGROUND

On August 12, 2009, Larry Clark representing Mount Olive Lutheran Church submitted an application to construct a new monument sign with a light-emitting diode (LED) display facing E. Calaveras Blvd near the E. Calaveras Blvd and Evans Road intersection. According to Table 30-7.01, and Section 30-3.10 (e) of the Municipal Code, free standing signs over six feet in height may be allowed with the approval of a Conditional Use Permit.

PROJECT DESCRIPTION

The project site is located on the northwest corner of the intersection at E. Calaveras Blvd. and Evans Road. The current use of the property is a church facility and the property is surrounded by residential. A vicinity map of the subject site location is included on the previous page.

Architecture

The applicant is proposing a new monument sign that stands seven feet in height measured from the curb. The materials being utilized are stone veneer in an earth tone beige color with a 19 square foot LED sign area. The color of the LED lights are red and the sign message will be displayed for 7 seconds before it changes. The message will not scroll or flash. (See Attachment B)

Development Standards

Table 1
Development Standards

	<i>Municipal Code</i>	<i>Existing Wall Sign</i>	<i>Proposed Monument sign</i>	<i>Total</i>
<u>Total Sign Area for Site (Maximum)</u>	100 square feet	50 square feet	19 square feet	65 square feet
<u>Maximum Area for Each Sign</u>	50 square feet	-	50 square feet	-
<u>Height (Maximum)</u>	1 foot for every 25 feet of street frontage 606 lineal feet of street frontage / 25 feet 24.24'	-	7'	-
<u>Free Standing Signs (Maximum Allowed)</u>	1	-	1	1

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

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

Table 2
General Plan Consistency

Policy	Consistency Finding
<i>2.a-I-10 Foster community pride and growth through beautification of existing and future development.</i>	Consistent.

The monument sign is consistent with the Milpitas General Plan in that the sign shows community pride and beautification of the existing Church.

Zoning Ordinance

The proposed sign requires a Site Development Permit for the architectural review of the sign per Section XI-10-57.03D. (8) of the Municipal Code. The sign location and materials/colors are compatible with the existing church building and aesthetically harmonious with adjacent and surrounding development.

Sign Ordinance

The new monument sign is consistent with our Sign Ordinance in that a Church Sign is a Conditionally Permitted Use and the sign at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

Title XI, Chapter 30, Section 6.01 for Prohibited Signs within Milpitas further explains that signs shall not blink, flash, flutter, or change in the intensity or brightness in color. Nor shall the sign rotate, revolve, move, or create the illusion of movement. As conditioned, the LED lights for the sign will not blink, flash, flutter, change in intensity or brightness in color, rotate or create the illusion of movement and therefore is consistent with the Ordinance.

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 15303 (e) for Accessory structures.

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 proposal is consistent with the General Plan, Zoning Ordinance, and Sign Ordinance and complements the existing building.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission approve UP09-0034 and SA0909-0014, subject to the attached Resolution and Conditions of Approval.

Attachments:

- A. Resolution No. 09-051
- B. Site Plans
- C. Letter from the Applicant

RESOLUTION NO. 09-051

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UP09-0034 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0014, TO ALLOW A NEW MONUMENT SIGN LOCATED AT 1989 E. CALAVERAS BLVD.

WHEREAS, on August 12, 2009 , an application was submitted by Larry Clark, 1217 Autumsong Way, San Jose, CA, to allow a 7' tall monument sign with Stone Veneer Finish and LED lighting. The property is located within the a Multi Family Residential District (APN 29-25-009); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project is categorically exempt from further environmental review pursuant to Section 15303 (e) of the California Environmental Quality Act (CEQA) guidelines.

WHEREAS, on October 28, 2009, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

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

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

Section 2: The project is categorically exempt from further environmental review pursuant to Section 15303 (e) of the California Environmental Quality Act (CEQA) guidelines.

Section 3: The monument sign is consistent with the Milpitas General Plan Policy 2.a-I-10 in that the sign shows community pride and beautification of the existing Church.

Section 4: The sign is consistent with Zoning Ordinance Section 10-57.03D. (8) in that the sign location and materials/colors are compatible with the existing church building and aesthetically harmonious with adjacent and surrounding development.

Section 5: The new monument sign is consistent with our Sign Ordinance Chapter 30-3.10(e) in that a Church Sign is a Conditionally Permitted Use and the sign at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

Section 5: The Planning Commission of the City of Milpitas hereby approves UP09-0034 and SA09-00014, 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 28, 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 28, 2009, and carried by the following roll call vote:

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

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. UP09-0034 AND SITE DEVELOPMENT PERMIT
NO. SA09-0014**

Seven foot tall monument sign with an LED display at 1989 E. Calaveras Blvd.
(APN: 029-25-009)

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 28, 2009, in accordance with these Conditions of Approval. (P)

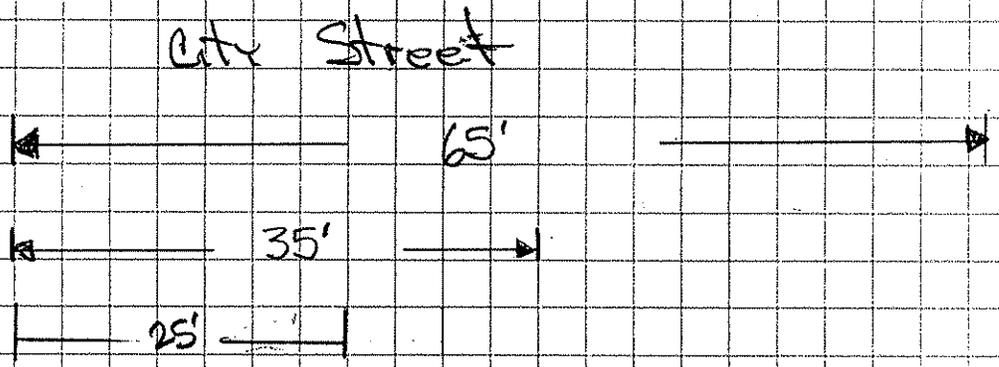
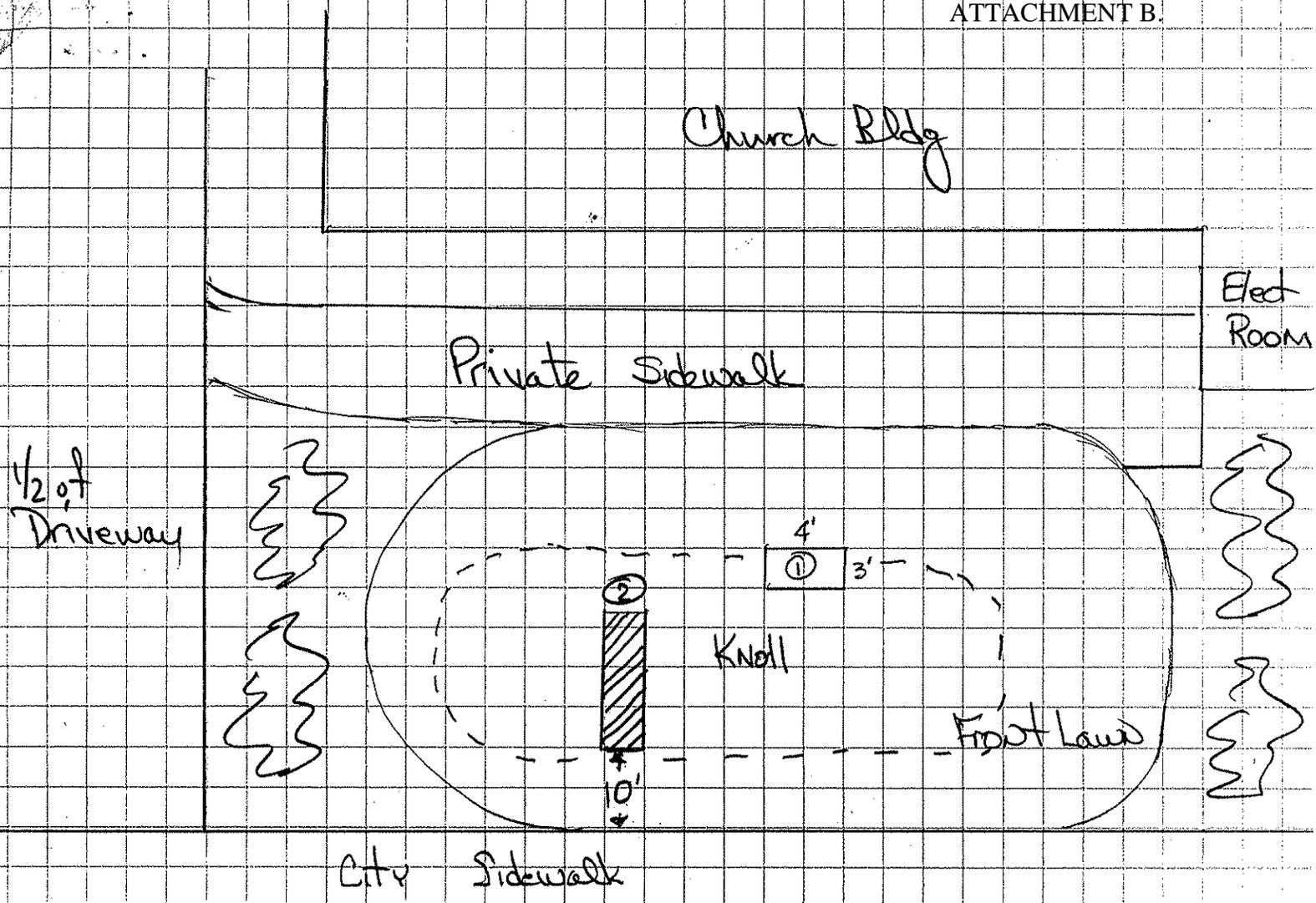
Any deviation from the approved site plan, elevations, materials, colors, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval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

2. CONDITIONAL USE PERMIT NO. UP09-0034 AND SITE DEVELOPMENT PERMIT AMENDMENT NO. SA09-0014 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 UP09-0034 AND SA09-0014 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

3. The message to be displayed on the LED sign shall not scroll or flash. Messages shall be displayed for a minimum of 7 seconds, as to not portray flashing. (P)
4. The brightness of the LEDs shall be adjustable so as to not impact the neighboring properties. (P)

(P) = Planning



① In Ground Utility/Electrical Box

② Approx Sign Location

Mount Olive Lutheran
Milpitas Ca

Larry Clark

RECEIVED

SEP 11 2009

CITY OF MILPITAS
PLANNING DIVISION

From: support@usan.org ()
To: clarklar@sbcglobal.net
Date: Thursday, May 7, 2009 8:40:35 AM
Subject: USAN 2009/05/07 #00000 0130636-000 NORM NEW

00000 USAN 05/07/09 08:40:35 0130636 NORMAL NOTICE

Message Number: 0130636 Received by USAN at 08:29 on 05/07/09 by PGS

Work Begins: 05/11/09 at 08:45 Notice: 020 hrs Priority: 2

Expires: 06/04/09 at 17:00 Update By: 06/02/09 at 16:59

Caller: LARRY CLARK
 Company: CLARK
 Address: 1217 AUTUMN SONG WY
 City: SAN JOSE State: CA Zip: 95131
 Business Tel: 408-461-0207 Fax: 408-279-5511
 Email Address: CLARKLAR@SBCGLOBAL.NET

Nature of Work: DIG TO INST SIGN
 Done for: MOUNT OLIVE LUTHERAN CHURC Explosives: N
 Foreman: CALLER
 Field Tel: Cell Tel: 408-461-0207
 Area Premarked: Y Premark Method: WHITE PAINT
 Permit Type: NO
 Vac / Pwr Equip Use In The Approx Location Of Member Facilities Requested: N
 Excavation Enters Into Street Or Sidewalk Area: N

Location:
 Street Address: 1989 E CALAVERAS BLVD
 Cross Street: EVANS RD
 IN FRT/O ADDR & EXT 20' INTO PROP

Place: MILPITAS County: SANTA CLARA State: CA

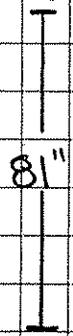
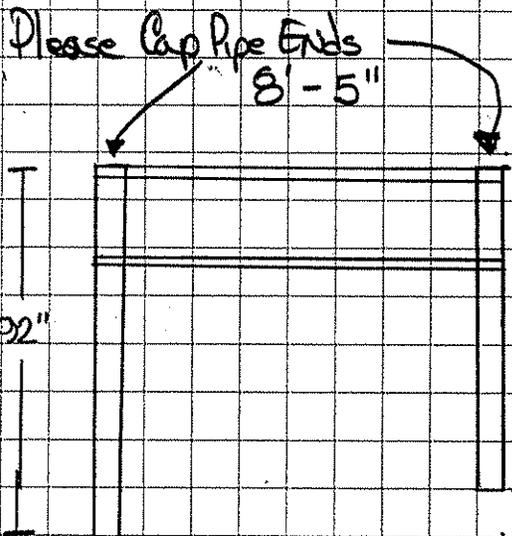
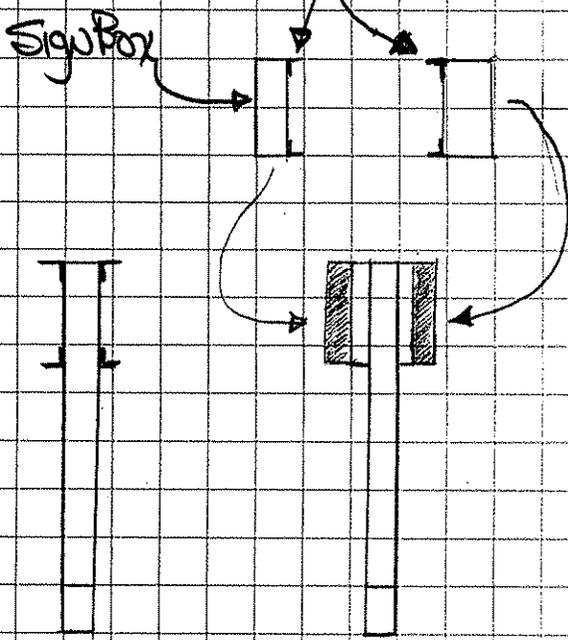
Long/Lat Long: -121.876674 Lat: 37.437032 Long: -121.85706 Lat: 37.446187

Sent to:
 CADDEL = CA DEPT/WTR RES DELTA COMSJO = COMCAST-SAN JOSE
 CTYMIL = CITY MILPITAS PBTSJ3 = PACIFIC BELL SAN JOSE 3
 PGESJO = PGE DISTR SAN JOSE SCLVLY = SANTA CLARA VALLEY WTR

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3" x 3/16" Steel Angle
Attached to sign box
@ Factory.



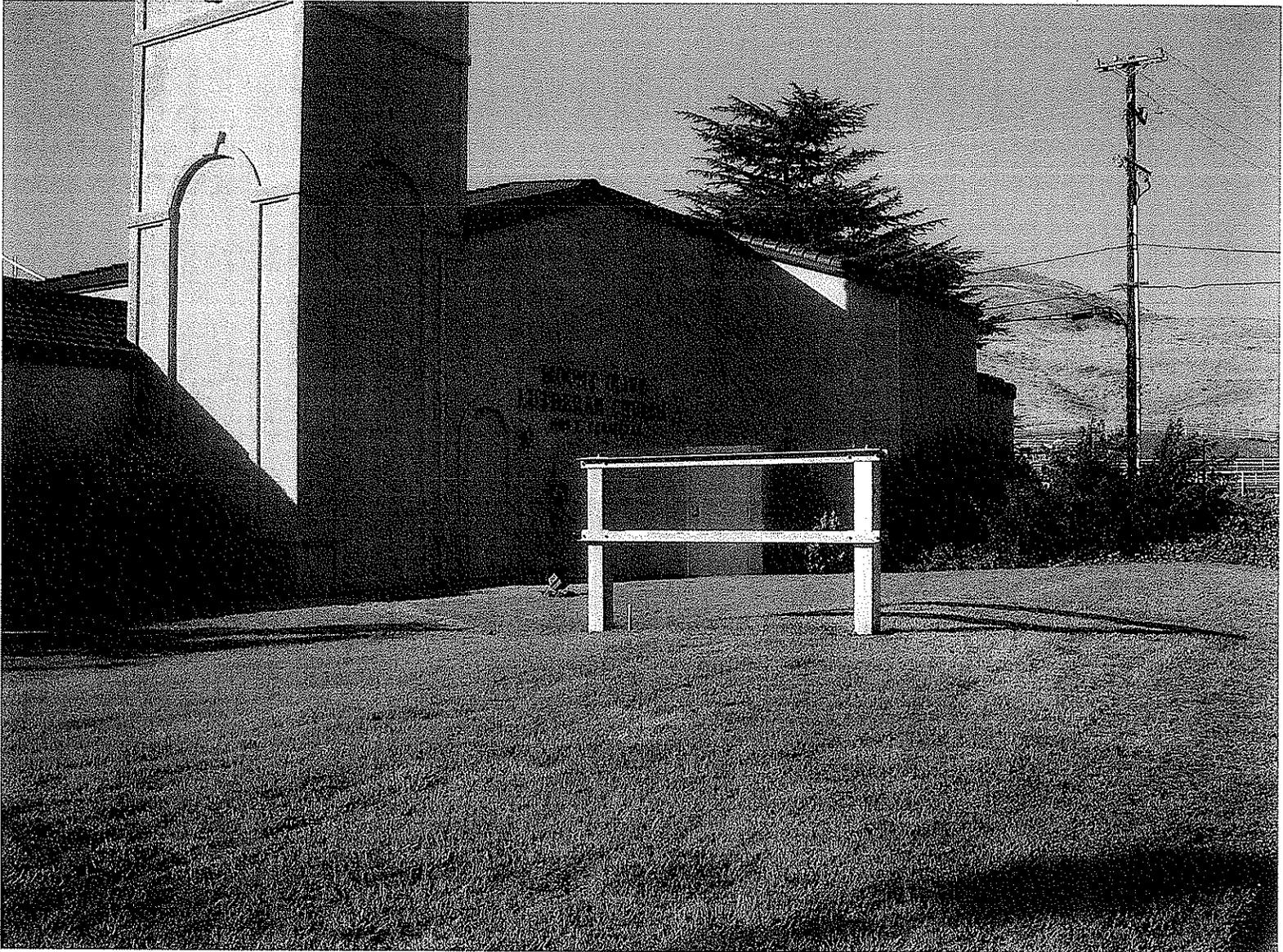
Larry Clark

Cell # (408) 461-0207

Home (408) 272-5828

Work (408) 874-4835





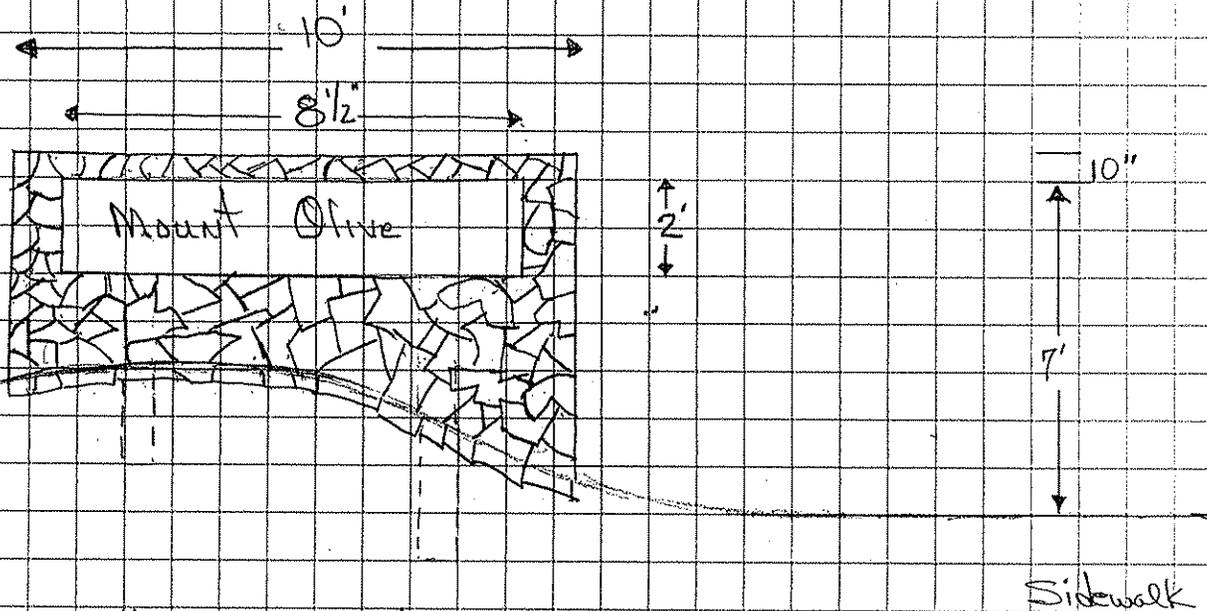






Mt. Olive Wuthernan Finished Sign

Kamy Clark
(408) 461-0207 Cell
(408) 272-5828 Home

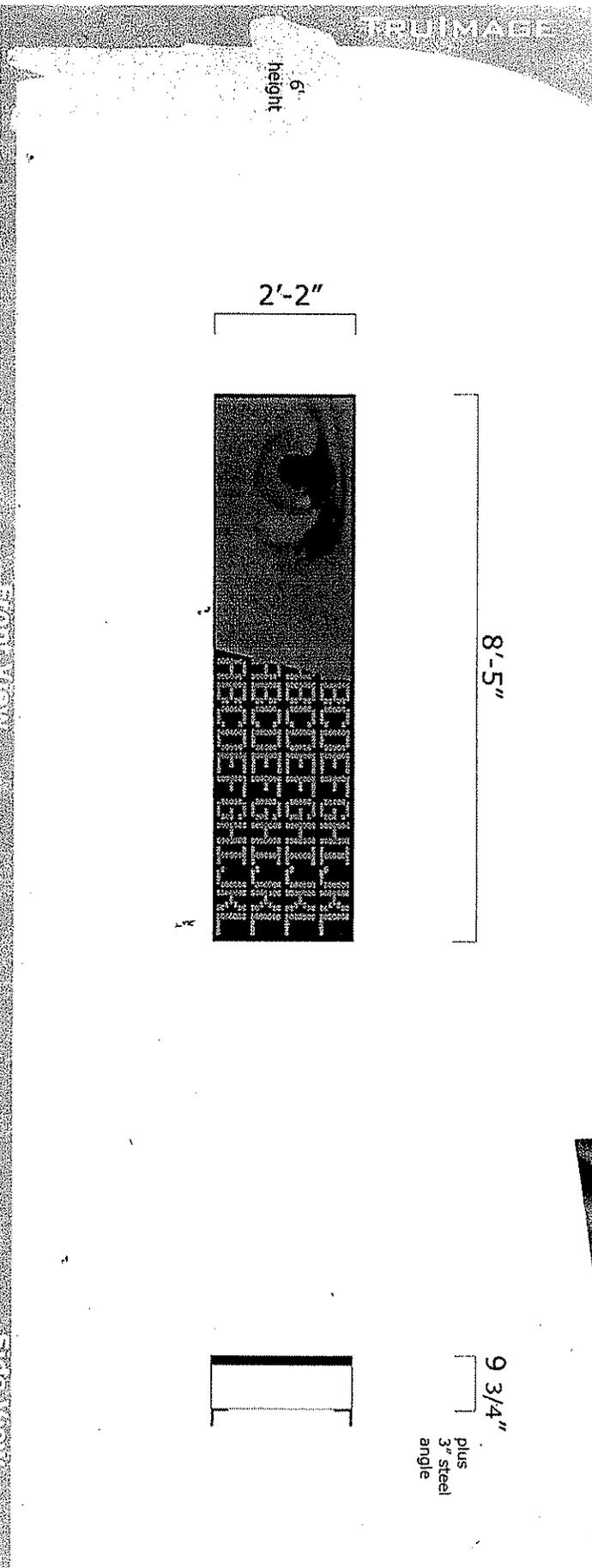


Stones will go below the dirt line
Leaving no opening below the sign.

Communicate.



20MM



Features:

- Internal Video PC Controller
- Front Service
- 54Mbps / 2.4 Ghz Secure Ethernet Wireless Communication
- Long Life Superbright LEDs (100,000 hr continuous use)
- Equidistant LED spacing for improved graphics
- Extra-Wide Viewing Angle & Continuous protective louvers
- Light Gray Modular Aluminum Construction
- 7 yr parts warranty & 24 hr lifetime technical support

Text Capabilities:

5.7" Text Per Line (4 lines)	Various Text Sizes up to 26"			
21-24				

Specifications:

- Plus graphics (BMP), (JPG), animations (GIF), (AVI), (MPEG), (WMV), (SWF), and time/temp
- PIXEL MATRIX 32 x 128
 - PIXEL PITCH 20mm
 - VIEWING ANGLE 140° (brightness) / 160° (readability)
 - DISPLAY MAX POWER CONSUMPTION 120 VAC +/- 10% - 60 Hz / 10 max amps
 - BRIGHTNESS RATING 5000 NITS (adjustable)
 - PIXEL CONFIGURATION 2 Red
 - LED COLORS (visible) 4096 shades (60 fps)
 - WEIGHT 240 lbs
 - TRANSMISSION OPTIONS Ethernet, Fiber, DSL or Wireless
 - ACCEPTABLE OPERATING SYSTEMS Windows 95/98/2000/NT/XP/Vista

9111 Jollyville Rd, Suite 107
Austin, TX 78759
512-527-9339

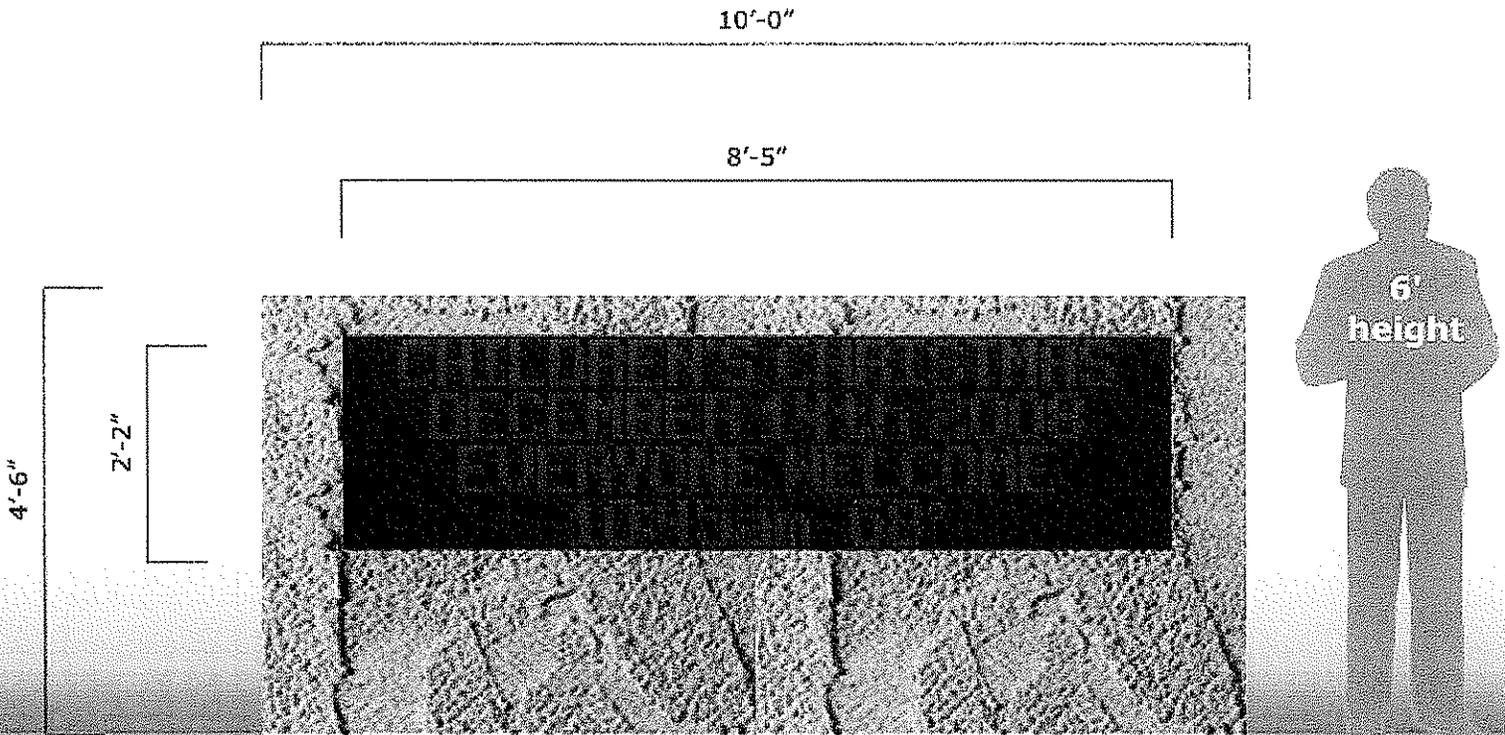
800-455-1955
www.adsled.com
Series Vt

Mount Olive ministries
Milpitas, CA

Drawing # 204166b

Approved By: _____

All sign design and concepts are not to be distributed,
copied, or shared without written permission from AdsLED, Inc.
Date created: 3/12/09



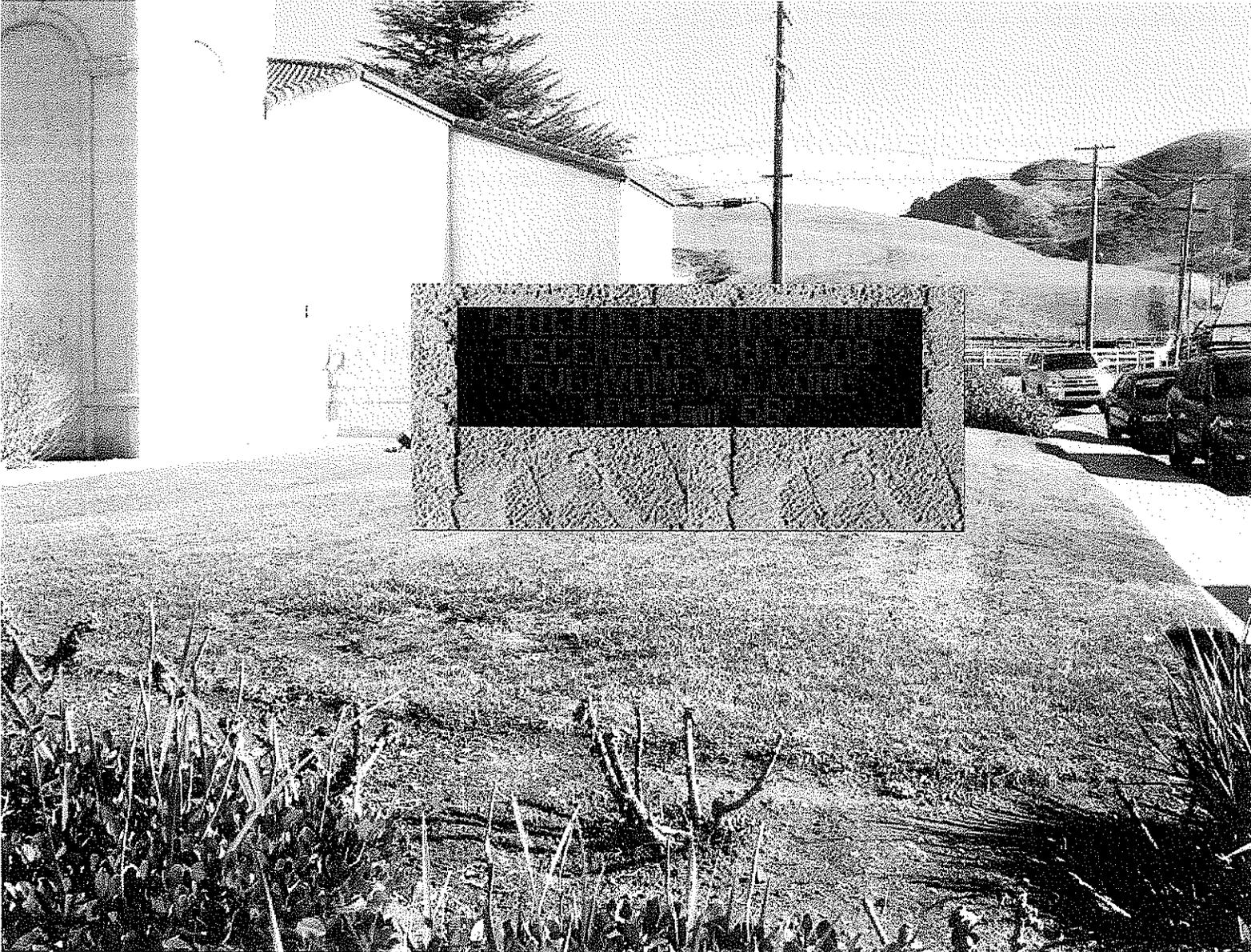
**TruImage Model# 421-6 Double-Sided
with a 4'-6" Stone Veneer Monument**

Note: Unless otherwise specified, no time switches or electrical service to the signs shall be installed by AdsLED, Inc

Mount Olive ministries
Milpitas, CA

Drawing # 204166bpic
Approved By: _____

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Date created: 3/12/09



**TruImage Model# 421-6 Double-Sided
with a 4'-6" Stone Veneer Monument**

Note: Unless otherwise specified, no time switches or electrical service to the signs shall be installed by AdsLED, Inc.

RECEIVED

AUG 28 2009

CITY OF MILPITAS
PLANNING DIVISION

August 27, 2009

Tiffany Brown
Project Planner
City of Milpitas
455 East Calavaras Blvd
Milpitas, Ca. 95035

SDPA# SA09-0014

Dear Tiffany Brown

In answer to your letter to me, dated August 24, 2009 regarding 4 specific questions regarding our purposed sign installation.

- 1.) The actual length of sign (Left to Right) will be 8'-5". With the added stone covering the finished length of the sign should not exceed 10'. The color of the stone will be a mix of Sand, Beige, Lite & Medium Browns that will blend with the exterior color of the Church building.
- 2.) The suggested time for each message to be displayed will be 7 seconds. No message will scroll or flash.
- 3.) The brightness of the led's is controlled by a feature in the signs program and can be adjusted. Our desire would be to have the brightness the same as the signs located at Samuel Ayer High School and the City Hall.
- 4.) The stone work surrounding the sign will go below the grass line as shown in the picture # 204166bpic(1).jpg. There will be no gap between the grass line and the bottom edge of the stone.

Should you have additional questions or recommendations, please contact me.
Thank you for your time and efforts.

Best Regards
Larry Clark

