

ATTACHMENT A

RESOLUTION NO. 14-005

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS APPROVING SITE DEVELOPMENT PERMIT NO. SD13-0019 TO ALLOW FOR A NEW TASMAN TECHNOLOGY PARK SIGN PROGRAM LOCATED WITHIN THE EXISTING TASMAN TECHNOLOGY PARK (500-620 ALDER DRIVE, 700-888 TASMAN DRIVE, AND 1371-1455 MCCARTHY BOULEVARD)

WHEREAS, on October 28, 2013, an application was submitted by Joe DiChoso, Corporate Sign Systems, to allow permit a sign program for tenant signs within the Tasman Technology Park center located at 500-620 Alder Drive, 700-888 Tasman Drive, and 1371-1455 McCarthy Boulevard (APN 86-02-44, 45, 53, 54, 55, 56, 57, 58 78, 79, 80), The property is located within the Industrial Park District with Site and Architectural Overlay and a Recreation and Entertainment Overlay (MP-S-RE).

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 because the project includes the construction of on-premise signs.; and

WHEREAS, on January 22, 2014, 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; and

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

Section 1: The Planning Commission has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the Commission. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

Section 2: The project is categorically exempt per Section 15311, (Class 11) Accessory Structures of the California Environmental Quality Act. The project proposal consists of a master sign program that allows for the installation of on premise signs and existing monument signs for an existing industrial business park.

Section 3: Site Development Permit Findings [Section XI-10-57.03(F)]

- 1. All elements of the sign, including design, lighting, scale, length and materials, are consistent with the intent of the General Plan, the Sign Ordinance and any applicable Specific Plan.*

- a. The sign program is consistent with the intent of the General Plan as follows:

General Plan Consistency

Policy	Consistency Finding
Implementing Policy 2.a-I-3 <i>Encourage economic pursuits, which will strengthen and promote development through stability and balance.</i>	Consistent. The proposed wall signs and existing monument signs would help promote the business park and encourage economic pursuits by providing appropriate visibility and business identification.
Implementing Policy 2.a-I-7 <i>Provide opportunities to expand employment, participate in partnerships with local business to facilitate communication, and promote business retention.</i>	Consistent. The sign program will provide for aesthetic and appropriate signage to promote business retention.

- b. **Zoning Ordinance** - The proposed sign program is consistent with the Industrial Park (MP) Zoning District. The purpose of the MP District is to accommodate, in a park-like setting, a limited group of research, professional, packaging and distribution facilities. The proposed sign program will provide uniformed signs that will help provide visible business identification in the Tasman Technology Park. Additionally, each building will have no more than four (4) signs per building based on the maximum square feet outlined below and in the Conditions of Approval:

Allowable Sign Area for One-Story Buildings

Building #	Address	Sign Height	Sign Length	Total Square Feet Allowed by Code	Maximum Square Feet Approved
Building 1	1455 McCarthy Blvd	24 inches	10 inches max	299.9	80
Building 2	1421 McCarthy Blvd	24 inches	10 inches max	480	80
Building 3	1371 McCarthy Blvd	24 inches	10 inches max	1,180.3	80
Building 4	1390 McCarthy Blvd	24 inches	10 inches max	1,725.2	80
Building 5	1440 McCarthy Blvd	24 inches	10 inches max	273.66	80
Building 8	800 Tasman Dr	24 inches	10 inches max	468.34	80
Building 9	750 Tasman Dr	24 inches	10 inches max	524	80
Building 10	700 Tasman Dr	24 inches	10 inches max	620.3	80
Building 12	590 Alder Dr	24 inches	10 inches max	176.4	80
Building 13	570 Alder Dr	24 inches	10 inches max	176.4	80
Building 15	500 Alder Dr	24 inches	10 inches max	1,526.7	80
			Total	7,451.2	1,200

Allowable Sign Area for Multi-Story Buildings

Building #	Address	Sign Height	Sign Length	Total Square Feet Allowed by Code	Maximum Square Feet Approved
Building 7	888 Tasman Dr	36 inches	15 inches max	468.34	180
Building 11	620 Alder Dr	36 inches	15 inches max	620.3	180
Building 14	540 Alder Dr	36 inches	15 inches max	620.3	180
			Total	1,708.94	540

- 2. The design, scale and materials of the sign harmonize with the architectural design and details of the building or site it serves.*

The proposed signs provide compatibility of materials, architecture, design and continuity with other signs and buildings on-site. The signs include a combination of letters and a logo mounted on the wall and existing monument sign. The lettering on the glass wall and monument sign resembles metal finish effect.

- 3. The design and scale of the sign is appropriate to the distance from which the sign is normally viewed.*

The proposed signs provide visibility and legibility and provide the appropriate relationship of scale and height to the building. The logo and lettering on the glass wall and monument sign is appropriate for the size of the building because the wall sign is within the designated sign bands next to or above the entrance of the building.

- 4. The design and materials of the sign provide a contrast between the background and letters.*

The proposed design and materials of the signs provide contrast between the background logo, and letters. The signs include a combination of letters and a logo mounted on the wall or on the monument signs. The lettering on the glass and monuments resemble a metal finish.

Sign Program

- 1. The provisions of the Sign Program ensure consistency in design and style of all new signs.*

As described above, based on the sign proposal, the sign program, sign type, and locations provide orderly, harmonious, and aesthetic business identification for the business park.

- 2. The provisions of the Sign Program address compatibility of the design and style of any existing signs on the building or site.*

The proposed signs provide compatibility of materials, architecture, design and continuity with other signs and buildings on-site. Existing wall signs on the property include a combination of the address and business name in a white finish. The proposed signs include a combination of letters and a logo mounted on the wall or on the monument signs in a metal finish.

3. *All new signs within the Sign Program are in compliance with the design guidelines of this Chapter.*

- a. The project is consistent with Chapter 24 (Signs) of the Milpitas Municipal Code in that the proposed logo and lettering on the glass wall and monument signs is appropriate for the scale and size of the building because it is located within the designated sign band above or next to the entrance and on the existing monument signs. The proposed metal finish for the wall sign and monument sign are complementary to the existing white finish of the wall signs.
- b. The proposed signs have the appropriate relationship of height of the building. The logo and lettering on the glass wall and monument sign is appropriate for the size of the building. The proposed signs depicted on the project plans on the monument signs and on the wall of the office buildings are appropriate given the height of the building.

Section 4: The Planning Commission of the City of Milpitas hereby approves Site Development Permit No. SD13-0019 to allow for a new Tasman Technology Park Master Sign Program which includes new wall signage and existing monument signs at the existing Tasman Technology Business Park, based on the above findings and subject to conditions of approval attached hereto as Exhibit 1 and incorporated herein.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on January 22, 2014

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 January 22, 2014, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Sudhir Mandal				
Lawrence Ciardella				
Rajeev Madnawat				
John Luk				
Gurdev Sandhu				
Garry Barbadillo				
Demetress Morris				

**CONDITIONS OF APPROVAL
SITE DEVELOPMENT PERMIT NO. SD13-0019**

General Conditions

1. The owner or designee shall develop the approved project in conformance with the plans approved by the Planning Commission on January 22, 2014, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, 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. Site Development Permit No. SD13-0019 shall become null and void if the project is not commenced within two (2) years from the date of approval. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas:

- a. Completes a foundation associated with the project; or
- b. Dedicates any land or easement as required from the zoning action; or
- c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.

3. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of Site Development Permit No. SD13-0019 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**

4. Prior to the issuance of any building permit, 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. **(P)**

5. 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)**

6. All sign shall comply with the below Sign Program requirements:

- Each building shall be allowed no more than four (4) wall signs plus an existing monument sign.
- All wall signs shall be non-illuminated letters with a business logo.

- Wall signs for one-story buildings shall not exceed twenty-four (24) inches in height and ten (10) inches in length.
- Wall signs for multi-story buildings shall not exceed thirty-six (36) inches in height and fifteen (15) inches in length.
- Existing monument signs shall not exceed five (5) inches in height and seven (7) inches in length.
- Tenants shall be allowed one (1) one square feet of sign area for each two lineal feet of building perimeter.
- Wall signs for one-story buildings shall be placed next to the building entrance only.
- Wall signs for multi-story buildings shall be placed above the building entrance only.
- Sign colors shall be subject to City review and approval. **(P)**

7. Indemnification. To the fullest extent permitted by law, owner or designee shall indemnify, defend with counsel of the City's choosing, and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to owner or designee's use of the property under this permit, City's approval of the conditional use permit, including but not limited to, the approval of the discretionary permits, maps under the Subdivision Map Act, and/or the City's related determinations or actions under the California Environmental Quality Act. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand or, as applicable, to counsel of City's choosing, any amount owed pursuant to the indemnification requirements prescribed in this condition. **(CA)**

(P) = Planning

(CA) = City Attorney