



CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Toni J. Taber, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 29747**", the original copy of which is attached hereto, was passed for publication of title on the **14th day of June, 2016**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **28th day of June, 2016**, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS, M. NGUYEN, T. NGUYEN, OLIVERIO, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said Ordinance is effective as of **29th day of July, 2016**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **28th day of June, 2016**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29747

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23 OF THE SAN JOSÉ MUNICIPAL CODE TO AMEND SECTION 23.02.870 OF PART 2 OF CHAPTER 23.02 TO IDENTIFY THE DIRECTOR OF AVIATION AS THE ADMINISTRATIVE AUTHORITY FOR SIGNS LOCATED WITHIN THE AIRPORT SIGN ZONE AND TO AMEND SECTIONS 23.04.200, 23.04.210, 23.04.220, 23.04.230, 23.04.240, 23.04.250 AND 23.04.260 AND ADD A NEW SECTION 23.04.215 OF PART 3 OF CHAPTER 23.04 TO AMEND PROVISIONS RELATED TO TEMPORARY SIGNS, DELETE ALLOWED TIME AND TEMPERATURE SIGNAGE, ALLOW UP TO THREE FREE-STANDING PROGRAMMABLE ELECTRONIC SIGNS AT EACH VEHICULAR ENTRANCE TO THE NORMAN Y. MINETA SAN JOSÉ INTERNATIONAL AIRPORT AND TO MAKE NONSUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO VARIOUS SECTIONS OF CHAPTERS 23.02 AND 23.04 OF THE SIGN CODE.

WHEREAS, on May 26, 2016, this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 21084 of the California Environmental Quality Act of 1970, as amended, under File No. PP 16-019; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the finding of exemption prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 23.02.870 of Part 2 of Chapter 23.02 of Title 23 of the San José Municipal Code is amended to read as follows:

23.02.870 Administrative Authority; Appeals

A. Administrative authority for the implementation of the Sign regulations set forth in this Title and for the issuance of permits, if required under Part 4 of this Chapter, shall be as follows:

District or Type of Sign	Administrative Authority
CO, CP, CN, CG, IP, LI, HI, OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M and R-MH Zoning Districts; Neighborhood Business Districts; Downtown Sign Zone; Urban Mixed-Use Development Area Sign Zone; Capitol Expressway Auto Mall Signage Area, Billboard Relocation; Rotation Message Billboards; Temporary Signs	Department of Planning, Building and Code Enforcement
Public Right-of-Way Signs	Department of Transportation
Signs on Public Property other than Public Right-of-Way	Department of Public Works for Signs at City facilities; Department of Parks, Recreation and Neighborhood Services for Signs in parks
Signs within Airport Sign Zone	Airport Department

“Director” as used in this Title and not otherwise identified shall refer to the Director of the applicable administrative authority.

B. Enforcement authority for this Title shall be in the Code Enforcement Division of the Department of Planning, Building and Code Enforcement, except that the Department of Transportation shall have enforcement authority for Signs in Public Right-of-Way, the Department of Parks, Recreation and Neighborhood Services shall have enforcement authority for Signs in parks, the Department of

Public Works shall have enforcement authority for Signs at City facilities, and the Director of Aviation shall have enforcement authority for Signs in the Airport Sign Zone.

SECTION 2. Section 23.04.200 of Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.200 Application

- A. This Part shall govern standards for signage in the Airport Sign Zone.
- B. For purposes of this Title, "Airport Sign Zone" shall mean property located at the City of San José International Airport and visible from Public Right-of-Way not located within the airport boundaries. Public Right-of-Way not located within the airport boundaries include without limitation Guadalupe Parkway, Highway 101, Interstate 880, Coleman Avenue, Martin Avenue and De La Cruz Boulevard.
- C. All Signs located within the Airport Sign Zone, including Signs subject to Subsection B above, shall be subject to approval and enforcement authority of the Director of Aviation.
- D. Nothing contained herein shall be construed to require the Director of Aviation to approve a Sign on Airport Parcels where such Sign is prohibited or not allowed by the lease agreement between the tenant and the City.

SECTION 3. Section 23.04.210 of Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.210 Basic Sign Allowance

Buildings with Occupancy Frontage on external Public Rights-of-Way, as identified in Section 23.04.200.B, shall be allowed either one (1) Flat-mounted Sign or one Freestanding Sign in accordance with the following requirements:

A. Flat-mounted Sign.

1. Each building may display one (1) Flat-mounted Sign.
2. Such sign shall be attached to the Occupancy Frontage which is the major entryway for the Building and shall not exceed one (1) square foot in area for each linear foot of such occupancy frontage.
3. Signs shall be mounted to the facade of the Building to coordinate with Building architecture. Signs shall not:
 - a. Protrude more than six (6) inches from the facade of the Building; or
 - b. Hang from a canopy or eaves; or
 - c. Project above the roof line of the Building.
4. Signs, including street and/or Building numbers, shall not be painted directly onto building surfaces.
5. No Signs, except Safety or Directional Signs, shall be placed on hangar doors or on fences.

B. Freestanding Sign.

1. In the event a Flat-mounted Sign is not feasible on a Building, one (1) Freestanding Sign shall be permitted.
2. The Height of the Sign, including supporting structure, shall not exceed five (5) feet above grade, and the maximum width shall be ten (10) feet.
3. The Sign shall be placed within ten (10) feet of the Building Occupancy Frontage which is the major entryway for the Building, and shall be installed parallel to the curb.

SECTION 4. Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to add a new section numbered 23.04.215 to be entitled and read as follows:

23.04.215 Additional Free-standing Signs

A. One (1) additional Free-standing Sign shall be allowed at each of the following vehicular entrances to the Airport:

1. Northeast quadrant of Coleman Avenue at Airport Boulevard;
2. West side of Airport Boulevard at Skyport Drive; and
3. West side of Airport Boulevard at Airport Parkway.

B. Each such Sign allowed pursuant to subsection A above shall be subject to the following regulations:

1. The Sign Area of each Sign shall not exceed three hundred and fifty (350) square feet.
2. Each Free-standing Sign may include a Programmable Electronic Sign that does not exceed seventy (70) square feet and that is integrated with the total Sign to form a cohesive design unit. All Programmable Electronic Signs shall conform to the requirements of Section 23.02.905.
3. Each such Sign, including the Sign base, shall not exceed a maximum height of ten (10) feet above grade.
4. Each Sign shall be set back at least one hundred (100) feet from the edge of a Riparian Corridor.
5. Sign base
 - i. Each Free-standing Sign shall have a base of at least eighteen (18) inches in height. The height to the top of the base shall not be more than three (3) feet above grade.
 - ii. The base shall be architecturally consistent with the Free-standing Sign it supports.
 - iii. Signage shall not be allowed in the base area.

SECTION 5. Section 23.04.220 of Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.220 Additional Signs

In addition to other allowed signage, each Airport Parcel with Street Frontage on an external Public Right-of-Way, as identified in Section 23.04.200, shall be allowed the following Signs:

A. One (1) Freestanding Sign, as follows:

1. The height of the Sign, including Supporting Structure, shall not exceed eight (8) feet above grade, and the maximum width shall be ten (10) feet.
2. The Sign shall be located within fifteen (15) feet of the curb and shall be installed perpendicular to the face of the curb.
3. The Sign shall be double-faced, with matte black background and white letters (reflective or nonreflective).

B. Window Signs consistent with Section 23.02.1060 of this Title shall be allowed on first-story windows.

C. Signage on a Porte-cochere, as follows:

1. Signage shall be limited to one (1) Porte-cochere per Building located at the primary entryway for the Building.
2. Signage shall be allowed only on vertical surfaces of the Porte-cochere and shall be limited to twenty-five (25) percent of the exterior surface area of the vertical surfaces of the Porte-cochere.

SECTION 6. Section 23.04.230 of Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.230 Monument Signs

In addition to other allowed signage, an Airport Parcel which contains buildings whose aggregate footprints exceed two hundred fifty thousand (250,000) square feet shall be permitted one Monument Sign, which may be a Programmable Electronic Sign, as follows:

- A. The Height of the Sign shall not exceed twenty (20) feet above grade, and the maximum width shall be twenty-five (25) feet.
- B. The Sign may be double-faced. Each face shall not exceed two hundred (200) square feet in Sign Area.

SECTION 7. Section 23.04.240 of Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.240 Temporary Signs

Each Airport Parcel may display up to two Temporary Signs at any time. The following Temporary Signs are allowed:

- A. Real estate Signs. One Temporary Sign, not larger than forty square feet, may be displayed that is related to the lease or sale of the real property on which the Sign is placed, while such property is for sale or lease and for a period of thirty (30) days after such property is sold
- B. Construction Signs.
 - 1. Construction Signs related to construction on the property on which the sign is placed may be displayed one hundred eighty (180) days prior to the

commencement of construction, during construction and for a period not longer than thirty (3) days after completion of construction.

2. Construction Signs attached to fences that enclose construction sites and no higher than ten feet above grade shall have no size limitation.
3. Construction Signs not attached to such fences may not exceed one hundred fifty (150) square feet in Sign Area and shall be limited to one (1) such sign per Street Frontage.
4. Construction Signs shall not be illuminated.

- C. Other Temporary Signs. One other Temporary Sign not larger than ten (10) square feet may be displayed for no more than a total of three (3) months in any calendar year.

SECTION 8. Section 23.04.250 of Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.250 Illumination

- A. Unless otherwise expressly provided in this part, Signs may be illuminated only with continuous external or internal lighting.
- B. Uniform lighting is required in translucent graphics or backlighted Signs.
- C. Floodlighting is permitted if there is no glare and the lighting is architecturally coordinated.
- D. Neon letters are prohibited.

- E. Lighting of Programmable Electric Signs shall conform to the requirements of Section 23.02.905.

SECTION 9. Section 23.04.260 of Part 3 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.260 Other provisions

- A. Segmented Signs are allowed.
- B. Banner Signs are allowed only as Temporary Signs.

PASSED FOR PUBLICATION of title this 14th day of June, 2016, by the following vote:

AYES: CARRASCO, HERRERA, JONES, KALRA, KHAMIS, M. NGUYEN, T. NGUYEN, OLIVERIO, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk