Attachment II

Electronic/Digital Signs

Proposed Revisions to the
City of San Jose Sign Ordinance
November, 2009

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Existing Regulations

Currently, the Sign Ordinance allows "programmable display signs" (otherwise know as electronic/digital signs or LED signs) on a limited basis. They are allowed in the Downtown Sign Zone for buildings with a footprint of 125,000 square feet or greater, on large ground-floor occupancy frontages, as part of a theater marquee, on a freestanding kiosk located in a private walkway or plaza or as a small time and temperature sign component of an otherwise allowed sign. The number of existing programmable display signs in the Downtown Sign Zone is fairly limited. Very large buildings like the Arena and the Convention Center currently qualify for, and have implemented, programmable display signs based on building footprints that exceed 125,000 square feet. The San Jose Repertory Theater is an example of a theater that includes a programmable display marquee. There are currently no programmable display kiosks in the Downtown Sign Zone. The new downtown Safeway in The 88 recently installed a sign that includes a programmable display element (approximately 31 square feet in area) that reflects the recently adopted provisions for programmable display signs for large ground-floor spaces in the Downtown Sign Zone.

Currently, programmable display signs are allowed outside the Downtown Sign Zone in the Airport and Urban Mixed-Use Sign Zones or as a small time and temperature component of a freestanding sign. With the exception of theaters in the Downtown Sign Zone, which can have programmable display marquees, very large assembly facilities in the Downtown Sign Zone like the HP Pavilion and the Convention Center, which may also display these signs, assembly uses are not allowed to display programmable display signs.

Regulations of Other Santa Clara County Cities

Table 1 summarizes the sign regulations for electronic/digital in other Santa Clara County cities. Approximately half of the cities currently allow electronic/digital signs. In Gilroy, such signs can be implemented broadly in all commercial zoning districts. Campbell, Mountain View, and Sunnyvale allow electronic/digital signs for assembly uses only (churches, theaters and places of entertainment). Cupertino allows them for shopping centers and large retailers. Morgan Hill allows electronic/digital signs only along Highway 101 for auto dealer uses. Staff from the City of Milpitas have indicated that such signs are currently allowed on a limited

basis, but that the City is considering ordinance amendments to allow them along freeways.

Table 1. Sign Regulations for Digital Signs in Other Santa Clara County Cities

Jurisdiction	Sign Regulations
Campbell	• Allowed for churches, theaters and places of entertainment with two hundred or more fixed seats. -Size: 1sq.ft/ linear foot of business frontage (maximum 50 sq.ft) -Maximum Height: 14 ft.
Cupertino	• Allowed for shopping centers and large commercial retailers -Size: 1sq.ft/ 4 feet of street frontage (maximum 100 sq.ft.) -Maximum Height: 8 ft.
Gilroy	• Allowed in Commercial Zoning Districts subject to size and height limitations otherwise applicable to signage.
Los Altos	• Not allowed.
Los Altos Hills	• Not allowed.
Los Gatos	• Not allowed.
Milpitas	• Allowed on a limited basis. City is in the process of amending the sign ordinance to allow freeway electronic signs.
Monte Sereno	• Not allowed.
Morgan Hill	• Allowed along 101 for Auto Dealer Uses.
Mountain View	• Allowed for churches, theaters and places of entertainment.
Palo Alto	• Not allowed except for time and temperature signs.
Saratoga	• Not allowed.
Santa Clara	• Not allowed.
Sunnyvale	• Allowed for churches, theaters and places of entertainment. - Size varies by zoning district between 20 and 40 sq.ft.

Community Input Regarding Electronic Signs

Community members who participated in the outreach process were generally open to the concept of greater provision in the Sign Ordinance for digital/electronic signs. In the Phase IV community and focus group meetings, staff presented four possible alternatives for electronic/digital signs (other than billboards): 1) retain the current regulations; 2) allow electronic/digital signs for assembly uses; 3) allow programmable display signs along major commercial streets; and 4) allow programmable display signs for large ground-floor spaces in the Downtown Sign Zone. All of the proposed options limited electronic/digital signs for commercial messages to on-site messages.

In community discussions regarding the four options, electronic signs for assembly uses garnered the strongest support. People indicated that it made sense for these types of uses to be able to communicate the location and timing of changing events

and programs through an electronic/digital sign that provided for changeable messages.
This is consistent with input from prior outreach phases, where electronic digital signs for assembly uses, especially theaters and sports stadiums, received very positive responses.

Support for electronic/digital signs for large ground-floor spaces in the Downtown Sign Zone was also fairly strong; supporters indicated that electronic signs, due to their intensity, would be most appropriate in the Downtown Core Area. Others expressed concern that electronic/digital signs and associated light and glare might conflict with the new mixed-use development the City is encouraging in the "Downtown.

The response regarding digital signs on major streets was slightly more mixed, although there were few strong negative responses. Some expressed concern that these signs would be distracting to drivers and undesirable from a visual and energy use standpoint. Representatives of the outdoor advertising industry stated that they opposed options that allowed for additional electronic signage because such signage would compete with their advertising facilities.

The Internet Visual Preference Survey asked respondents to indicate their reaction to electronic/digital signs on a scale of 1 to 7, 1 being not at all acceptable and 7 being completely acceptable. Photographs of signs for assembly uses, including an electronic sign at the Oracle Arena and a smaller electronic sign at a church, received the highest mean scores, 5.7 for the arena sign and 4.6 for the church sign. Responses to photographs of digital signs on large commercial streets and in the downtown were slightly lower but still above neutral, ranging from 4.2 to 4.4.

Overall, the responses of younger residents to all of the digital signs presented in the survey were more positive than those of older residents. The overall mean score for digital signs (including digital billboards) for the 18-29 age group was 4.6 compared with 3.7 for the 50-64 age group and 3.5 for age 65 and over. The responses of the intervening age groups, 30-39 and 40-49, with mean scores of 4.4 and 4.3, respectively indicate a consistent pattern; as age increases responses to electronic/digital signs are less positive. Additionally, people who indicated they visited Downtown San Jose on a frequent basis were more accepting of digital signs than those who virtually never visit Downtown.

Analysis and Recommendation

Electronic/digital signage[1] is the most visually intense form of signage due to its potential to display variations in light and color, movement, and changeable messages. These signs have the capability of displaying a wide variety of changeable messages including art displays, commercial advertisements, political or

[1] The Sign Ordinance refers to electronic/digital signs as "programmable display signs".

religious statements, and directional information. Such signs are generally very successful in attracting and holding viewer attention due to their brightness and the expectation of new messages to come. Due to their visual intensity, electronic/digital signs can greatly influence the visual character of the urban environment.

Staff's proposed strategy for electronic/digital signs seeks to provide greater flexibility for the use of these signs in locations and in a manner that maximizes their benefits to the community and avoids potential impacts. This strategy includes provisions for additional electronic/digital signs in the 1) Downtown Sign Zone; 2) in a proposed subarea of the Stevens Creek Boulevard Signage Area, in the Capitol Expressway Auto Mall Signage Area; and in the proposed Blossom Hill Road Signage Area; and 3) for large assembly uses citywide. Parameters for each of these proposals will need to include provisions to ensure that the signs are located and operated in a manner that does not adversely impact traffic safety. Staff's recommendations are discussed below.

Programmable Display Signs for Large Ground-floor Uses in the Downtown Sign Zone

The Downtown Core Area is the City's most intense urban area and has historically been considered the area of the City where the most intense level of signage is proposed and tolerated. This is the area where staff is recommending that electronic/digital signage be focused. Even in the Downtown Core, where greater visual intensity is typically proposed, staff has carefully considered the size, location and frequency of digital/electronic signs to ensure that the proposed signage is appropriate for a mixed-use neighborhood where permanent residents live in close proximity to commercial establishments and entertainment venues.

In August, when the Council adopted an ordinance allowing programmable display signs for large ground-floor spaces in the Downtown Sign Zone, staff recommended that this issue be reexamined through the update process. Staff is now recommending several modifications to the previously adopted provisions, as indicated in Table 2.

The proposed parameters provide some greater flexibility for use of programmable display signs in the Downtown Sign Zone by reducing the frontage requirements and increasing the allowed area of the sign. They include additional restrictions limiting programmable display signs to on-site commercial or non-commercial messages and requiring that any programmable display sign be incorporated into a larger conventional sign to ensure that programmable display signs for ground-floor uses serve a way-finding function for uses on the site and include appropriate design features so that the sign does not consist entirely of a rectangular digital screen.

The relatively slow traffic speeds in the Downtown Core Area (posted traffic speeds are generally less than 30 miles per hour) and the numerous traffic signals in this

area are thought to reduce the traffic safety implications of driver distractions and to provide drivers with opportunities to view signs with changing messages safely while their vehicles are at rest at an intersection. Despite these generally positive traffic conditions, staff proposes to develop regulations for the operation of the signs in regard to light intensity, frequency of message change, hours of operation and other factors that will minimize driver distraction and ensure that signs do not impose light and glare impacts on proximate residential uses.

Table 2. Programmable Display Signs for Large Ground-Floor Spaces in the Downtown

	Current Regulations	Recommended Regulations
Programmable Display Signs (PDS) for Large Bldgs.	• One programmable display sign (PDS) allowed for buildings with a footprint of 125,000+ sq. ft. Two PDSs allowed for buildings with a footprint of 175,000+ sq. ft.	• Replace with provision for programmable display signs (PDSs) for assembly uses in the Downtown Sign Zone and citywide (see Table 9 for these proposed regulations).
Programmable Display Kiosk Signs	• PDSs allowed on kiosks located on a private sidewalk or plaza subject to a maximum height of 8 ft. and a maximum area of 18 sq. ft. per side.	• Retain existing regulations.
Programmable Display Signs for Large Ground-floor spaces	• One attached PDS allowed for ground-floor occupancy frontage[2] of 150+ linear feet as follows: 1. Size: maximum 35 sq. ft.; 2. Height: maximum 25 ft.; 3. Can be integrated with a larger conventional sign; 4. Sign cannot be mounted on or illuminate that portion of a building containing residential living units; and 5. Cannot be mounted on or cover a window.	• Revise to allow one attached PDS for each ground-floor occupancy frontage of 100+ ft. (maximum of 2 signs), or one attached PDS for any ground floor occupancy with a total occupancy frontage of 150+ ft. on one or more public streets, as follows: 1. Size: maximum of 50 sq. ft.; 2. Height: maximum 25 feet; 3. PDS must comprise no more than 50% of the total sign area; 4. PDS cannot be mounted on or illuminate that portion of a building containing residential living units; 5. Cannot be mounted on or cover a window; 6. Only on-site or noncommercial messages allowed; and 7. Develop parameters to address nearby residential uses and traffic safety.

[2] Occupancy frontage means the length of a business or other use abutting a parking lot, driveway, plaza or street.

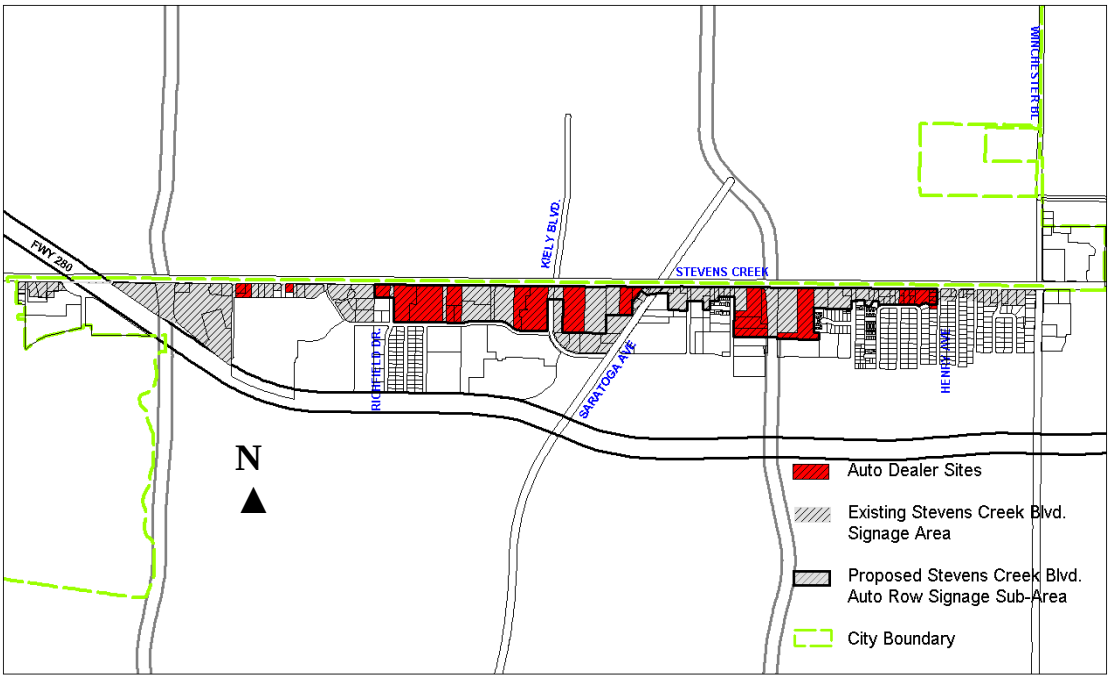
In summary, this proposal expands the provisions for use of programmable display signs in the Downtown Sign Zone consistent with the City's goal of enlivening the Downtown Core Area with vibrant signage, while avoiding light and glare impacts on residential uses and ensuring that the signs are operated in a manner that minimizes driver distraction.

Programmable Display Signs: Stevens Creek Boulevard, Capitol Expressway and Blossom Hill Road Commercial Areas

Based on City Council direction, staff has explored options for allowing programmable display signs within the Stevens Creek Boulevard Signage Area and is recommending that programmable display signage be allowed as a freestanding sign element for large sites (based on street frontage) located within a subarea of the Stevens Creek Signage Area. For qualifying sites, one freestanding sign would be allowed to include programmable display signage in an integrated design comprising up to 50% of the total area of the sign, subject to current Sign Ordinance parameters regarding total sign height and area.

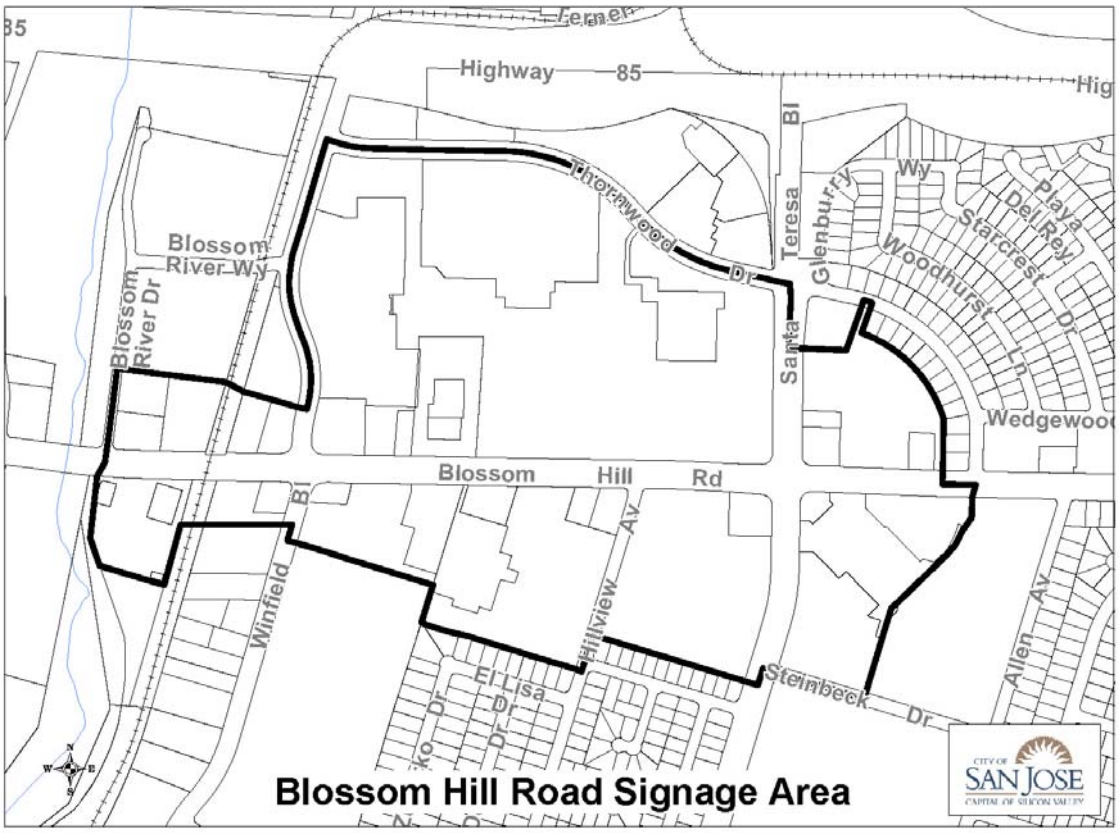
The proposed subarea (see Figure 1) includes a major commercial street with a concentration of large lots with wide frontages and a cluster of similar retail uses where the greater visual intensity of programmable display signs would be appropriate to the scale of the large streets and concentration of large lots with a uniformity of retail sites.

Figure 1. Stevens Creek Boulevard Signage Area and Proposed Subarea



If the Council chooses to allow programmable display signs for the proposed Stevens Creek Boulevard Signage Subarea, staff recommends that the same provisions be applied to the Capitol Expressway Auto Mall Signage Area and to Blossom Hill Road from Blossom River Drive to just east of Santa Teresa Boulevard, because those areas also include a concentration of large lots with wide frontages and a concentration of similar retail uses. The proposal for Blossom Hill would require creation of a new Blossom Hill Road Signage Subarea, the proposed boundaries of which are shown in Figure 2.

Figure 2. Proposed Blossom Hill Signage Area



Map Prepared by: City of San Jose, Planning Division, November 2009

Within these three areas, staff is recommending that programmable display signs of up to 50% of the total sign area be allowed for sites with a minimum frontage on Stevens Creek Boulevard, Capitol Expressway, or Blossom Hill Road of 350 linear feet. Table 3 estimates the number of sites that would qualify for programmable display signage under this proposal. Staff estimates that these parameters would allow up to four programmable display signs in the Stevens Creek Auto Row Signage Subarea; up to eleven such signs in the Capitol Auto Row Signage Area; and up to seven such signs in the Blossom Hill Road Signage Area. Based on current sign parameters, the maximum size of a programmable display sign would be 75 square feet in the Stevens Creek Boulevard Signage Subarea and 60 square feet in the Capitol Expressway and Blossom Hill Signage Areas. Staff is proposing that

programmable display signs not be allowed on frontages of the smaller commercial streets within the two sign zones since this more intense form of signage is appropriately focused on the very wide larger sites located on central streets of these signage areas.

Table 3. Estimated Number of Sites Eligible for a Programmable Display Sign

	Proposed Stevens Creek Blvd. Signage Subarea	Capitol Ex. Auto Mall Signage Area	Proposed Blossom Hill Road Signage Area
No. Eligible Sites [3]	4	11	7

Staff is recommending that the proposed parameters include requirements that programmable display signage on a freestanding sign be integrated with conventional signage in a unified design, that only on-site or non-commercial messages be allowed, and that parameters be developed for the location and operation of the signs to address the issue of potential driver distraction. Table 4 provides a summary of the existing and proposed parameters.

Should the Council choose to include these recommendations in the strategy for revising the Sign Ordinance, staff recommends that additional focused outreach be conducted in the areas surrounding the three sign zones to gain additional input regarding proposed sign parameters, once specific ordinance language is developed.

Table 4. Programmable Display Signs in Stevens Creek Boulevard and Capitol Auto Mall Signage Areas

	Current Regulations	Recommended Regulations
Programmable Display Signs in the Proposed Stevens Creek Boulevard Signage Subarea, the Capitol Auto Mall Signage Area and the Proposed Blossom Hill Road Signage Area	Not currently allowed.	• Allow programmable display signs as part of a freestanding sign in the proposed Stevens Creek Boulevard Auto Row Signage Subarea, the Capitol Auto Mall Signage Area and the proposed Blossom Hill Road Signage Area for sites with a minimum frontage of 350 linear feet subject to the following parameters: • Programmable display sign must be integrated with conventional signage and comprise no more than 50% of the total sign area. • Develop parameters to address traffic safety. Allow on-site or non-commercial messages only.

[3] Based on site frontage of 350 linear ft or more.

Programmable Display Signs for Assembly Uses Citywide
Staff is proposing that the preferred signage strategy include provisions that allow attached or freestanding programmable display signs for large assembly uses, i.e., those with a maximum building code occupancy of 500 people or greater (in a single assembly space). This proposal is summarized in Table 5. Large assembly uses, which attract significant numbers of people for specific changing events and activities, have unique signage needs. Signs for these uses (which could include theaters, churches, schools, stadiums, community centers and similar facilities) provide a way-finding and informational function that helps people to locate a specific event or activity at a specific time. Assembly uses like theaters and churches have traditionally used changeable copy signs to achieve this way-finding purpose. Programmable display signs provide a more visually intense form of changeable message signage that is appropriate to the needs of large assembly uses seeking to attract large numbers of people to specific events. Figure 2 shows examples of programmable display signs for various assembly uses.

Table 5. Programmable Display Signs for Assembly Uses Citywide

	Current Regulations	Recommended Regulations
Programmable Display Signs for Assembly Uses in the Downtown Sign Zone and Citywide	Not currently allowed.	• Allow attached or freestanding PDS for large assembly uses with a building code occupancy of 500+ in the Downtown Sign Zone and citywide. Develop maximum area regulations based on maximum building code occupancy of the assembly area and that reflect a consideration of nearby sensitive uses. Develop parameters to address traffic safety. Allow on-site or non-commercial messages only.

Within the Downtown Sign Zone, the current Sign Ordinance provisions allow programmable display signs only for very large assembly uses like the Convention Center and the HP Pavilion. The proposed regulations will continue to allow such signs for these very large assembly uses, but also allow programmable display signs to be implemented for any assembly use with a building occupancy of at least 500 persons (in a single assembly area), including churches, theaters, nightclubs and schools. Staff anticipates that the proposed provision would result in a greater intensity of signage in the Downtown due to the relative concentration of assembly uses in this area, but that the more dispersed location of assembly uses in the remainder of the City will mitigate against concentrations of more intense signage in any one area.

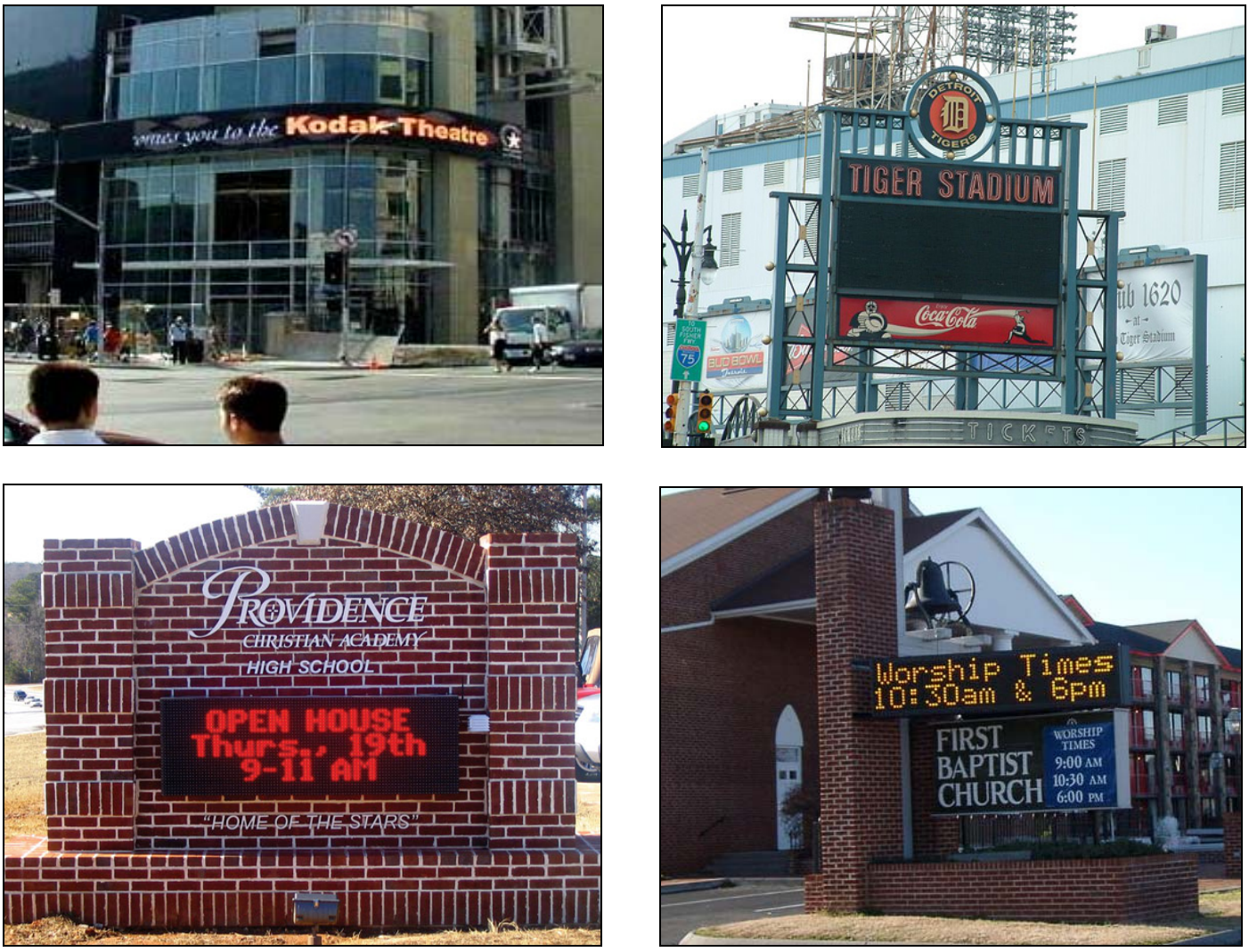


Figure 2: Programmable Display Signs for Assembly Uses

Consistent with case law allowing cities the ability to regulate off-site signage more stringently than on-site and non-commercial signage, these programmable display signs are proposed to be limited to on-site or noncommercial messages. Staff has not yet developed specific parameters for the size, height and location of these signs. The intent is to base allowed sign area on occupancy size categories. Because assembly uses are located on a variety of street types and are sometimes located in residential areas, parameters should include measures that address context and ensure that signage can be allowed in a manner that does not adversely impact traffic safety issues or nearby sensitive uses (such as residential living areas). Staff is seeking input from the Council regarding this proposal to allow programmable signs for assembly uses citywide. Should the Council direct staff to pursue an ordinance implementing this proposal, additional outreach will be needed to obtain community input regarding specific parameters for implementing these signs.

Conclusion

Staff's recommendations regarding programmable display signs promote the broader use of these signs in amounts and locations that support the City's goals for urban design and successful commercial businesses and provide an opportunity to test community acceptance and impacts of this more visually intense form of signage in the already more visually dense areas of the city.