

SUPPLEMENTAL

COUNCIL AGENDA: 01-12-10
ITEM: 4.3



Memorandum

TO: HONORABLE MAYOR AND
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: DRAFT SIGNAGE STRATEGY FOR
THE SIGN ORDINANCE UPDATE

DATE: January 5, 2010

Approved

Paul Kutt

Date

1/6/10

COUNCIL DISTRICT: Citywide
SNI AREA: All

S U P P L E M E N T A L M E M O

REASON FOR SUPPLEMENTAL

This supplemental memorandum provides recommendations and other options for individual elements of the preferred signage strategy so that the City Council can make separate decisions regarding each of the key points. The memorandum also provides the remaining recommendations for the preferred signage strategy that are additional to the recommendations included in the original staff report on this item dated November 17, 2009.

RECOMMENDATION

Staff recommends that the City Council:

- 1) Provide direction on each of the following policy questions:
 - a. **Billboards.** Should the City Council continue to retain the existing billboard ban?
 - b. **Off-Site Commercial Signs on City Property.** Should the City delay action regarding off-site advertising on property owned by the City of San Jose until resolution of a pending non-San Jose appeal before the United States Supreme Court?
 - c. **Freeway Signs.** To what extent should the City allow freeway signs for large shopping centers?
 - d. **Electronic Signs for Large Downtown Ground-floor Spaces.** To what extent should the City revise the parameters for electronic/digital signs (programmable display signs) for large ground-floor spaces in the Downtown Sign Zone?

- e. **Electronic Signs for Assembly Uses.** To what extent should the City allow electronic/digital signs for large assembly uses (with a building occupancy of at least 500 persons) citywide limited to on-site or non-commercial messages?
 - f. **Electronic Signs for Large Commercial Streets.** To what extent should the City allow electronic/digital signs as a component of freestanding signs within a subarea of the Stevens Creek Boulevard Signage Area, within the Capitol Expressway Auto Mall Signage Area and within the proposed Blossom Hill Boulevard Signage Area?
 - g. **Supergraphics in the Downtown Sign Zone.** To what extent should the City allow supergraphics as temporary signs on blank walls in the Downtown Sign Zone?
 - h. **Supergraphics Outside of Downtown.** To what extent should the City explore regulations allowing large, temporary banner/supergraphic signs limited to on-site or non-commercial messages in the North San Jose and Edenvale industrial areas and in the Airport Sign Zone?
 - i. **Other Comments.** Are there other comments regarding the proposed preferred strategy?
- 2) Direct the Administration to prepare an ordinance to revise Title 23 of the San Jose Municipal Code (the Sign Ordinance) consistent with these recommendations and conduct additional related community outreach.

OUTCOME

With this item, the City Council would provide guidance on key policy questions related to the staff recommendations for a draft signage strategy. This memorandum and the memorandum dated November 17, 2009 contain information regarding policy choices, including community input, photographs of different options, and other analysis. Specific City Council direction regarding these recommendations will enable staff to prepare revised sign regulations that balance the City's goals for visually vibrant development, successful commercial businesses and attractive streetscapes. Staff would also conduct additional public outreach regarding the specific proposed regulations prior to Council consideration of the ordinance.

EXECUTIVE SUMMARY

The following matrices outline current Sign Ordinance provisions and recommended revisions proposed by staff in regard to:

- 1) Initial Recommendations Phase I Recommendations (items a-g above, as further discussed in the staff memorandum of November 17, 2009);
- 2) Additional Downtown Sign Zone Recommendations (as further discussed in the Appendix of this memorandum); and
- 3) Additional Citywide and Special Area Recommendations (including item h above, as further discussed in the Appendix of this memorandum).

Initial Recommendations¹		
Category	Existing Regulations	Proposed Regulations
Billboards (Council direction on this issue affects other sign issues.)	New billboards not allowed.	Retain existing billboard ban for private property.
Off-site Commercial Signs on City Property	Not allowed.	Delay decision on off-site signs for City property pending resolution of a lawsuit currently on appeal regarding whether a city can allow off-site signs only on city property.
Freeway Signs	Large freeway signs for shopping centers not allowed.	Allow one freeway sign for 25+ acre shopping centers located within 200 ft. of a freeway. Max. area: 400 sq.ft.; Max. Height: 60 ft. Programmable Display Sign (PDS) allowed for 50% of sign area. On-site or non-commercial messages only. Develop parameters addressing traffic safety and compatibility with sensitive uses.
	Attached signs on freeway frontages & signs facing freeways not allowed if no intervening parking, street, or plaza.	Citywide, allow attached signs for building frontages next to a freeway and remove restrictions on signs facing a freeway. Allow on-site or non-commercial messages only.
Electronic/ Programmable Display Signs (PDS)	<ul style="list-style-type: none"> •Allowed on a limited basis in the Downtown (DT), Urban Mixed Use and Airport Sign Zones. •Small time and temperature signs allowed citywide. 	Revise parameters for attached PDS signs for large ground-floor spaces in the DT Sign Zone to allow larger signs on smaller frontages.
		Allow PDS component up to 50% of a freestanding sign on large sites in specific areas of Stevens Creek Boulevard, Capitol Expressway, and Blossom Hill Road.
		Allow PDS signs for large assembly uses (occupancy of 500 or greater) citywide.
		For all PDS signs, allow only on-site or non-commercial messages and develop parameters to address traffic safety and compatibility.
Supergraphics in the Downtown Sign Zone	Banners over 1200 sq.ft. Not allowed.	Allow on blank walls in DT Sign Zone as temporary signs (60 days) up to 5,000 sq. ft. Maximum 5 signs at one time. Allow on-site or non-commercial messages only.

¹ See analysis of these recommendations in the November 17, 2009 staff memorandum.

Additional Downtown Sign Zone Recommendations²		
Sign Issue	Current Sign Ordinance Regulations	Recommended Sign Ordinance Regulations
Height of Typical Flat-Mounted Signs	Generally limited to 30 ft. above grade.	Develop parameters to allow flat-mounted signs higher than 30 ft. above grade.
Temporary Signs	Various temporary signs allowed based on specific parameters.	Identify additional provisions for temporary signage to accommodate temporary signs, including art displays.
San Pedro Square Sign Zone	There is currently no special sign zone for San Pedro Square.	Explore creation of a San Pedro Square Sign Zone with regulations that reflect the area's unique character.
Allowed Sign Area	2.5 sq. ft. of sign area per linear ft. of occupancy frontage allowed (additional sign area is allowed for roof and skyline signs on buildings over 80 ft. in height and for theater marquees).	Retain existing sign area provisions.
Fin Signs	Existing parameters preclude fin signs from extending above the cornice or parapet of a building.	Revise parameters to allow fin signs to extend above the cornice or parapet of one or two-story buildings, subject to existing height limitations.
Vertical Projecting Signs	Existing parameters allow signs between 20 and 60 ft. in height above grade. Signs cannot extend above the cornice or parapet.	Revise parameters to allow signs between 15 and 70 ft. in height above grade and allow signs to extend above the cornice or parapet.
Vertical Architectural Signs	Roof signs allowed only on buildings of 140 ft. or more in height.	Establish new sign type. Allow to extend above the roof of 1 to 2-story buildings. Must be an integral element of the building design.
Animation	Allowed on a limited basis for digital signs and marquees.	Make additional provision for small animated sign components.
Sign Zone Boundary	DT Sign Zone Boundary extends beyond the Downtown Core.	Revise boundary of the DT Sign Zone to be coterminous with the Downtown Core Area.

² These recommendations are discussed in the analysis section of the Appendix to this memorandum.

Additional Citywide and Special Area Recommendations³		
Sign Issue	Current Sign Ordinance Regulations	Recommended Sign Ordinance Regulations
Skyline Signs Citywide	Allowed in the Downtown (DT) Sign Zone and other specific areas of the City subject to size and building height parameters.	Allow for buildings of 80 feet in height or greater citywide subject to parameters similar to those of the Downtown Sign Zone.
Height of Attached Signs Citywide	Attached signs generally limited to the height of the 4 th finished floor.	Allow attached signs above the elevation of the fourth finished floor in commercial and industrial areas citywide.
Banners in NSJ, Edenvale, & the Airport	Temporary signs for large buildings (with a footprint of 20,000+ sq. ft.) are limited to 125 sq. ft. in area.	Explore large banner/supergraphic signs on buildings in the North San Jose & Edenvale industrial areas & the Airport Sign Zone. Parameters to be developed.
Fin Signs Citywide	Fin signs are allowed subject to the following: 1. Size: 10 sq. ft. per side 2. Height: 8-12 ft. above grade; 3. Only external or neon tube lighting allowed. 4. Must be near entrance.	Allow fin signs subject to the following revised parameters: 1. Size: 20 sq. ft. per side; 2. Height 8-20 ft. above grade; 3. Allow internal lighting in addition to neon lighting. 4. Eliminate location requirement.
Architectural Sign Cluster	Regulations discourage integrating signs with architectural elements.	Create a new sign type for large parcels that allows integration of signage with architectural landscape elements.
Mercado Signs Citywide	Number of allowed signs for multiple businesses in one ground-floor space is the same as for a single business.	Develop parameters that allow more signs for a single ground-floor space with multiple businesses, such as a mercado.
Historic Sign Relocation Citywide	Attached historic signs relocated to another building must meet current sign location requirements.	Develop sign provisions that allow greater flexibility for the placement of relocated historic signs.
A-Frame Signs in the NBDs	Allowed in the Downtown Sign Zone and in the Lincoln Avenue and The Alameda NBDs.	Allow in Downtown Sign Zone, all NBDs and all Business Areas per existing criteria.

BACKGROUND

The City Council was originally scheduled to consider staff’s initial recommendations for the Sign Code Update on December 1, 2009. Those recommendations, presented in the staff memorandum dated November 17, 2009 and available for review at <http://www.sanjoseca.gov/planning/zoning/sign.asp>, address key signage issues in regard to:

³ These recommendations are discussed in the Analysis section of the Appendix to this memorandum.

1) billboards on private property; and 2) commercial signs on City property; 3) freeway signs; 4) electronic/digital signs; and 5) large banner/supergraphic signs. The appendix to this supplemental memorandum sets forth the remaining recommendations for the preferred signage strategy in regard to the Downtown Sign Zone and other areas of the city. This memorandum sets forth all of the recommendations for the preferred signage strategy as individual elements so that the City Council can make separate decisions regarding each of the key points.

The purpose of the Sign Code Update, as directed by the City Council, is to examine existing sign regulations to identify changes needed to better support current City goals for business development, visually vibrant urban areas, and attractive streetscapes. The update process has included extensive public outreach, an Internet Visual Preference Survey and significant staff research and analysis, all of which have contributed to the current recommendations.

Overview of Key Legal Considerations

As noted in the November 17, 2009 memorandum, signage is a form of “speech” that is protected by the constitutions of the United States and the State of California. Prior challenges to regulations that affect the ability to communicate messages have resulted in a body of case law that establishes general principles for jurisdictions to respect and observe when seeking to regulate signs. Generally, for a signage regulation to meet constitutional standards, an ordinance must constitute a reasonable time, place and manner regulation or restriction on this type of speech. This means that the signage regulations should:

- Be limited to where, when and how signage can be installed;
- Should not regulate the content of the speech (in other words, generally must be content-neutral and not regulate speech based upon what message is being communicated);
- Must serve a significant governmental interest; and
- Must leave open ample alternative channels for effectively communicating information.

Courts have found that local governments do have a significant governmental interest in establishing regulations to further the aesthetics of their jurisdiction (such as the prevention of visual clutter or visual blight) and to promote and preserve traffic safety. Traffic safety signage can include traditional right of way signs (such as stop signs, yield signs, street name signs, speed limit signs, one-way traffic signs, and crosswalk signs) as well as other way-finding signage.

Because signage regulations implicate free speech principles, those regulations also must be clearly written, narrowly tailored (meaning that the regulations should not overly intrude into free speech interests) and cannot leave unfettered or unchecked discretion in the hands of a government official to determine what signage is allowed under a regulation. Staff’s recommendations for the draft signage strategy have been created to achieve the goal of vibrant quality signs while recognizing these legal considerations.

At the January 12th meeting, the Council will be asked to provide guidance on eight policy issues associated with the Sign Ordinance Update.

ANALYSIS

This report presents each of the eight sign policy issues in the form of the question before the City Council, a range of options, and staff’s recommendations. This approach is proposed to be the framework for the Council to work through each issue on January 12, 2010.

1. Billboards

Existing Regulations: New billboards are not allowed. Relocation of or increase in the height of an existing billboard is allowed subject to specific parameters. See next page for photographs of some existing billboards in San Jose.

Question 1: Should the City of San Jose retain a ban on billboards?

Options	Pros	Cons
Option 1: Yes, Retain billboard ban.	<ul style="list-style-type: none"> • Prevents undesirable visual impact from new billboards. • Allows City to continue to seek removal of billboards located in neighborhoods. • Consistent with Caltrans rules prohibiting billboards along landscaped freeways. • Prevents new billboards from limiting future freeway landscape improvements. • Ensures signage is way-finding for on-site goods & services. 	<ul style="list-style-type: none"> • There is currently a lawsuit on appeal regarding whether a city can have a billboard ban on private property while allowing off-site commercial signs on City property. Retaining the billboard ban would require the Council to delay a decision regarding commercial advertising on public property until the case is decided or proceed in the face of legal risk. • Would not increase billboard space available to corporations and other businesses/organizations. • Would not allow billboard industry & property owners to make money on new billboards.
Option 2: No, Allow new billboards .	<ul style="list-style-type: none"> • Eliminates potential conflict between regulations for private & public property should the Council wish to implement commercial signs on City land. • Expands options for corporations, sport entities and other businesses or organizations to advertise goods & services. • Allows the outdoor advertising industry and property owners to make money on new billboards. 	<ul style="list-style-type: none"> • Existing billboards suggest that new billboards would not promote an attractive urban landscape. • Billboards do not provide a way-finding function for on-site goods or services. • Caltrans rules preclude billboards along San Jose’s “landscaped” freeways where billboard companies want them. • Caltrans regulations do not allow landscape improvements proximate to new billboards. • State has hindered the City’s ability to amortize out legal non-conforming billboards in the same manner as other non-conforming structures, so any new billboards are likely to be in place a long time regardless of future policy changes. • Existing billboards are costly to remove & can be an impediment to new development.
Recommendation: <u>Option 1</u> - Retain billboard ban.		

Sample of Existing Billboards in Census Tracts 5001.00 and 5031.03

(For a complete analysis of billboards in these Census Tracts, see

http://www.sanjoseca.gov/planning/zoning/signs/Billboards_in_TwoSanJoseCensusTracts.pdf)

<p>999 10th St</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>HWY 101- 300 feet east from 10th St (Other face of the billboard is towards the freeway and is not rated.)</p>  <p>Message Category: Movie/ Media Condition: Poor</p>	<p>SE corner N10th St & HWY 101 (Other face of the billboard is towards the freeway and is not rated.)</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>NE corner 10th St & Horning St</p>  <p>Message Category: Alcohol Condition: Good</p>
<p>North Side of E Hedding St 100 feet from 12th St</p>  <p>Message Category: Other Condition: Good</p>	<p>NW corner 10th St & Commercial St</p>  <p>Message Category: Public Service Condition: Good</p>	<p>NW corner of E Hedding St & N Bayshore West St</p>  <p>Message Category: Alcohol Condition: Poor</p>	
<p>NW corner 10th St & E Hedding St (901 N 10th St)</p>  <p>Message Category: No Message Condition: Poor</p>	<p>NW corner 10th St & E Hedding St (901 N 10th St)</p>  <p>Message Category: Public Service Condition: Good</p>	<p>NW corner Oakland Rd & Madera Ave</p>  <p>Message Category: Other Condition: Good</p>	<p>NW corner Oakland Rd & Madera Ave</p>  <p>Message Category: Alcohol Condition: Good</p>
<p>1507 S 10th St- 100' from Alma Ave</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>1620 S 7th St</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>1595 S 10th St</p>  <p>Message Category: Media/ Movie Condition: Good</p>	<p>1595 S 10th St</p>  <p>Message Category: Public Service Condition: Good</p>

2. Commercial Advertising on City Property

Existing Policy: Only the City may post signs in the public right of way or on City property.

Question 2: Should the City of San Jose allow off-site commercial advertising on City property? (This question is closely related to the prior question regarding billboards.)



Kiosk with Commercial Advertising in San Francisco



Commercial Sign on a Boston Street



Commercial Newsrack Sign in San Francisco

Options for Signs on City Property	If Council retains billboard ban.	If Council allows new billboards.
<p>Option 1: Yes, Allow commercial signs on City property.</p>	<p>Pros:</p> <ul style="list-style-type: none"> • Could provide benefits to the City (as yet to be identified and analyzed) such as enhanced news racks, bike-sharing programs or potential general fund revenue. • Allows the outdoor advertising industry to make money on new off-site advertising and provide additional places for corporations and other businesses and organizations to advertise goods, and services. <p>Cons:</p>	<p>Pros:</p> <ul style="list-style-type: none"> • No potential legal concerns regarding conflicts between regulations for private and public property. • Could provide benefits to the City (as yet to be identified and analyzed) such as enhanced news racks, bike-sharing programs or potential general fund revenue. • Allows the outdoor advertising industry to make money on new off-site advertising and provides additional advertising space for corporations and other businesses & organizations to advertise goods & services. <p>Cons:</p>

Options for Signs on City Property	If Council retains billboard ban.	If Council allows new billboards.
(Cont.) Option 1: Yes, Allow commercial signs on City property.	<ul style="list-style-type: none"> • Would not allow the Council to consider in its decision-making the results of a law suit currently on appeal regarding whether a City can have a billboard ban while allowing off-site commercial advertising on City property. 	<ul style="list-style-type: none"> • The impacts of allowing new billboards are discussed under Question 1 above.
Option 2: No, Do not allow commercial signs on City property.	<p>Pros:</p> <ul style="list-style-type: none"> • Allows the Council at a future date to reassess this issue in the light of the results of a law suit currently on appeal regarding whether a City can have a billboard ban while allowing off-site commercial advertising on City property. <p>Cons:</p> <ul style="list-style-type: none"> • Would not provide or would delay potential benefits to the City from implementation of commercial signs on city property (as yet to be identified and analyzed), such as enhanced news racks, bike-sharing programs or potential general fund revenue. • Eliminates or delays monetary benefits to the advertising industry from signs on City property and would not expand advertising space available to corporations and other businesses or organizations. 	<p>Pros:</p> <ul style="list-style-type: none"> • No potential legal conflict between Council policy for billboards on City property and Sign Ordinance regulations for billboards on private property. <p>Cons:</p> <ul style="list-style-type: none"> • Would not provide or would delay potential benefits to the City from implementation of commercial signs on city property (as yet to be identified and analyzed), such as enhanced news racks, bike-sharing programs or potential general fund revenue. • Eliminates or delays monetary benefits to the advertising industry from signs on City property and would not expand advertising space available to corporations and other businesses or organizations.
<p>Recommendation: <u>Option 2</u> – Delay decision on implementing off-site commercial signs on City property pending resolution of a lawsuit currently on appeal regarding whether a city can allow off-site signs on city property while precluding them on private property.</p>		

3. Freeway Signs

Existing Regulations: Freeway signs for shopping centers not allowed. Shopping center signs sized for streets, not freeways. Limitations on signs facing freeways.

Questions 3: To what extent should the City allow freeway signs for large shopping centers?



Freeway Sign (2,000+ sq. ft./ 150 ft.)



Freeway Sign (1,100 sq.ft./100 ft.)

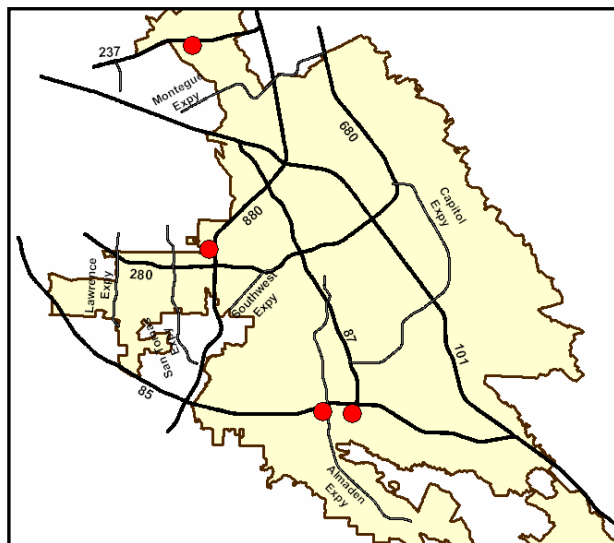


Sign 350 sq. ft./ 55 ft. tall
Digital Component 80% of Sign Area

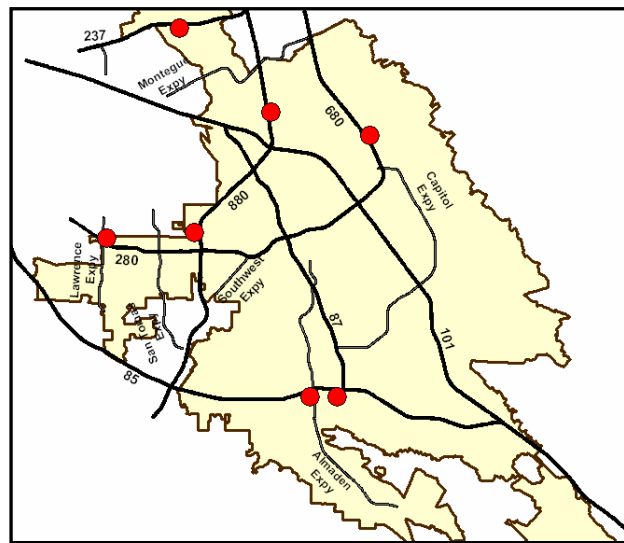


Sign 350 sq. ft./50 ft. tall

Options for Freeway Signs	Pros	Cons
<p>Option 1: Allow freeway signs for shopping centers 25+ acres & located within 200 ft of a freeway; maximum height 60 ft.; maximum area 400 sq. ft.; maximum 50% digital signage. Eliminate restriction on signs facing freeways. Allow on-site or non-commercial messages only. Develop parameters to address driver distraction.</p>	<ul style="list-style-type: none"> • Provides useful way-finding signs for regional shopping centers near a freeway and heightens their profile within San Jose (4 shopping centers qualify). • Height and area are sufficient to create “landmark” signs and are at high end of that allowed by other large California cities. • Digital signage provides for more messages in less space. 	<ul style="list-style-type: none"> • Poorly designed signs may not be visually attractive. • The operation of digital signs on a freeway will need to be regulated so as to limit driver distraction.
<p>Option 2: Allow freeway signs for smaller shopping centers (15+ acres) within 200 ft. of a freeway.</p>	<ul style="list-style-type: none"> • Heightens the profile of more shopping centers located near freeways (7 shopping centers qualify). 	<ul style="list-style-type: none"> • Does not establish a clear hierarchy based on shopping center size. Neighborhood-scale shopping centers would have same signage as regional shopping centers.



Option 1. Four Shopping Centers 25 + Acres



Option 2. Seven Shopping Centers 15+ Acres

Options for Freeway Signs	Pros	Cons
Option 3: Allow larger and taller freeway signs.	<ul style="list-style-type: none"> • Larger, taller signs would be more visible and allow more message area for advertising on-site businesses. 	<ul style="list-style-type: none"> • Larger and taller signs may not be necessary to heighten the profile of regional shopping centers in a large city like San Jose that is a destination in itself. • Signs ten stories or more in height may be more appropriate for a single-exit town than for a city with significant urban presence along multiple freeways.
Option 4: Allow 100% of sign area to be digital signage.	<ul style="list-style-type: none"> • A larger digital sign would maximize the area available for changeable messages. 	<ul style="list-style-type: none"> • Allowing the entire sign area to be digital may result in rectangular signs that lack distinctive or creative design.
Option 5: Allow off-site messages.	<ul style="list-style-type: none"> • Would allow property owners to make money by selling advertising space for off-site messages. • Eliminating off-site restriction would simplify enforcement. • If the Council chooses to lift the billboard ban, would be consistent with that action. 	<ul style="list-style-type: none"> • If the Council chooses to retain the billboard ban, would violate such a ban. • Signs may not provide a way-finding function for goods and services on the site. • Not consistent with community input which valued the way-finding role of freeway signs & strongly favored on-site advertising. • Violates Caltrans rules which preclude off-site advertising near landscaped freeways.
<p>Recommendation: <u>Option 1.</u> Allow freeway signs for shopping centers 25+ acres & located within 200 ft. of a freeway; maximum height 60 ft.; maximum area 400 sq. ft.; maximum 50% digital signage. Eliminate restriction on signs facing freeways. Allow on-site or non-commercial messages only. Develop parameters to address driver distraction.</p>		

4. Electronic/Digital Signs (Programmable Display Signs) for Large Ground-floor Spaces in the Downtown

Existing Regulations: One attached programmable display sign (PDS) allowed for ground-floor occupancy frontage of 150+ linear feet on a single street. Maximum digital sign area of 35 square feet. Limited to a height of 25 feet.

Question 4: To what extent should the City revise the parameters for electronic/digital signs (programmable display signs) for large ground-floor spaces in the Downtown Sign Zone?



**Digital Safeway Sign
Downtown (32 sq. ft.)**



**Digital Flames Sign
Downtown (17 sq. ft.)**

Options for Digital Signs on Large Downtown Spaces	Pros	Cons
<p>Option 1: One attached digital sign for each ground-floor occupancy frontage of 100+ ft. (max. 2 signs), or one sign for ground-floor occupancy frontage of 150+ ft. on one or more streets. Digital sign area: max. 50 sq. ft. & ≤ 50% of total sign area. Only on-site or non-commercial messages. Develop parameters to address driver distraction & sensitive uses.</p>	<ul style="list-style-type: none"> • Supports Downtown businesses by allowing larger digital signs for more businesses. • Allows more intense, vibrant signage in the Downtown • Limitation regarding on-site signage ensures that signage will provide a way-finding function. • Includes measures to address driver distraction and potential impacts on sensitive uses. 	<ul style="list-style-type: none"> • More digital signs, which typically include a standard rectangular format, may result in less varied and creative signage in the Downtown.
<p>Option 2: Allow larger digital signs (max. area of 100 sq.ft.).</p>	<ul style="list-style-type: none"> • Supports Downtown businesses by increasing options for digital signage. See Option 1 “Pros” 	<ul style="list-style-type: none"> • May be too large for pedestrian-level store fronts. See Option 1 “Cons”.
<p>Recommendation: <u>Option 1.</u> Revise to allow one attached PDS for each ground-floor occupancy frontage of 100+ linear ft. (maximum of 2 signs), <u>or</u> one attached PDS for any ground floor occupancy with a total occupancy frontage of 150+ linear ft. on one or more public streets, as follows:</p> <ol style="list-style-type: none"> 1. Size: Maximum of 50 sq. ft. 2. Height: Maximum 25 ft. 3. PDS must comprise no more than 50% of total sign area. 4. PDS cannot be mounted on or illuminate that portion of a building with living units. 5. Cannot be mounted on or cover a window. 6. Only on-site or non-commercial messages allowed; and 7. Develop parameters to address nearby residential uses and traffic safety. 		

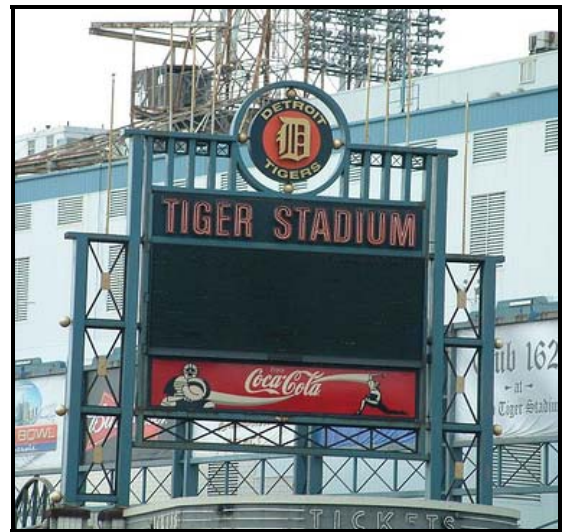
5. Electronic/Digital Signs for Assembly Uses

Existing Regulations: Electronic/digital signs are not allowed for assembly uses outside the Downtown. In the Downtown, they are allowed for theaters and for assembly uses that meet specific ground floor occupancy frontage or building footprint requirements. Assembly uses include such uses as churches, schools, theaters, night clubs, and sports stadiums.

Question 5: To what extent should the City allow electronic/digital signs for large assembly uses with a building occupancy of at least 500 persons citywide (limited to on-site or non-commercial messages)?



Digital Sign for an Assembly Use



Digital Stadium Sign



Small Assembly Uses Tend to be Located in Residential Areas

Options for Assembly Uses	Pros	Cons
<p>Option 1: Allow digital signs for large assembly uses with a building occupancy of 500 or more. Link sign area to size of assembly use. On-site or non-commercial messages only.</p>	<ul style="list-style-type: none"> • Changeable message signs meet signage needs of assembly uses by serving a way-finding function for on-site programs and events. • Precluding signs for small assembly uses that tend to locate in residential areas would reduce potential impacts to sensitive uses. • May enliven Downtown with visually vibrant signage. • Outside the Downtown, where more intense signage is less desirable, the effect of more visually vibrant signage would be moderated by the greater dispersion of assembly uses. • On-site message limit consistent with existing billboard ban. 	<ul style="list-style-type: none"> • Allowing digital signs broadly for large assembly uses has the potential to place brighter, more intense signage close to sensitive uses. • The minimum building occupancy would prevent small assembly uses from enjoying the advantages of digital signage.
<p>Option 2: Reduce minimum building occupancy to 250.</p>	<ul style="list-style-type: none"> • Would allow more assembly uses to enjoy the benefits of digital signs. 	<ul style="list-style-type: none"> • May result in greater visual impacts on sensitive uses because smaller assembly uses tend to locate in residential areas. • More difficult to distinguish small assembly uses from other uses, increasing the complexity of enforcement.
<p>Option 3: Allow off-site messages.</p>	<ul style="list-style-type: none"> • Allows property owners to make money by selling message space for commercial advertising. • Would simplify enforcement. 	<ul style="list-style-type: none"> • Violates the existing billboard ban. • Would not serve a way-finding function for on-site goods and services.
<p>Recommendation: <u>Option 1</u> – Allow attached or freestanding digital signs citywide for large assembly uses with building code occupancy of 500+. Develop maximum size regulations linked to building occupancy of the assembly area. Develop parameters to address traffic safety & nearby sensitive uses. Allow on-site or non-commercial messages only.</p>		

6. Electronic/Digital Signs (Programmable Display Signs) for Commercial Areas

Existing Regulations: Digital signs are not allowed.

Question 6: To what extent should the City allow electronic/digital signs as a component of freestanding signs within a subarea of the Stevens Creek Boulevard Signage Area, within the Capitol Expressway Auto Mall Signage Area and within the proposed Blossom Hill Boulevard Signage Area?



Examples of Freestanding Signs with a Digital Component

Options for Digital Signs in Commercial Areas	Pros	Cons
<p>Option 1: Allow digital signs as a component of freestanding signs within a subarea of the Stevens Creek Boulevard Signage Area, the Capitol Expressway Auto Mall Signage Area & the proposed Blossom Hill Boulevard Signage Area for parcels with a wide street frontage (350+ linear ft.) subject to existing size & height limitations. Limit digital sign to 50% of total sign area. On-site messages only.</p>	<ul style="list-style-type: none"> • Businesses would benefit from the flexibility to implement more visually-intense and flexible signage that provides a way-finding function for goods and services available on the site. 	<ul style="list-style-type: none"> •Brighter, more visually-intense digital signs could change the visual character of these commercial areas in a manner that San Jose residents may perceive as negative.

Options for Digital Signs in Commercial Areas	Pros	Cons
Option 2: Allow signs described in Option 1 only in the Stevens Creek Signage Area.	<ul style="list-style-type: none"> • Same as for Option 1 for a smaller number of businesses. 	<ul style="list-style-type: none"> • The rationale for allowing digital signs in the Stevens Creek Signage Area but not in similar commercial areas is required. • See “Cons” for Option 1.
Option 3: Initiate a 2-year pilot program in the Stevens Creek Signage Area to test signage parameters for freestanding digital signs and collect data to inform a future decision regarding to what extent digital signs should be allowed in the 3 identified commercial areas.	<ul style="list-style-type: none"> • Allowing approval of digital signage in a limited area for a limited period would allow the city to assess potential benefits and impacts and test community acceptance prior to any decision on broader, more permanent digital sign provisions. • Same as Option 1 for pilot. 	<ul style="list-style-type: none"> • Businesses in the two areas not included in the pilot program would not benefit in the near term from the opportunity to implement more visually intense and flexible digital signs. • Evaluation of a pilot program would require additional staff resources.
Option 4: Same as Option 1 except allow digital signs for smaller parcel frontages.	<ul style="list-style-type: none"> • More businesses would benefit from the flexibility to implement more visually-intense and flexible signage that provides a way-finding function for goods and services available on the site. 	<ul style="list-style-type: none"> • More visually-intense digital signs could change the visual character of the affected commercial areas in a manner that San Jose residents may perceive as negative. • Allowing digital signs for very small parcel frontages could undermine the rationale for allowing digital signs only in specific commercial areas with large parcels.
Option 5: Same as Option 1 except allow entire sign area to be digital.	<ul style="list-style-type: none"> • Allows businesses greater flexibility to display larger digital signs (up to 150 sq. ft. in the Stevens Creek Signage). • See “Pros” for Option 1. 	<ul style="list-style-type: none"> • Would encourage rectangular signs that lack distinctive or creative design. • Otherwise, same as Option 1
<p>Recommendation: <u>Option 1</u> - 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:</p> <ul style="list-style-type: none"> • Programmable display sign must be integrated with conventional signage and comprise no more than 50% of the total sign area. • Develop parameters for traffic safety & allow on-site or non-commercial messages only. 		

7. Supergraphics in the Downtown Sign Zone

Existing Regulations: Supergraphic signs are not allowed.

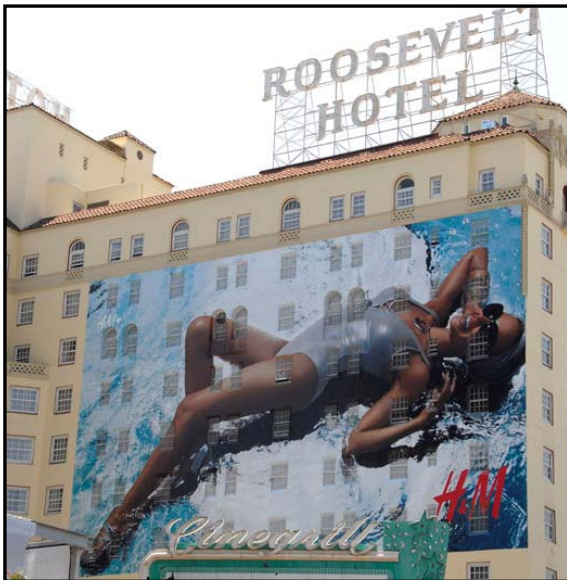
Question 7: To what extent should the City allow supergraphics as temporary signs on blank walls in the Downtown Sign Zone?



**Supergraphic Sign on a Blank Wall
(Approx. 4,500 sq. ft.)**



**Supergraphic Sign on a Blank Wall
(Approx. 2,000 sq. ft.)**



**Supergraphic Sign Covering Windows of an
Historic Building (Approx. 5,000 sq. ft.)**



**Supergraphic Sign Advertising
Residential Units (Approx. 4,500 sq. ft.)**

Options for Downtown Supergraphics	Pros	Cons
<p>Option 1: Allow on blank walls in DT Sign Zone as temporary signs with a maximum term of 60 days & a maximum area of up to 5,000 sq. ft. Maximum 5 signs at one time. Do not allow signs to cover windows or doors. On-site or non-commercial messages only.</p>	<ul style="list-style-type: none"> • Has the potential to enliven blank walls of Downtown buildings. • Provides additional sign option for Downtown businesses. • Accommodates large temporary art displays. • Allows the City to test supergraphic signs on a limited basis before considering broader provisions. • Ensures that building owners or tenants play a role in sign design and maintenance. 	<ul style="list-style-type: none"> • These provisions will limit the number of property owners and tenants that can take advantage of supergraphic signs.
<p>Option 2: Same as Option 1 but do not limit size or number of signs.</p>	<ul style="list-style-type: none"> • Would allow signs to be sized to fit the blank wall on which they are mounted. Maximum size would be dependant on size of wall. 	<ul style="list-style-type: none"> • Provides less clarity regarding the size of signs that could be implemented.
<p>Option 3: Same regulations as Option 1 but do not limit number of signs.</p>	<ul style="list-style-type: none"> • Maximizes sign options for Downtown businesses and property owners. • Additional signs may further enliven the Downtown from a visual standpoint. 	<ul style="list-style-type: none"> • Unclear how many signs would be implemented. • Too many signs could degrade the visual environment in the Downtown.
<p>Option 4: Same as Option 1 except allow supergraphic signs to cover windows and doors.</p>	<ul style="list-style-type: none"> • Would allow more property owners and businesses to benefit from supergraphics as a means of advertising goods and services. 	<ul style="list-style-type: none"> • Signs would cover building architecture, not just blank walls. This would be of particular concern for historic buildings. • Signs would reduce light and views for building occupants. • Community input opposed supergraphics covering windows. • Would need to explore and address potential fire safety issues associated with obscuring windows.

<p>Option 5: Allow off-site messages and lengthen term of sign to one year or allow as permanent signs.</p>	<ul style="list-style-type: none"> • Enables outdoor advertising companies to make money by leasing advertising space on Downtown buildings. • Enables property owners to make money by leasing building façades to outdoor advertising companies. 	<ul style="list-style-type: none"> • Violates existing billboard ban. • Outdoor advertising companies may be less focused on designing and maintaining signs in a manner that enhances the local community. • Signs less likely to provide a way-finding function for on-site goods and services. • Off-site advertising visible from a landscaped freeway would violate Caltrans regulations.
<p>Option 6: Allow new buildings citywide to display supergraphic signs for one year from date of completion.</p>	<ul style="list-style-type: none"> • Would allow building owners to use supergraphic signs to advertise the sale or lease of new residential units or other building space. 	<ul style="list-style-type: none"> • Signs may not be feasible on many buildings unless allowed to cover windows. • See “cons” for Option 4.
<p>Recommendation: <u>Option 1</u> – Allow supergraphic signs in the Downtown Sign Zone subject to the following:</p> <ol style="list-style-type: none"> 1) Height/Size: Cannot extend above the cornice/parapet of a building/1,200-5,000 sq. ft.; 2) Duration/Number: maximum 60 consecutive days in a calendar year/maximum 5 signs at any time. 3) Sign may not cover or surround windows or doors; and 4) Requires a Permit Adjustment/On-site or non-commercial messages only. 		

8. Supergraphics Outside the Downtown

Existing Regulations: Supergraphic signs are not allowed.

Question 8: Should the City explore regulations allowing large, temporary banner/supergraphic signs limited to on-site or non-commercial messages in the North San Jose and Edenvale industrial areas and in the Airport Sign Zone?

Options for Supergraphics Outside the Downtown	Pros	Cons
Option 1: Yes, the City should explore regulations allowing supergraphic signs in the North San Jose and Edenvale industrial areas and in the Airport Sign Zone.	<ul style="list-style-type: none"> • Would allow the City to explore whether there is a rationale for allowing supergraphic signs in these areas, to identify options available to the Council in regard to these signs and to identify the benefits and disadvantages of each option. 	<ul style="list-style-type: none"> • There are no disadvantages to exploring potential options for supergraphic signs in North San Jose, Edenvale and the Airport Sign Zone.
Option 2: No, do not explore provisions for supergraphic signs in North the San Jose and Edenvale industrial areas and in the Airport Sign Zone.	<ul style="list-style-type: none"> • If the Council does not wish to explore provision for supergraphic signs in these areas, that direction would allow staff to focus on other Sign Code issues. 	<ul style="list-style-type: none"> • The Council would not have the benefit of information and analysis regarding the options for supergraphic signs in these areas.
<p>Recommendation: <u>Option 1.</u> Yes, direct staff to explore whether there is a rationale for allowing large supergraphic signs as temporary signs in the North San Jose and Edenvale industrial areas and in the Airport Sign Zone. If there is a rationale, identify potential parameters for such signs and assess potential benefits and disadvantages of supergraphic signs in these areas.</p>		

EVALUATION AND FOLLOW-UP

Based on direction from the City Council regarding the Preferred Signage Strategy, staff will draft specific amendments to the Sign Ordinance. This work will entail: 1) conducting additional analysis to develop and refine detailed numeric parameters in support of the Preferred Signage Strategy; 2) developing specific ordinance language incorporating these detailed parameters into the existing Sign Ordinance; 3) recommending changes to existing ordinance language in the affected sections to improve clarity; and 4) editing the Sign Ordinance as a whole to accommodate new definitions, provide appropriate cross references and ensure consistency. Following is a brief schedule for drafting the ordinance, conducting public outreach, completing environmental review, and bringing the ordinance forward for consideration by the City Council.

Complete Draft Sign Ordinance	April 14, 2010
Hold Community Meetings	April 28-29, 2010
Complete Initial Study/Circulate Draft Negative Declaration	April 29, 2010
Present Draft Sign Ordinance to City Council	May 25, 2010

POLICY ALTERNATIVES

Individual options for each policy question are contained in the Analysis section of this report. In addition, the Council may consider the following alternative in the development of the recommendations included in this report:

Alternative #1: In addition to the current proposed revisions to the Sign Ordinance, undertake more comprehensive revisions to the citywide sign regulations to address other issues not covered in the proposal (e.g. sign area for freestanding and attached signs citywide).

Pros: More comprehensive revision of the Sign Ordinance regulations would allow for additional improvements to the City's sign regulations.

Cons: A more comprehensive revision of the sign regulations applicable citywide would require additional staff analysis, public outreach, and legal evaluation, further delaying completion of the Update.

Reason for not Recommending: There is an urgent need to provide targeted changes to the Sign Ordinance to facilitate economic development, which would be delayed by a more comprehensive update.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.

Public outreach for this proposal conforms to the Public Outreach Policy. A notice of the public hearing for this item was emailed to a list of community groups, other organizations, business interests, sign industry representatives and interested individuals, and was posted on the City's website. Public outreach conducted over a five-month period included a total of 8 community meetings; 15 focus group/stakeholder meetings; meetings with 5 Strong Neighborhood Initiative Groups, with representatives of the outdoor advertising industry and with the Chamber of Commerce; and an Internet Visual Preference Survey of San Jose residents. In addition, staff has discussed specific signage issues with numerous individuals and development representatives to obtain input regarding the propose regulations. This staff report and attachments are available for review on the City's website. Written comments received during the Update process were

transmitted to the Council with the November 17, 2009 staff memorandum. Additional correspondence from Westfield Corporation, Inc. and Federal Realty Investment Trust is attached.

COORDINATION

This proposal was coordinated with the City Attorney's Office, the Redevelopment Agency, the Office of Economic Development, and the Departments of Transportation and Public Works.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan and City Council policies as further discussed in the attached staff report.

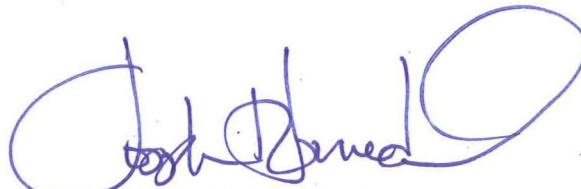
COST SUMMARY/IMPLICATIONS

Not applicable.

BUDGET REFERENCE

Not applicable.

CEQA Not a Project.



JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Carol Hamilton, Senior Planner, at 408-535-7837.

Attachments:

- Appendix: Additional Recommendations for Downtown and Citywide/Special Areas
- Public Correspondence

Appendix

Additional Recommendations

- Downtown Sign Zone
- Citywide and Special Areas

Proposed Revisions to the
City of San Jose Sign Ordinance

INTRODUCTION

The City Council was originally scheduled to consider staff's initial recommendations for the Sign Code Update on December 1, 2009. Those recommendations, presented in the staff memorandum dated November 17, 2009, address key signage issues in regard to: 1) freeway signs, 2) electronic/digital signs, 3) large banner/supergraphic signs, 4) billboards on private property, and 5) commercial signs on City property. This appendix sets forth the remaining recommendations for the preferred signage strategy in regard to the Downtown Sign Zone and other areas of the city. This memorandum sets forth all of the recommendations for the preferred signage strategy as individual elements so that the City Council can make separate decisions regarding each of the key points.

The purpose of the Sign Code Update, as directed by the City Council, is to examine existing sign regulations to identify changes needed to better support current City goals for business development, visually vibrant urban areas, and attractive streetscapes. Additional information regarding City Council direction for the Sign Code Update is provided in staff's November 17, 2009 memorandum. The update process has included extensive public outreach, an Internet Visual Preference Survey and significant staff research and analysis, all of which have contributed to the current recommendations. The outreach process, including focus groups, community meetings, and the Visual Preference Survey is summarized in the Public Outreach section below. Community input is discussed throughout the Analysis section.

OVERVIEW OF KEY LEGAL CONSIDERATIONS

As noted in the November 17, 2009 memorandum, signage is a form of "speech" that is protected by the constitutions of the United States and the State of California. Prior challenges to regulations that affect the ability to communicate messages have resulted in a body of case law that establishes general principles for jurisdictions to respect and observe when seeking to regulate signs. Generally, for a signage regulation to meet constitutional standards, an ordinance must constitute a reasonable time, place and manner regulation or restriction on this type of speech. This means that the signage regulations should be limited to where, when and how signage can be installed, but should not regulate the content of the speech (in other words, generally must be content-neutral and not regulate speech based upon what message is being communicated), must serve a significant governmental interest and must leave open ample alternative channels for effectively communicating information. Courts have found that local governments do have a significant governmental interest in establishing regulations to further the aesthetics of their jurisdiction (such as the prevention of visual clutter or visual blight) and to promote and preserve traffic safety. Traffic safety signage can include traditional right of way signs (such as stop signs, yield signs, street name signs, speed limit signs, one-way traffic signs, and crosswalk signs) as well as other way-finding signage.

Because signage regulations implicate free speech principles, those regulations also must be clearly written, narrowly tailored (meaning that the regulations should not overly intrude into free speech interests) and cannot leave unfettered or unchecked discretion in the hands of a government official to determine what signage is allowed under a regulation. Staff's remaining recommendations for the draft signage strategy, as discussed in the Analysis section below, have been created to achieve the goal of vibrant quality signs while recognizing these legal considerations.

ADDITIONAL RECOMMENDATIONS

In addition to the recommendations provided in the staff memorandum of November 17, 2009, the Draft Signage Strategy also includes a number of additional changes to the Sign Ordinance. The impetus for these changes has come from a variety of sources, including staff experience in dealing with signs through the development review process, specific feedback from sign customers, input from the community outreach process, and staff analysis of the adequacy of existing regulations. The recommended signage changes presented below are organized in two categories: the Downtown Sign Zone and other commercial and industrial areas of San Jose. These recommendations are intended to further enhance the way-finding benefits of signs and promote creative, high-quality signs that contribute to attractive streetscapes.

Proposed Additional Amendments to the Downtown Sign Zone Regulations

In addition to the recommended new provisions for electronic/digital signs and supergraphics in the Downtown Sign Zone (discussed in the memorandum of November 17, 2009), staff is recommending the following changes to regulations applicable to the Downtown regarding the location, orientation and dimensions of signs; additional provision for temporary signs; potential establishment of a new San Pedro Square Sign Zone; allowance for inclusion of small animated elements in the design of signs, and a minor change in the boundary of the Downtown Sign Zone. These recommendations are summarized in Table 1 and discussed below.

Height of Flat-Mounted Signs. Currently, typical flat-mounted signs in the Downtown Sign Zone (except for skyline signs, flat roof-top signs and banner signs) can be placed on a building at a height no greater than 30 feet above grade. This height limit, which is more restrictive than that applicable to other areas of the City (generally limited to the elevation of the fourth finished floor), is intended to reflect the pattern of development in the City's urban core where buildings set close to the street make it difficult for pedestrians or motorists to view flat-mounted signs high on the face of a building.

This height limit is too restrictive for signage on buildings in some areas of the Downtown where buildings are set back from the street or located adjacent to a freeway. In such situations, signs mounted above 30 feet may be needed to ensure visibility. Figure 1 shows an example of a sign proposal for a building located at the south side of Julian Street, just west of Highway 87, which could not be approved because the sign was located more than 30 feet above grade. Due to the height restriction, it was necessary for the applicant to lower the sign to the second floor level where it was less visible from the adjacent freeway. Staff will need to undertake additional analysis to identify specific regulations that allow flat-mounted signs higher on a building in a manner that enhances their way-finding benefits, does not preclude pedestrian-level signage, and does not conflict with skyline signage.



Figure 1. Current regulations required this proposed sign (left) to be lowered (right).

Table 1. Proposed Additional Amendments to Downtown Sign Zone Regulations

	Current Sign Ordinance Regulations	Recommended Sign Ordinance Regulations
Height of Flat-Mounted Signs	Most flat-mounted signs (except skyline, flat roof-top & banner signs) are limited to 30 ft. above grade.	Develop specific parameters to allow display of flat-mounted signs above a height of 30 ft.
Temporary Signs	Projected light signs allowed for a period of 60 days. Various other temporary signs allowed based on specific parameters.	Identify additional provisions for temporary signage in the Downtown Sign Zone to accommodate art and other temporary displays consistent with City goals for a vibrant Downtown Core.
San Pedro Square Special Sign Zone	There is currently no San Pedro Square Sign Zone. This area is subject to the regulations of the Downtown Sign Zone.	Explore creating a San Pedro Square Sign Zone to establish sign regulations that reflect the area's unique character.
Allowed Sign Area	Downtown Sign Zone allows 2.5 sq. ft of sign area per linear ft. of occupancy frontage (additional area allowed for skyline & roof signs & marquees).	Retain existing sign area regulations.
Fin Signs	Allowed subject to the following: <ol style="list-style-type: none"> 1. Height: maximum of 30 ft. above grade or the elevation of the third floor, whichever is less; 2. Projection: maximum of 7.5 ft. or half the sidewalk, whichever is less; 3. Not allowed to project above the building cornice or parapet. 	<ul style="list-style-type: none"> •Retain existing height and width requirements. •Allow fin signs to project above the building cornice or parapet, subject to existing maximum height limits.
Vertical Projecting Signs	Allowed subject to the following: <ol style="list-style-type: none"> 1. Height: between 20 and 60 feet above grade; 2. Projection: maximum of 5.5 ft; 3. Cannot extend above the cornice or parapet. 	Revise parameters as follows: <ol style="list-style-type: none"> 1. Height: between 15 and 70 ft. above grade; 2. Projection: no change; 3. Allow signs to project above the cornice or parapet.
Vertical Architectural Signs	Roof signs allowed only for buildings of 140 feet or more in height.	<ul style="list-style-type: none"> •Retain existing parameters; and •Establish a "vertical architectural sign" that is an integral element of the building design and allow to project above the roof of 1 and 2-story buildings.
Animation	Allowed on a limited basis for digital signs and marquees.	Develop additional parameters for inclusion of limited animation in the design of a sign.
Sign Zone Boundary	The DT Sign Zone extends slightly beyond the Downtown Core Area.	Revise boundary of the DT Sign Zone to be coterminous with the Downtown Core Area.

Temporary Signs. Over the past few years, the City has sought to implement or allow a wide variety of art installations in the Downtown Core Area. Some of these installations have been determined to be subject to the requirements of the Sign Ordinance. In that the Sign Ordinance does not regulate content, the Ordinance does not distinguish between a digital display screen mounted on a building when it advertises laundry detergent or when the same screen presents an interactive art display. One of the objectives of this Sign Code Update was to examine this issue to determine changes in the Sign Ordinance necessary to accommodate art displays. Staff has reviewed the sign regulations of other cities and has found no examples of cities that apply content-neutral sign regulations to art or that have effectively distinguished art from signage. Staff's recommendation at this point is that the City develop sign regulations that allow an appropriate level of signage in the Downtown Sign Zone to accommodate a variety of messages including both on-site commercial information and non-commercial messages such as art, without regard to such content. Staff will be working with the Office of Economic Development to identify changes to the temporary sign provisions of the Downtown Sign Zone (in addition to the proposed supergraphic provisions) to allow appropriate flexibility for temporary signs, consistent with the City's goals for a vibrant urban core.

San Pedro Square Sign Zone. The area generally bounded by San Pedro Street, West Saint John Street, Santa Clara Street, and Almaden Avenue includes a number of small-scale historic buildings (including City Landmarks and other buildings listed on the Historic Resources Inventory) that establish a character that is fairly unique within the Downtown. Staff proposes to explore establishment of a special sign zone to provide sign regulations that reflect and support the unique character of this historic area. Further study is needed to determine whether there is a rationale for such a district, and if so, what area should be included and what sign regulations would support the area's unique character.



Figure 2. San Pedro Square

Allowed Sign Area. The Downtown Sign Zone currently allows 2.5 linear feet of sign area for each linear foot of occupancy frontage¹. This allowed sign area applies to both freestanding signs and attached signs, but does not include theater marquees or skyline and roof signs on buildings over 80 feet in height. The latter sign types are allowed in addition to the 2.5 square feet per linear foot of occupancy frontage.

Most current uses in the Downtown Sign Zone do not take advantage of all their allowed sign area. Table 2 compares the existing and allowed sign area for selected businesses located in the Downtown Sign Zone in March, 2009. These businesses include retail establishments, restaurants, offices and financial institutions. Skyline and roof signs are not included in the analysis because these signs are not subject to the occupancy frontage sign area ratio. The total sign area implemented by the identified businesses represents approximately 32% of the sign area allowed by current Sign Ordinance

¹ Occupancy frontage is the length of that portion of a building occupied exclusively by an individual tenant or owner and abutting a parking lot or a public right-of-way including, but not limited to, a street, plaza or alley.

regulations. This is consistent with staff's experience in assisting applicants in implementing signage in the Downtown Sign Zone. Applicants are generally able to achieve their signage objectives within the allowed sign area. While some businesses in Downtown San Jose display relatively little signage, this does not appear to be a result of Sign Ordinance limitations on sign area.

Table 2. Comparison of Existing and Allowed Signage for Downtown Businesses

Name	Address	Sign Area		
		Existing (Sq. Ft.)	Allowed (Sq. Ft.)	Existing as a % of Allowed
Johnny Rockets	150 S 1st St #115	104.32	329	32%
Laurel Sandwich	138 E. Santa Clara	36.5	105	35%
P.F.Chang	98 S 2nd St.	64.13	175	37%
La Nuestra Pizza	80 S 1st St.	41.3	48	86%
Subway	103 E. Santa Clara	7.5	45	17%
Starbucks Coffee	101 E. Santa Clara	22	71.25	31%
First Bank & Trust	1 Almaden Blvd.	346	972	36%
Peets Coffee	66 W. Santa Clara	34	48	71%
Deloitte	225 W. Santa Clara	180	608	30%
Pizza Chicago	155 W. San Fernando	20	263	8%
Calpine	50 W. San Fernando	10	63	16%
Bank of America	99 S. 4th St.	29.25	187.5	16%
County Federal	140 E. San Fernando	61	113	54%
Extreme Pizza	30 E Santa Clara St	25.8	50	52%
Ben & Jerry's	115 E. San Carlos	27.4	80	34%
McDonald's	90 E. San Carlos	64	242	26%
Quizno's	150 S. 1st St.	16.5	80	21%
The Pita Pit	150 S. 1st St.	80	76.25	100%
House of Siam	150 S. 1st St.	37	200	19%
Total		1,207	3,756	32%

During the public outreach process, staff asked community meeting and focus group participants their opinion regarding the amount of signage shown in several photographs of downtown buildings and store fronts. The response indicated that most people felt the existing signage depicted in these photographs was adequate. Figure 3 shows two of the photographs discussed in the community outreach meetings. The percentage of the total allowed sign area is indicated for each photograph.



Figure 3. Examples of Existing Signage in Downtown San Jose

Table 3 indicates the sign area allowed for Downtown San Jose as compared to other large cities. New York City allows considerably more signage than San Jose and does not limit the amount of signage in some zoning districts. San Francisco allows slightly more signage in that city's most intense zoning district. Portland allows less. Oakland and Los Angeles allow approximately the same sign area as San Jose.

Table 3. Allowed Sign Area in Downtown San Jose and in Other Major Cities

Jurisdiction	Ratio Sign Area (sq.ft.) to Building or Lot Frontage (linear ft.) ²	Explanation
San Jose, DT Sign Zone ³	2.5:1	Based on building frontage, or
	1.5:1	Based on lot frontage.
Portland	1:1	If both attached and detached signs, or
	1.5:1	If only attached signs.
New York City	3:1	Depending on Zoning District.
	5:1	No Limit in:
	6:1	-Midtown & Downtown Manhattan and Downtown Brooklyn
	No limit	-Coney Island Amusement Park Area
Los Angeles	2.5:1	Includes 1.1 based on street frontage & 1.5 based on building frontage.
San Francisco	1:1	Depending on Zoning District
	2:1	3:1 allowed in Van Ness Special Sign District
	3:1	
Oakland ⁴	0.5:1	Corner lots based on lot frontage, or
	1:1	Internal lots based on lot frontage.

² Ratios in this table refer to building frontage unless lot frontage is specified.

³ This ratio does not apply to theater marquees or skyline and roof signs on buildings over 80 feet in height.

⁴ Twenty square feet of additional sign area allowed for each tenant space in a multi-tenant building or complex.

In summary, staff's analysis indicates that the current Sign Ordinance ratio for sign area in the Downtown Sign Zone does not constrain most businesses from displaying the desired amount of signage; community input indicated that current sign area provisions for the Downtown Sign Zone are generally adequate; and the current provisions fall within the range of that of other large cities. Based on this analysis, staff recommends that the existing sign area provisions be retained.

Fin Signs. Fin signs are two-sided signs that project from a building and are intended to be viewed from the side. They are excellent pedestrian-level signs that can be viewed from both the sidewalk and the street. The public outreach process indicated strong community support for pedestrian-oriented signage. Staff is proposing to allow these signs to extend above the cornice or parapet (i.e., above the top of a building wall) subject to current height and sign area limits. Figure 4 shows a fin sign that extends above the parapet of a one-story building.

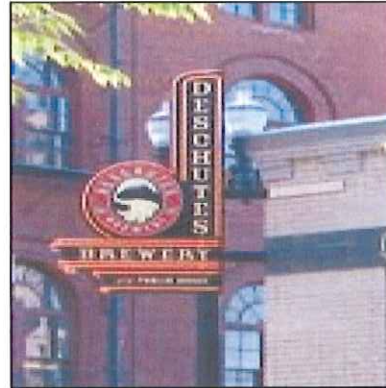


Figure 4. Fin Sign Extending above Building (Portland, Oregon)

The proposal would allow more creative fin signs for small-scale buildings in the Downtown Sign Zone. Staff will be developing parameters to ensure appropriate proportions for that part of the sign that extends above the top of the building.

Vertical Projecting Signs. A vertical projecting sign is similar to a fin sign, except that it is more slender and can extend vertically along several floors of a building facade, well above the pedestrian level. This sign type is suitable for taller buildings, providing effective way-finding signage that can be viewed from some distance and can enhance building architecture with a striking vertical accent. Under current regulations for the Downtown Sign Zone, placement of vertical projecting signs is very constrained and does not effectively accommodate the tall proportions of buildings that are now being constructed in the Downtown area. The proposed changes would allow greater flexibility for placement of these signs, allowing them to extend higher and lower on the face of a building, between a minimum height above grade of 15 feet and a maximum height of 70 feet, and allowing them to project above the cornice or parapet of a building subject to current overall sign area limitations. Staff proposes to develop parameters to ensure that any extension above the parapet is proportional to the overall sign dimensions.



Figure 5. Vertical Projecting Signs

Figure 5 shows examples of vertical projecting signs that illustrate the proposed changes. Both signs extend down to the pedestrian level, below the current minimum height of 20 feet. As result of a similar amendment to the regulations of the Urban Mixed Use Sign Zone approved by the Council earlier this year, the parking sign at Santana Row (photograph on the right) illustrates a height similar to that currently proposed for the Downtown Sign Zone. Tall projecting signs of this type are proportionate to the taller buildings that are now being constructed in Downtown San Jose.

Vertical Architectural Signs. Currently the Sign Ordinance does not allow roof signs for low-scale buildings in the Downtown Sign Zone. Staff is proposing a new sign type that would allow a sign to extend above the roof of a one- or two-story building if it is designed as an integral building element, subject to the overall sign area limitations. Figure 6 shows an example of such a sign. This sign type has the potential to add variety and visual interest to the Downtown and provide a useful way-finding function for low-scale buildings.

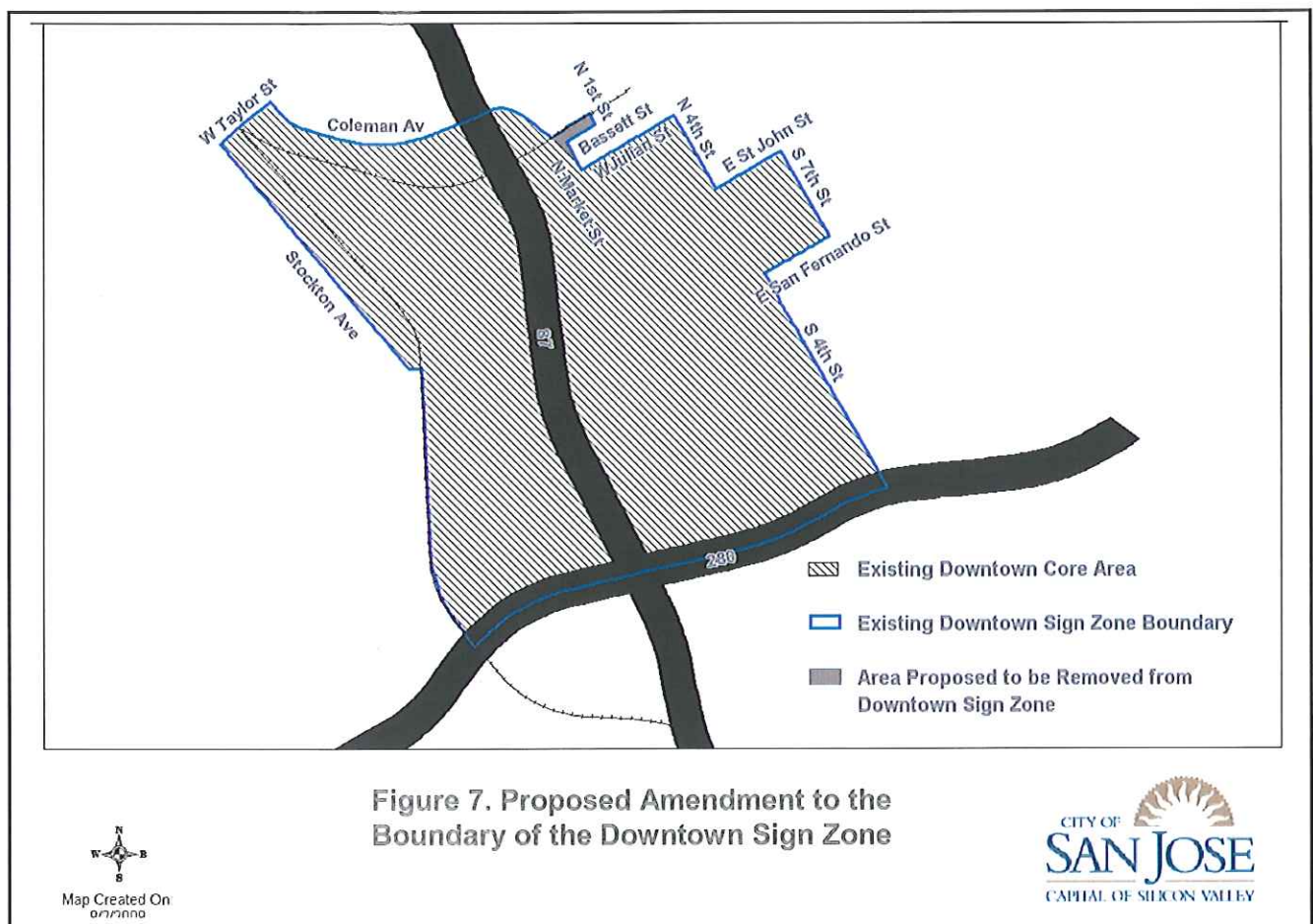


Figure 6. Vertical Architectural Sign

Animated Signs. Currently, the Sign Ordinance prohibits animated signs except as explicitly allowed. Animated signs include those “having action, motion, movement, changeable copy, or flashing color changes that are activated by electrical energy, electronic energy or other manufactured sources of energy supply...” The Downtown Sign Zone currently allows animation for permitted programmable display signs, marquees and projected light signs. The community outreach process indicated support for more intense signage in the Downtown so long as signs do not negatively impact sensitive uses. Staff is proposing to develop parameters to allow small animated elements within a larger sign in a manner that would allow more creative signs without resulting in traffic safety or land use compatibility impacts. A new sign recently installed for the Flames Restaurant, located at the corner of 4th and San Fernando Streets, provides an example of the potential use of such animation. This sign

takes the form of a neon-lit candle whose flame could “flicker” if a small animated component were permitted. Staff is proposing additional public outreach on the draft ordinance to elicit further input on the compatibility issue.

Downtown Sign Zone Boundary. The current Sign Ordinance defines the Downtown Sign Zone as including the Downtown Core Area and portions of the Civic Center and Julian Stockton Redevelopment Areas. Subsequent to adoption of the Downtown Sign Zone, the Downtown Core Area was expanded to include all of the Downtown Sign Zone except a small area developed with residential uses located east of North Market Street, between Bassett Street and the railroad tracks. Staff is proposing to revise the Downtown Sign Zone to be coterminous with the Downtown Core Area, removing the small area east of Market as shown in Figure 7.



Proposed Sign Code Amendments Applicable Citywide and in Special Areas

Staff is proposing amendments to Sign Ordinance regulations applicable to signs in the Neighborhood Business Districts and in commercial and industrial areas citywide. Consistent with Council direction, staff is not proposing comprehensive changes to the existing regulations applicable citywide, but has identified several specific areas where new or revised provisions would better support local businesses and more closely reflect current urban design goals. Future work to revise and refine the citywide sign

regulations can build upon these proposed changes. The proposed amendments applicable outside the downtown are summarized in Table 4 and discussed below.

Table 4. Proposed Sign Code Amendments Applicable Citywide and in Special Areas

	Current Sign Ordinance Regulations	Recommended Sign Ordinance Regulations
Skyline Signs Citywide	<ul style="list-style-type: none"> • Allowed in the Downtown (DT) Sign Zone for buildings of 80 ft. in height or greater. • Allowed in specific commercial and industrial areas of the City (portions of North San Jose and the Edenvale). Not allowed in the UMUSZ. 	Retain provisions for DT Sign Zone. Allow skyline signs for buildings of 80 feet in height or greater in the Commercial and Industrial Zoning Districts and the UMUSZ with similar size requirements as the DT Sign Zone. Prohibit on the residential portion of a building.
Height of Attached Signs Citywide	Flat mounted attached signs are generally limited to the height of the 4 th finished floor.	Develop regulations that allow attached signs to be placed higher on a building citywide.
Banners in NSJ, Edenvale, & the Airport	Temporary signs for large buildings (with a footprint of 20,000+ sq. ft.) are limited to 125 sq. ft. in area.	Explore regulations to allow large temporary banner/supergraphic signs in the N. San Jose and Edenvale industrial areas and in the Airport Sign Zone.
Fin Signs Citywide	<p>Fin signs are allowed subject to the following:</p> <ol style="list-style-type: none"> 1. Size: 10 sq. ft. per side 2. Height: 8-12 ft. above grade; 3. Only external or neon tube lighting allowed. 4. Must be near entrance. 	<p>Allow fin signs subject to the following revised parameters:</p> <ol style="list-style-type: none"> 1. Size: 20 sq. ft. per side; 2. Height 8-20 ft. above grade; 3. Allow internal lighting in addition to neon lighting. 4. Eliminate location requirement.
Architectural Sign Cluster	Current regulations discourage integration of freestanding signage with architectural features.	Allow large parcels to implement an architectural sign cluster that integrates signage with an architectural landscape feature, such as a wall or fountain.
Signs for a Building Space with Multiple Businesses	Signage regulations treat multiple businesses in a single ground-floor building space as a single occupancy frontage.	Develop regulations allowing a greater number of signs for a single ground-floor commercial space, like a Mercado, with multiple separate businesses.
Historic Sign Relocation Citywide	Attached historic signs relocated to another building do not reduce allowed sign area, but must meet current sign location requirements.	Develop sign provisions that allow greater flexibility for the placement of relocated historic signs, subject to specific criteria, to facilitate preservation of historic signs.
A-Frame Signs in the NBDs	Temporary A-frame signs allowed on the public sidewalk during daylight business hours in Downtown, and in the Lincoln Avenue and The Alameda Neighborhood Business Districts.	Allow A-frame signs in Downtown, in all the NBDs and in all Business Areas, subject to existing parameters.

Skylight Signs. Skylight signs are flat-mounted signs located at the top floor of a building that do not extend above the building's cornice or parapet. They are typically displayed on multi-story office buildings to identify a major tenant. Such signs are currently allowed for buildings in the Downtown Sign Zone that are 80 feet in height or greater and for buildings 85 feet or greater in height in specific areas of the North San Jose and Edenvale, but are not allowed elsewhere in the City.



Figure 8. Skylight Sign

Staff is proposing to retain current provisions for the Downtown Sign Zone and to allow skylight signs beyond North San Jose and Edenvale. Specifically, staff recommends allowing these signs in the Urban Mixed-Use Sign Zone and in all Commercial and Industrial Zoning Districts citywide for buildings that are 80 feet or greater in height (typically 6-7 stories or more) subject to parameters similar to those currently applicable to skylight signs in the Downtown Sign Zone.

The City has continued to intensify and tall buildings are now being constructed outside of the areas where skylight signs are currently allowed. The proposed expanded provisions for skylight signs allow signs appropriate to the scale of these large buildings that will serve an important way-finding function. The public outreach process indicated wide support for skylight signs.

Height of Attached Signs. The current Sign Ordinance generally limits the height of attached signs outside the Downtown Sign Zone to the elevation of the fourth finished floor of a building. Staff proposes to develop new provisions that allow signs higher on a building, but that will also encourage appropriate signage at the pedestrian level.

Fin Signs. Staff is proposing changes to the parameters for fin signs for Commercial and Industrial Zoning Districts outside the Downtown Sign Zone to double the allowed area of the signs, increase their maximum allowed height from 12 to 20 feet, and allow them to be internally illuminated. Staff is proposing to retain the provision that fin signs do not reduce otherwise allowed sign area. The proposed revised parameters are intended to encourage the use of this type of excellent pedestrian sign, by allowing a size and means of illumination that will be more effective in communicating messages to motorists as well as pedestrians. The proposed height increase is consistent with current efforts to encourage developers to provide ground-floor retail space with a height of 20 feet.



Figure 9. Internally Lit Sign

Architectural Sign Clusters. Staff is proposing this new sign type to allow the integration of signage with architectural elements for large sites. Under current regulations, it is often necessary to keep signage and architectural elements separate in order to prevent the architectural element from being counted as sign area. For this reason, a large development site seeking an architectural entry feature with a fountain or wall may need to physically separate the entry element from the freestanding sign, precluding a creative, integrated design. Staff will seek to develop parameters that allow signage and architectural features to be integrated, but maintain the existing sign area and height requirements for the signage. Staff is considering a 15-acre minimum lot size for this type of sign, but additional analysis is needed to confirm the appropriate parcel size. This proposal facilitates creative signage, which community input through the outreach process has indicated is highly valued.

Signs for Multi-Business Spaces. The current Sign Ordinance allows attached signage based on individual businesses that exclusively occupy a building space. The approach generally works well in allocating signs, but does not address the unique situation of a Mercado or other retail establishment where multiple individual businesses are located in a single space with a common entrance. Under the current regulations, a Mercado or other such use would typically qualify for fewer signs than would be allowed if the same building space were configured for businesses operating separately. Staff is proposing to develop regulations that would allow this type of use to qualify for additional signs (within the limits of the existing allowed sign area) to increase the opportunity to identify the presence of individual businesses within a single occupancy space.

Relocated Historic Signs. The Sign Ordinance defines an historic sign as a sign that is listed as an historic resource on the Historic Resources Inventory of the City or is a contributing feature to a building or structure that is listed as an historic resource on the Historic Resources Inventory. The current Sign Ordinance specifies that an attached historic sign may be relocated to a different building without reducing the otherwise allowed sign area for that building, but the sign must conform to all other requirements of the Sign Ordinance regarding sign placement. Staff is proposing to revise the existing provisions to allow greater flexibility for the placement of relocated historic signs to encourage preservation of historic signs.

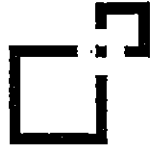
Temporary A-Frame Signs in the Public Right-of-Way. Under current Sign Ordinance regulations, temporary A-frame signs are allowed to be placed on the public sidewalk during daylight business hours by businesses with direct access to the street, subject to specific parameters, in the Downtown Sign Zone and the Lincoln Avenue and The Alameda Neighborhood Business Districts. Staff is proposing to expand this provision to allow A-frame signs in all of the Neighborhood Business Districts and in all Business Destination Areas, subject to the existing parameters. Neighborhood Business Districts are generally pedestrian-oriented shopping streets where buildings are set close to the street and where signs mounted on a building may not be visible to pedestrians on the sidewalk. A-frame signs provide an additional pedestrian-oriented sign option for such businesses.

Participants in the public outreach meetings generally found these signs to be acceptable, although responses from representatives of the business community were not entirely favorable. Those who expressed concern about A-frame signs, indicated that such signs can degrade the overall appearance of a business area.

CONCLUSION

The proposed strategy for amending the Sign Ordinance includes numerous new provisions and refinements that provide greater flexibility for implementation of signage in the Downtown Sign Zone, the Neighborhood Business Districts and citywide. These Sign Code amendments support the City's goals for business development and visually vibrant urban development.

Public Correspondence



Tuesday December 8, 2009

FOUNDATIONS OF OPPORTUNITY

TO: Carol Hamilton
Senior Planner
City of San Jose
Department of Planning, Building and Code Enforcement

FROM: Randy Everman

SUBJECT: 2009 Sign Ordinance Process

Ms. Carol Hamilton,

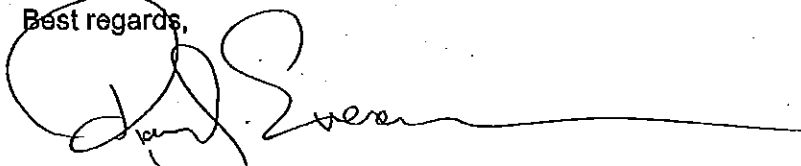
I wanted to take a moment to thank you for the invitation to participate in the San Jose Planning Department's Sign Ordinance Process. It was both informative and enjoyable.

As both an investor and a resident of San Jose, I very much feel like a stakeholder in the decisions made when crafting an ordinance such as this and while I don't believe all my visions for West Valley signage have been realized I very much appreciate being consulted and putting forth ideas that would improve and enhance signage at Santana Row.

I was impressed with how considerate you and others in the Planning Department had been in orchestrating consensus from not just business but residential, arts, media and others.

It would be a great pleasure to participate in a similar process in the future and believe it to be a unique civic opportunity.

Best regards,



Randy Everman

November 24, 2009

Mayor Chuck Reed
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San Jose, CA 95113

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Re: San Jose Sign Ordinance Update

I am writing to support the recommendations being forwarded to city council to update the sign ordinance in San Jose.

Sign codes need to evolve and be adjusted periodically to keep up with the changes in technology, business, and peoples expectations. We believe one of thee most effective ways to raise awareness to a new retailer and remind people of an existing retailer is through effective signage.

Valley Fair has over 300 retailers and Oakridge has over 200 retailers. Unlike most retailers in the city there is no practical way of giving each one of these retailers a sign on the building facing the road. With up to 25-50 new retailers moving in every year in each mall we have no way to let motorist driving by our great locations know of these new retailers.

The Planning Department staff has forwarded a recommendation that would help solve this problem. By allowing shopping centers to use a Programmable Display Sign we can inform passing motorist (our potential shoppers) of the current stores we have as well as new stores that have moved in to our shopping centers. It also helps us attract the non-San Jose resident who uses I-880 or Highway 85 to go through San Jose to get to their destination.

I would also like to thank the Planning Department for being so inclusive in the outreach. The meetings were well attended and very interactive.

Sincerely,



Scot Vallee

CC: Joe Horwedel