CITY OF SAN JOSÉ, CALIFORNIA

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City Clerk

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

I, Dennis Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that **"Ordinance No. 29013",** the original copy of which is attached hereto, was passed for publication of title on the **13th day of December, 2011,** was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **10th day of January, 2012,** by the following vote:

AYES:	CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, ROCHA; REED.
NOES:	NONE.
ABSENT:	NONE.
DISQUALIFIED:	NONE.
VACANT:	NONE.

Said ordinance is effective as of **10th day of February, 2012.**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **13th day of January, 2012.**

(SEAL)

DENNIS HAWKINS, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29013

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTIONS 23.02.800, 23.02.860, AND 23.02.1220 OF CHAPTER 23.02 AND SECTION 23.04.030 OF CHAPTER 23.04 TO ESTABLISH AND PROVIDE REGULATIONS FOR A PILOT PROGRAM FOR PROGRAMMABLE ELECTRONIC DISPLAY SIGNS WITHIN SUBAREAS OF THE STEVENS CREEK BOULEVARD SIGNAGE AREA AND THE OAKRIDGE/BLOSSOM HILL URBAN VILLAGE SIGNAGE AREA, AMENDING SECTION 23.04.020 OF CHAPTER 23.04 TO MODIFY THE REGULATIONS FOR SIGNAGE IN COMMERICAL AREAS, INCLUDING FIN SIGNS, SKYLINE SIGNS AND ROOF SIGNS, AND AMENDING SECTION 23.04.035 OF CHAPTER 23.04 TO MODIFY THE REGULATIONS FOR FREEWAY SIGNS

WHEREAS, pursuant to the requirements of the California Environmental Quality Act of 1970, including related state and local implementation guidelines for said Act, a Negative Declaration was prepared, circulated and adopted under File Nos. PP10-111 and PP11-099; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance and has read and considered the Negative Declaration prior to taking any approval actions on this Ordinance.

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

SECTION 1. Section 23.02.800 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.02.800 Policy.

A. Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. They can be lively, colorful and exciting. In enacting this Title, it is the intent of the City of San Jose to promote attractive signage and streetscapes, facilitate way-finding and traffic safety, promote commerce, and to comprehensively address community

aesthetic concerns about visual clutter and visual blight in the environment. The regulation of signs in the City is intended to promote an aesthetically pleasing environment with these concerns in mind. Sign regulation shall be consistent with land use patterns, and signs shall add to rather than detract from the architecture of the buildings where they are located. Signs shall be well maintained and, in addition, shall not create traffic safety hazards. The regulation of signs in the City of San Jose also is intended to be content-neutral wherever required and to provide adequate opportunity for the presentation of messages of many varieties.

B. In addition to sign zones based on zoning districts, the following special sign zones have been designated:

1. Downtown Sign Zone. The Downtown Sign Zone, as defined in Section 23.04.100.D of this Title, has been formed in recognition of the need for more signage and for a greater variety of types of signs in the urban center of the City where densely packed commercial uses compete for attention. It is the City's intent in its regulations to strike a fair balance between commercial needs, traffic safety, and community concerns about visual clutter and visual blight.

2. Urban Mixed-Use Development Area Sign Zone. Large, urban mixed-use areas of the City, as defined in Section 23. 04.152, are areas of the City that warrant more flexible types of signage in order to reinforce active and vital nodes of the community that function in many ways in a similar manner to the Downtown Sign Zone.

3. Neighborhood Business Districts. Neighborhood Business Districts, as defined in Section 23.04.010.E, are existing business areas designated by the City for intensive rehabilitation. Because of extensive design analysis and City oversight in Neighborhood Business Districts, such districts shall be treated in this Title as special sign zones with sign regulations adapted to coordinate with and enhance City rehabilitation programs.

4. Capitol Expressway Auto Mall Signage Area. The Auto Mall reflects the desire of the City and the auto dealers of the auto mall to present a unified signage program between all the contigious auto dealers on Capitol Expressway.

5. Airport Sign Zone. The Airport Sign Zone, as defined in Section 23.04.200.B, has unique land use characteristics that support specially tailored sign regulations. The Airport Sign Zone is an area of approximately one thousand acres and consists of land subject to the City's Airport Master Plan. The Airport Sign Zone is characterized by large expanses of open space and outdoor uses, including parking lots, runways/taxiways, and low intensity development consistent with aviation uses. This zone, because of its unique land use character, is less subject to visual clutter than other areas of the City.

6. Stevens Creek Boulevard Signage Area. The Stevens Creek Boulevard Signage Area, as defined in Section 23.04.010.G, reflects the desire of the City to provide a signage program for properties fronting on the south side of Stevens Creek Boulevard that is consistent with signage allowances applicable to those real properties fronting on the north side of Stevens Creek Boulevard located in the City of Santa Clara, as well a signage regulations, as part of a temporary, three-year pilot program, for programmable display signs for a subarea of this Signage Area between Henry Avenue and Richfield Drive (excluding parcels with Kiely Boulevard or Saratoga Avenue frontages).

7. San Pedro Square Signage Area. The San Pedro Square Signage Area, as defined in Section 23.040.100.D of this Title, reflects the desire of the City to provide signage regulations specifically tailored to the unique land use pattern in this area which is typified by small-scale historic and new buildings set within open plazas and surrounded by the dense, tall urban landscape of the downtown area of the City.

8. Oakridge / Blossom Hill Urban Village Signage Area. The Oakridge / Blossom Hill Urban Village Signage Area, as defined in Section 23.04.010.H, reflects the desire of the City to provide signage regulations, as part of a temporary, three-year pilot program, for programmable display signs in this area that is currently developed with intensive commercial uses and planned over the long-term to redevelop into an Urban Village in accordance with the City's General Plan.

SECTION 2. Section 23.02.860 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.02.860 Special Sign Zones.

The following are the special sign zones:

A. The Downtown Sign Zone as defined in Section 23.04.100.D.

B. Urban Mixed-Use Development Area Sign Zone as defined in Section 23.04.152.

C. Neighborhood Business Districts as defined in Section 23.04.010.E.

D. Capitol Expressway Auto Mall Signage Area as defined in Section 23.04.010 E.

E. The Airport Sign Zone as defined in Section 23.04.200.B.

F. The San Pedro Square Signage Area as defined in Section 23.04.100.D.

G. The Stevens Creek Boulevard Signage Area as defined in Section 23.04.010.G.

H. The Oakridge/Blossom Hill Urban Village Signage Areas as defined in Section 23.04.010.H.

SECTION 3. Section 23.04.010 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.010 Application.

A. This Part shall govern standards for signage for all nonresidential uses in the CO, CP, CN, and CG Commercial Zoning Districts; the IP, LI, and HI Industrial Zoning Districts; the Neighborhood Business Districts; and the Capitol Expressway Auto Mall Signage Area; the Stevens Creek Boulevard Signage Area, and the Oakridge / Blossom Hill Urban Village Signage Area.

B. Signage for residential uses shall be governed by Part 4 of this Chapter, subject to the provisions of Section 23.02.1000 regarding mixed uses.

C. Standards for temporary signs shall be governed by Parts 7 and 8 of this Chapter.

D. Legal nonconforming signs located within the Capitol Expressway Auto Mall Signage Area shall be governed by Section 23.02.1220 of Part 3 of Chapter 23.02 of this Title.

E. For purposes of this Title, "Neighborhood Business District" shall mean any area so designated in the City General Plan.

F. For purposes of this Title, "Capitol Expressway Auto Mall Signage Area" shall mean that certain area encompassing those real property parcels adjacent to and fronting along Capitol Expressway within the City between Almaden Expressway and the private parcel boundary immediately adjacent to and to the west of State Highway 87 on the south side of Capitol Expressway and between the Guadalupe River and approximately 1,300 feet east of the centerline of Pearl Avenue on the north side of Capitol Expressway.

G. For purposes of this Title, "Stevens Creek Boulevard Signage Area" shall mean that certain area encompassing those real property parcels adjacent to and fronting along Stevens Creek Boulevard within the City between Winchester Boulevard and the City of San Jose limit line located approximate 850 feet east of State Route 280 and those real properties located entirely within the area bounded by Stevens Creek Boulevard, Kiely Avenue and Saratoga Avenue.

H. For purposes of this Title, "Oakridge / Blossom Hill Urban Village Signage Area" shall mean that certain area encompassing those real property parcels adjacent to and fronting along Blossom Hill Road and immediately adjacent parcels that are part of a contiguous shopping center functioning as a single unit fronting on Blossom Hill Road within the City and located within an Urban Village Boundary Area as indicated on the General Plan Land Use/Transportation Diagram and between Blossom River Drive and Thornwood Drive/Briar Ridge Drive.

SECTION 4. Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.020 Attached signs.

A. Quantity.

1. No more than one (1) sign shall be permitted for each separate ground-level occupancy frontage, except that:

   a. Any ground-level occupancy with more than one (1) occupancy frontage may have one (1) attached sign on each occupancy frontage, not to exceed four (4) frontages; and

   b. Any ground-level occupancy exceeding twenty thousand (20,000) square feet may have up to three signs on one of its occupancy frontages and any ground-level occupancy exceeding fifty thousand (50,000) square feet may have up to five (5) signs on one of its occupancy frontages.

   c. Any building with a building footprint greater than one hundred thousand (100,000) square feet which has interior tenant spaces with no occupancy frontages may have up to five (5) additional signs in addition to those set forth in Subsections a and b above.

   d. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have an unlimited number of attached signs; provided, however, that the attached signs shall otherwise meet all of the other size, height and setback requirements of this Section, including, without limitation, that the aggregate sign area of all attached signs shall not exceed the size limitations set forth in this Section.

2. One (1) sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.

B. Size.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one (1) square foot for each linear foot of such occupancy frontage, except for an individual retail tenant with a minimum of twenty thousand (20,000) square feet of contiguous, occupied retail space with at least ten thousand (10,000) square feet of ground-level occupancy frontage, the aggregate allowed sign area may be calculated based upon a combination of the area allowed for the ground-level occupancy frontage plus the second floor occupancy frontage, all to a maximum of three hundred (300) square feet per occupancy frontage.

2. Second- or third-story attached sign(s) shall be limited to one-half the first-floor sign area allowances, except for an individual retail tenant with a minimum of twenty thousand (20,000) square feet of contiguous, occupied retail space with at least ten thousand (10,000) square feet of ground-level occupancy frontage, the second or third story attached sign(s) shall be limited to one (1) square foot for each linear foot of occupancy frontage on the second floor.

3. The sum of the sign area of the attached signs on any building frontage shall not exceed one square foot for each linear foot of building frontage

C. Height.

1. Subject to the provisions of Section C.2 herein below, no attached sign shall be displayed higher than the finished floor elevation of the fourth floor of a building.

2. For buildings less than eighty (80) feet in height, no attached sign shall be displayed higher than the finished floor elevation of the third floor of a building when that building has a skyline sign pursuant to other provisions of this Part.

3. In Neighborhood Business Districts for buildings constructed prior to May 1, 1992, upward extensions of building facades that are sloped from the vertical plane at an angle no greater than sixty (60) degrees shall be treated as extensions of the wall of the building and not as roofs for purposes of signage regulation. A sign placed on such an upward extension may not extend in height to within six inches (6") of the highest point of the upward extension. Only permanent signs may be placed on such upward extensions.

D. Setbacks.

1. Signs facing an abutting residential parcel shall be at least thirty (30) feet from the property line of such residential parcel.

2. Signs facing an abutting nonresidential parcel shall be at least ten (10) feet from the property line of such nonresidential parcel, unless the abutting nonresidential parcel contains a parking lot or driveway at its nearest point to the sign, in which case, no setback is required.

E. Other Provisions.

1. Additional Allowed Signage. The following additional signs shall be allowed and shall not reduce otherwise allowed signage.

a. Fin Signs.

(1) Fin signs shall be allowed that:

(a) Do not exceed twenty (20) square feet in area per side;

(b) Project no more than four (4) feet from the wall to which it is attached;

(c) Are located at least seven feet but not more than twenty feet above grade; and

(d) Are not illuminated or are illuminated by external or neon tube lighting.

(2) Each ground-level occupancy frontage may have one such fin sign.

(3) Exception.

(a) In Neighborhood Business Districts, fin signs may project more than three (3) feet from the wall to which attached.

b. Awning Signs.

(1) A maximum of two (2) awning signs of no greater than ten (10) square feet in area may be placed upon each discrete surface of an awning.

(2) Awning signs shall be located at least seven feet but not more than twelve feet above grade.

(3) Awning signs shall not be illuminated.

(4) Awning signs shall maintain a minimum three (3)-inch clearance from the edge of the discrete surface of the awning on which the sign is placed.

c. Window Signs.

(1) Window signs consistent with Section 23.02.1060 of this Title are allowed.

(2) Window signs shall not be allowed above the first floor, except as follows:

(a) Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage.

(b) In Neighborhood Business Districts, window signs may be displayed on first- and second-story occupancy frontages.

d. Arcade Signs.

(1) Arcade signs shall be allowed that:

(a) Do not exceed ten (10) square feet in area per side; and

(b) Are located at least seven (7) feet above grade.

(2) Each ground-level occupancy frontage may display one (1) such sign.

2. Marquees.

a. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to design approval and shall not be subject to other size and quantity restrictions in this Part.

b. Exception. Marquees shall not be allowed in the CO Commercial District or in the IP, LI, and HI Industrial Districts.

3. Lightbox Signs for Gasoline Service Stations.

a. The signage allowed for lightbox signs for gasoline service stations shall be limited to twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.

b. A maximum of two (2) canopy signs are allowed per lightbox, provided that each canopy sign shall not exceed a maximum size of two (2) feet high by two (2) feet wide, and each canopy sign shall maintain at least a three (3)-inch clearance from the edge of the canopy to the surface to which it is attached. No two (2) canopy signs shall be placed on the same side of a canopy.

4. Skyline Signs; Roof Signs.

a. General Provisions and Applicability.

(1) Non-residential buildings may have skyline signs on buildings less than eighty (80) feet in height, and skyline or roof signs on buildings eighty (80) feet or greater in height citywide.

(2) Unless otherwise specified in Section 23.04.020.E.4.b, the skyline sign area for non-residential buildings less than eighty (80) feet in height shall not exceed five hundred (500) square feet total per building and any one such skyline sign shall not be larger than half of the ground floor sign allowance up to 250 square feet.

(3) Unless otherwise specified in Section 23.04.020.E.4.b, the skyline sign or roof sign area for non-residential buildings greater than eighty (80) feet in height shall not exceed five hundred (500) square feet total per building and any one such skyline sign or roof sign shall not be larger than 250 square feet.

(4) Non-garage uses on the top floor of parking garages may have skyline signs.

(5) Skyline or roof signs located on buildings within one thousand (1,000) feet of a river or creek shall not directly face that river or creek unless no part of the skyline or roof sign and its supporting hardware would be visible from that river or creek.

(6) Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.

(7) Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.

(8) Skyline signs and roof signs on buildings eighty (80) feet or greater in height above grade shall not reduce otherwise allowable signage for the building.

b. Dimensions

(1) In the area bounded by State Highway 87, US 101 and Interstate 880:

(a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty (80) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.

(b) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

(2) In the area located in the Julian-Stockton Redevelopment Area that is not located in the Downtown Sign Zone:

(a) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty (80) feet or greater in height above grade shall not exceed five hundred (500) square feet per building, and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet; and

(b) Skyline or roof signs located on buildings within one thousand (1,000) feet of a river or creek shall not directly face that river or creek unless the skyline or roof sign would not be visible from that river or creek; and

(3) In the area of the City north of US 101 and west of Interstate Highway 880:

(a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty (80) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances, except that the total amount of square footage of sign area for all skyline signs on buildings: (i) of less than eighty (80) feet in height above grade and (ii) with a building frontage on a public street of less than one hundred fifty (150) linear feet, shall not exceed one (1) square foot for each linear foot of occupancy frontage, nothwithstanding the provisions of Section 23.040.020.B. and 23.04.020.E.4.a.(6).

(b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty (80) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.

(c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

(4) In the area located in the Edenvale Industrial Redevelopment Area:

(a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty (80) feet shall be limited in size to an area equal to one half (1/2) of the first floor sign area allowances.

(b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty (80) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.

(c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

c. Quantity: A total of either two (2) skyline signs or two (2) roof signs are allowed per building; provided, however, that in the Edenvale Industrial Redevelopment Area a combination of skyline and roof signs are allowed not to exceed two (2) signs in the aggregate per building.

d. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings, subject to the provisions of Subsection 23.04.020.E.4.c above.

SECTION 5. Section 23.04.030 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.030 Free-standing Signs.

A. Quantity.

1. One (1) free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length.

2. Exceptions.

(a) Capitol Expressway Auto Mall Signage Area. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each automobile manufacturer sold on that parcel up to a maximum of two (2) such additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed a total maximum of three (3) free-standing signs.

(b) Stevens Creek Boulevard Signage Area. In addition to the signs allowed in Section 23.04.030.A.1, parcels located entirely within the Stevens Creek Boulevard Signage Area may have:

(1) One (1) additional Free-Standing Sign for each one hundred (100) linear feet of outdoor retail display frontage of that parcel up to a maximum of two (2) additional Free-Standing Signs, provided that the total number of Free-Standing Signs allowed on any parcel shall not exceed a total maximum of three (3) Free-Standing Signs.

(c) Stevens Creek Boulevard Signage Area. Only until March 16, 2015, parcels fronting onto the portion of Stevens Creek Boulevard between Henry Avenue and Richfield Drive (excluding parcels with Kiely Boulevard or Saratoga Avenue frontages), that either have a minimum of three hundred (300) linear feet of street frontage along Stevens Creek Boulevard or are at least five (5) acres in size, may have one (1) freestanding programmable display sign that fully conforms to the following conditions and criteria at all times as part of a temporary pilot program to evaluate the safety and land use impacts of such signs:

(1) The programmable display sign is a part of an otherwise permitted freestanding sign and constitutes no more than seventy-five percent (75%) of the area of that sign.

(2) The maximum area for the programmable display sign shall be ninety (90) square feet.

(3) The maximum height for the programmable display sign shall be the lesser of forty (40) feet or the area of the sign divided by 3.75.

(4) Operation of the programmable display sign shall conform to the provisions of Section 23.02.905.

(5) Programmable display signs shall be located at a distance of at least 100 feet from another programmable display sign, at least 200 feet from residentially zoned parcels, and no more than 150 feet from Stevens Creek Boulevard.

(6) Programmable display signs shall be located in a manner that the Director determines will not adversely interfere with the visibility or functioning of traffic signals and traffic signage, taking into consideration physical elements of the sign and the surrounding area, such as information analyzing physical obstruction issues, line of sight issues, brightness issues and visual obstruction or impairment issues.

(7) The programmable display signs may display only on-site commercial or non-commercial messages.

(d) Oakridge / Blossom Hill Urban Village Signage Area.

(1) Only until March 16, 2015, parcels fronting onto Blossom Hill Road, as described below, may have one (1) freestanding programmable display sign that fully conforms to all of the conditions and criteria set forth in this subsection (d) at all times as part of a temporary pilot program to evaluate the safety and land use impacts of such signs:

i. A parcel fronting onto Blossom Hill Road that has a minimum of 300 linear feet of street frontage along Blossom Hill Road, or

ii. A parcel fronting onto Blossom Hill Road that is at least 5 acres in size, or

iii. One or more parcels that are part of a contiguous shopping center functioning as a single unit with a minimum of 300 linear feet of street frontage along Blossom Hill Road.

(2) Only until March 16, 2015, one or more parcels that are part of a contiguous shopping center functioning as a single unit with a minimum of 300 linear feet of street frontage along Blossom Hill Road and a minimum of 300 linear feet of street frontage along Santa Teresa Boulevard, and that are a minimum of 5 acres in size in the aggregate, may have a maximum of one (1) freestanding programmable electronic sign on Blossom Hill Road and one (1)

freestanding programmable display sign on Santa Teresa Boulevard, provided that those signs fully conform with all of the conditions and criteria set forth in this subsection (d) at all times as part of a temporary pilot program to evaluate the safety and land use impacts of such signs.

(3) The programmable display sign is a part of an otherwise permitted freestanding sign and constitutes no more than seventy-five percent (75%) of the area of that sign.

(4) The maximum area for the programmable display sign shall be ninety (90) square feet.

(5) The maximum height for the programmable display sign shall be the lesser of forty (40) feet or the area of the sign divided by 3.75.

(6) Operation of the programmable display sign shall conform to the provisions of Section 23.02.905.

(7) Programmable display signs shall be located at a distance of at least 100 feet from another programmable display sign on the same street, at least 200 feet from residentially zoned parcels, and no more than 150 feet from Blossom Hill Road.

(8) Programmable display signs shall be located in a manner that the Director determines will not adversely interfere with the visibility or functioning of traffic signals and traffic signage, taking into consideration physical elements of the sign and the surrounding area, such as information analyzing physical obstruction issues, line of sight issues, brightness issues and visual obstruction or impairment issues.

(9) The programmable display sign may display only on-site commercial or non-commercial messages.

(e) Parcels with more than five hundred (500) linear feet of street frontage along one single public right-of-way and zoned CG General Commercial District, IP Industrial Park District, LI Light Industrial District, HI Heavy Industrial District, or Planned Development (PD) Overlay District (allowing for uses similar to the CG General Commercial District, IP Industrial Park District, LI Light Industrial District, or HI Heavy Industrial District) may have one (1) additional free-standing sign for each four hundred (400) linear feet of street frontage along that particular public right away that is beyond the initial five hundred (500) linear feet of street frontage on that particular public right-of-way, subject to those size limitations set forth in Section 23.04.030 (B).

3. Architectural Sign Cluster. Parcels that are fifteen (15) acres or more in size may have, in lieu of a freestanding sign that would otherwise be allowed under this Title, an Architectural Sign Cluster that conforms to all of the following criteria:

(a) The Architectural Sign Cluster does not display more than a total of three (3) separate attached or freestanding signs; and

(b) All of the signs are integrated with landscape structures on the site to form a single cohesive design unit; and

(c) No sign in the Architectural Sign Cluster is located more than thirty (30) feet from any other sign in the Architectural Sign Cluster; and

(d) The total area of all signs within the Architectural Sign Cluster does not exceed the maximum sign area allowed for the freestanding sign that otherwise would have been allowed pursuant to Section 23.04.030.B.1; and

(e) No sign Freestanding or Attached Sign is displayed at a height greater than twenty (20) feet; and

(f) All Freestanding Signs conform to the setback requirements of Section 23.04.030.C.1, and all landscape structures conform to the setback requirements of Title 20 of this Code.

(g) Notwithstanding the requirements of Section 23.02.910.B.1, if the message surface of a sign in an Architectural Sign Cluster is integral to the surface of a wall or landscape feature, the area of the sign shall consist of the area of the message only and not include the area of the wall or other landscape feature that does not display a message.

(h) The total number of Architectural Sign Clusters that may be allowed on any one parcel shall not exceed three (3).

4. For corner parcels, no more than one free-standing sign shall be located within one hundred feet of the corner intersection.

B. Size.

1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of

the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to one square foot per each five linear feet of street frontage along that one public right of way.

2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.

3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets with residential uses or zoning districts across the street.

4. Exceptions.

   a. Capitol Expressway Auto Mall Signage Area. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twenty (120) square feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) square feet.

   b. Stevens Creek Boulevard Signage Area. For parcels located entirely within the Stevens Creek Boulevard Signage Area:

      (1) The aggregate sign area of all free-standing signs allowed on a parcel pursuant to the provisions of this Section shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage along that one public right of way, except that any freestanding sign allowed for an outdoor retail display frontage shall not exceed a maximum sign area of seventy-five (75) square feet and shall not be included in the calculation of aggregate sign area.

      (2) No free-standing sign shall have an area in excess of one hundred and fifty (150) square feet in any event.

C. <u>Height</u>.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty (20) feet.

2. Exceptions:

   a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed twenty-five (25) feet and the maximum height of any other allowed free-standing sign on the parcel shall not exceed nine (9) feet.

   b. For parcels located entirely within the Stevens Creek Boulevard Signage Area, the maximum height of any one (1) free-standing sign on a parcel shall not exceed the square footage of the sign area divided by three and seventy-five hundredths (3.75) and in no event shall the height of the sign exceed forty (40) feet.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be a minimum of four (4) feet for any sign that is six (6) feet or less in height, six (6) feet for any sign greater than six (6) feet in height but less than ten (10) feet in height, and ten (10) feet for any sign that is ten (10) feet or greater in height.

2. Exception:

   a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the parcel shall be a minimum of four (4) feet.

3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Other Provisions.

1. Sign Base. All freestanding signs shall be placed on a base of at least eighteen (18) inches in height that is architecturally consistent with the main building of the parcel and the freestanding sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly signs and blighted conditions.

2. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.

3. Time and Temperature Signs.

   a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.

   b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.

   c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

F. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

SECTION 6. Section 23.04.035 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.035 Freeway Signs

A. Quantity.

1. One (1) Freeway Sign may be allowed on any Shopping Center Site that is fifteen (15) acres or more in size and located not more than two hundred fifty (250) feet from a Freeway Travel Lane.

B. Size.

1. No Freeway Sign shall have an area in excess of five hundred (500) square feet.

C. Height.

1. No Freeway Sign shall exceed sixty (60) feet in height above surrounding grade.

2. Exception:

a. The height of a Freeway Sign may exceed sixty (60) feet above grade if the Director determines that all of the following conditions exist:

(1) The elevation of existing grade immediately adjacent to the Freeway Sign is more than ten (10) feet below the elevation of a Freeway Travel Lane located no greater than five hundred (500) feet from the Freeway Sign; and

(2) The difference in grade pursuant to Section 23.04.040.C.2 cannot be resolved by moving the sign and that difference in grade obscures visibility of the sign from the Freeway; and

(3) The height of the Freeway Sign above surrounding grade does not exceed one hundred (100) feet; and

(4) The height of a Freeway Sign located closer than four hundred (400) feet from any residential dwelling unit does not exceed eighty (80) feet in height above grade; and

(5) The Freeway Sign conforms to all other provisions of this Title.

D. Location.

1. A Freeway Sign shall be located as close as possible to the nearest Freeway Travel Lane.

2. A Freeway Sign that includes a Programmable Electronic Sign shall be located no closer than one hundred fifty (150) feet from any residential dwelling unit.

E. Other Provisions.

1. A Freeway Sign may include a Programmable Electronic Sign that does not exceed seventy-five (75) percent of the total sign area and is integrated with the total sign to form a cohesive design unit. In no case shall a Programmable Electronic Sign exceed two hundred forty (240) square feet in area.

2. The illuminated face of any Freeway Sign shall be oriented towards the freeway and shall be oriented away from nearby residential dwelling units to the maximum extent feasible.

3. Any Programmable Electronic Sign shall conform to the requirements of Section 23.02.905.

4. Notwithstanding the provisions of Section 23.02.1300.C, a Freeway Sign shall require approval of a development permit.

5. Notwithstanding the provisions of Section 23.02.1010.A.9, a Freeway Sign may face and be visible from a Freeway.

SECTION 7. Programmable display signs erected in the City in full compliance with all laws in effect at the time of construction and erection of the programmable display sign and pursuant to the temporary, three-year pilot program set forth in this ordinance for programmable display signs, in order to allow the City an opportunity to evaluate the safety and land use impacts of such signs, would be considered legal nonconforming signs upon the expiration of the temporary, three-year pilot program. This section is declarative of existing law.

PASSED FOR PUBLICATION OF TITLE this 13TH Day of December, 2011, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

Chuck Reed

CHUCK REED
Mayor

ATTEST:

DENNIS D. HAWKINS, CMC
City Clerk