



Memorandum

TO: HONORABLE MAYOR AND
AND CITY COUNCIL

FROM: Rosalynn Hughey

SUBJECT: SEE BELOW

DATE: March 15, 2019

Approved

Date

3/15/19

SUBJECT: FILE NO. PP18-084: AN ORDINANCE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE (THE SIGN CODE) TO ALLOW BUSINESS CENTER SIGNS IN THE ALVISO MASTER PLAN AREA AND MAKE OTHER NON-SUBSTANTIVE CODE CHANGES

RECOMMENDATION

- a. Adopt a resolution adopting an Addendum to the Alviso Master Plan EIR (Resolution No. 68577), Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.
- b. Approve an ordinance amending Chapter 23.04, Part 1, Commercial and Industrial Zoning Districts and Neighborhood Business Districts, Section 23.04.036, "Business Center Signs," to allow freeway-facing on-site signs for sites located within the Alviso Master Plan Area, that are developed with office or research and development uses; and to make other non-substantive, ministerial, technical, or typographical changes to Sections of Chapter 23.04 of the Sign Code.

OUTCOME

Approval of the proposed ordinance will amend the Sign Code to allow permits to be issued for freeway-facing on-site Business Center signs within the Alviso Master Plan Area for sites developed with office or research and development (R&D) uses.

BACKGROUND

The City Council previously approved changes to the Sign Code to promote economic development throughout the City by allowing more on-site signage opportunities for businesses in San Jose. These changes include adding signage for Large Outdoor Stadiums, Freeway Signs

for shopping centers and ten acre parcels in North San Jose, and allowing Supergraphic Signs on large scale buildings.

In November 2018, the City Council approved changes to the Sign Code to allow Business Center Signs within the North San Jose Development Policy Area. These signs are permitted on sites that are developed with office/R&D uses that are at least ten (10) acres in size with at least 600 linear feet of freeway frontage; and sites that are developed as destination entertainment uses and that are at least six acres in size with at least 600 linear feet of freeway frontage.

The proposed Sign Code amendments will continue the use of signs to foster economic development by further expanding Business Center Signs into the Alviso Master Plan Area. This would allow freeway-facing on-site signs for office/R&D uses that are located along the northern side of Highway 237. Specifically, sites developed with office/R&D uses that are at least ten acres in size with at least 600 linear feet of freeway frontage will qualify for freeway-facing Business Center Signs.

ANALYSIS

The State of California Outdoor Advertising Act (Act) regulates outdoor advertising displays that are visible along public freeways and highways for both onsite and offsite advertising. The State regulations are intended to minimize driving distraction along freeways. The existing and proposed provisions in the City's Sign Code adhere to the Act and provide opportunities for on-site signs to promote business and commerce. The proposed Sign Code update is restricted only to on-site signage.

Existing Business Center Sign Provisions

Section 23.04.036 of the current Title 23, Sign Code allows Business Center Signs¹ within the North San Jose Development Policy Area on parcels that are in close proximity to a freeway that meet the definition of a Business Center Site². The Business Center Sign may be attached to the building or may be a freestanding structure. These signs must meet the following additional criteria:

¹ "*Business Center Sign*" means an Attached Sign, Monument Sign or Roof Sign located on a Business Center Site and oriented to and designed to be viewed from a Freeway.

² "*Business Center Site*" means a Site consisting of two (2) or more contiguous parcels, located on only one (1) side of any public right-of-way, in an individual development project, as defined in Section 65928 of the Government Code; approved for use for commercial, industrial, or mixed commercial industrial purposes, as shown on a subdivision map or site map approved by the City; and which includes shared facilities such as parking and pedestrian connections..

- Developed with office/R&D uses and at least ten acres in size with at least 600 linear feet of freeway frontage; or
- Developed as destination entertainment uses and at least six acres in size with at least 600 linear feet of freeway frontage.
- Located within 300 feet of a freeway travel Lane.
- Limited to a maximum 500 square feet of sign area.
- Limited to a maximum of 60 feet in height from surrounding grade.
- May include a programmable component that is no more than 75% of sign area and does not exceed 375 square feet.
- Signs with a programmable component must be at least 150 feet from any residential dwelling.
- The display must result in a consolidation of allowable signage within the Business Center so that fewer signs exist in the area.

Proposed Business Center Sign Changes

The proposed update amends the Sign Code to expand the area that qualifies for Business Center Signs to sites that are developed with office or research and development uses within the Alviso Master Plan Area. Sites must be at least ten acres in size with 600 feet of Freeway Frontage. Signs will be allowed on sites that have a Commercial or Industrial land use designation on the General Plan Land Use/Transportation Diagram and must meet the following requirements:

- Consistent with City Council Policy 6-34, "Riparian Corridor Protection and Bird Safe Design"
- Conform with Section 18.40.010 in Title 18 "Local Planning" pertaining to the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan
- Signs will not be allowed within at least 100 feet of an existing wetland, burrowing owl habitat, or the vegetative edge of a Riparian Corridor or top of bank, whichever is greater
- Signs cannot direct lighting onto a wetland or Riparian Corridor
- Signs cannot include up-lighting and spotlights
- Non-emergency lighting should be turned off, or shielded at night to minimize light from signage that is visible to birds, especially during bird migration season (from February through May and from August through November)
- Any sign visible from a wetland, burrowing owl habitat or Riparian Corridor, shall not be illuminated between 9:59 p.m. and 5:59 a.m.
- Any sign that includes a programmable electronic component shall utilize shaders, or use other shading alternative(s) that the City determines will provide equivalent attenuation of upward illumination
- Signs will not be allowed on the portion of a parcel that has an Open Space, Parklands and Habitat General Plan land use designation, or OS-Open Space and A-Agricultural Zoning District

The preliminary analysis conducted by staff identified six sites that may meet the criteria to have a Business Center Sign.

EVALUATION AND FOLLOW UP

No additional follow up action with the City Council is expected at this time.

PUBLIC OUTREACH

Staff initiated outreach efforts to gather public input on the proposed Sign Code changes, and conducted focus group meetings on February 7, 2019 and March 15, 2019. Attendees expressed concerns related to bird safety and proximity to environmentally sensitive habitats. One attendee from the Alviso Neighborhood Group, who attended the second meeting, did not have concerns related the proposed sign type.

Staff followed Council Policy 6-30: Public Outreach Policy, in that notices for the public hearings were posted on the City's website and published in the San Jose Post-Record and emailed to a list of interested groups and individuals. This Memorandum and attachments were posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

This Memorandum was coordinated with the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

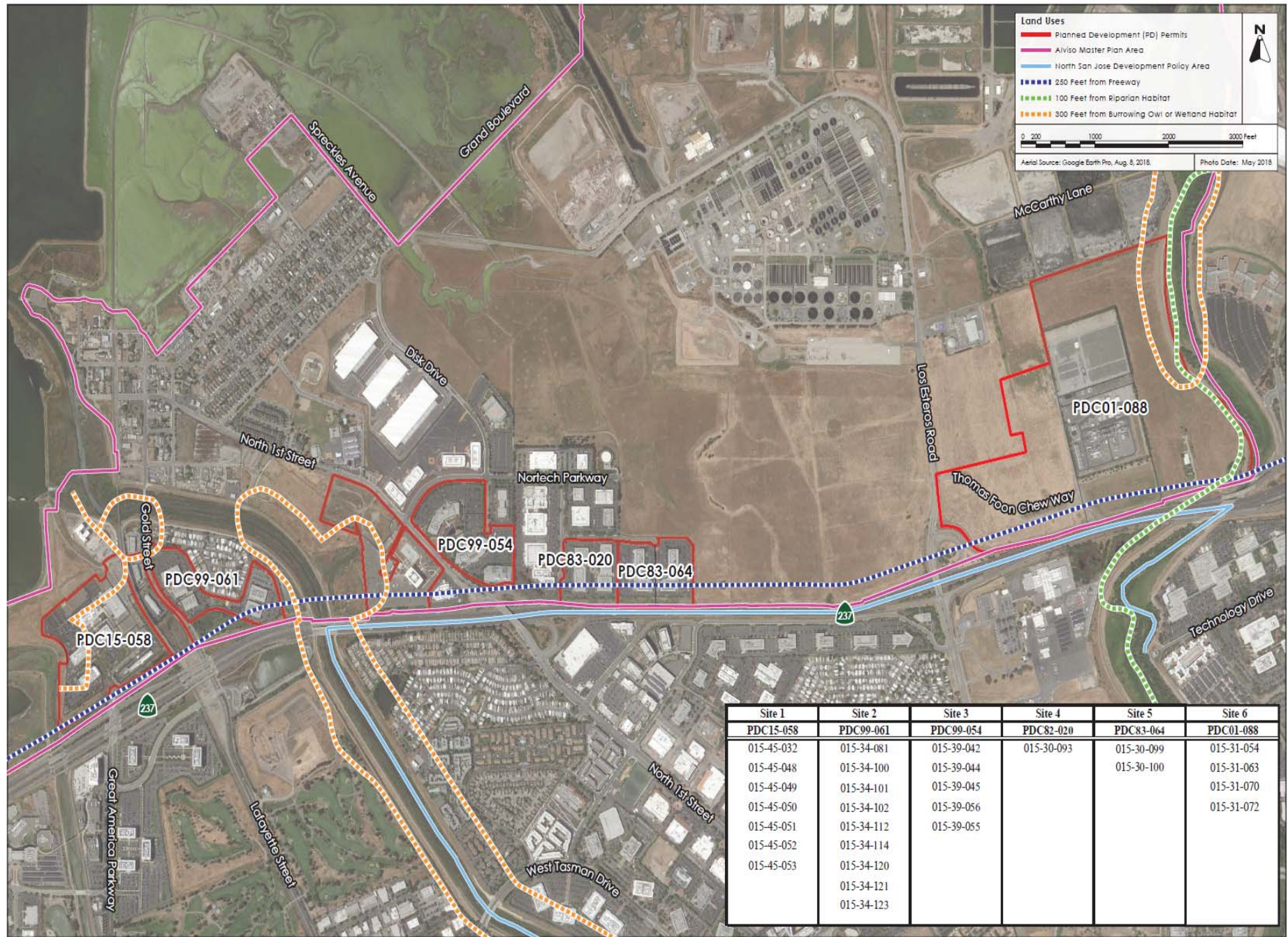
Addendum to the Alviso Master Plan EIR (Resolution No. 68577), Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto. Additional information will be available at this link: <http://www.sanjoseca.gov/index.aspx?NID=2434>.

/s/
ROSALYNN, HUGHEY, Director
Planning, Building and Code Enforcement

For questions please contact Michael Brilliot, Deputy Director, Planning Division at 408-535-7831.

Attachment: Map of Potential sites within Alviso Master Plan Area boundary

2. Map of Potential Sites for Business Center Signs within Alviso Master Plan Area



Site 1	Site 2	Site 3	Site 4	Site 5	Site 6
PDC15-058	PDC99-061	PDC99-054	PDC82-020	PDC83-064	PDC01-088
015-45-032	015-34-081	015-39-042	015-30-093	015-30-099	015-31-054
015-45-048	015-34-100	015-39-044		015-30-100	015-31-063
015-45-049	015-34-101	015-39-045			015-31-070
015-45-050	015-34-102	015-39-056			015-31-072
015-45-051	015-34-112	015-39-055			
015-45-052	015-34-114				
015-45-053	015-34-120				
	015-34-121				
	015-34-123				

Potential Signage Sites and Required Buffer Areas

FIGURE 3.2-1