

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE ADDING SECTIONS 23.02.094, 23.02.096, AND 23.02.145 TO CHAPTER 23.02, AMENDING SECTION 23.02.106 OF CHAPTER 23.02, AND ADDING SECTION 23.04.036 TO CHAPTER 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE RELATED TO BUSINESS CENTER SIGNS

WHEREAS, pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that this Ordinance is pursuant to, in furtherance of and within the scope of the previously approved program evaluated in the Final Program Environmental Impact Report for the North San José Area Development Policies Update (the "FEIR"), for which findings were adopted by City Council through its Resolution No. 72768 on June 21, 2005, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR; and

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

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

SECTION 1. Chapter 23.02 of Title 23 of the San José Municipal Code is amended by adding a section to be numbered, entitled and to read as follows:

23.02.094 Business Center Site

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.

SECTION 2. Chapter 23.02 of Title 23 of the San José Municipal Code is amended by adding a section to be numbered, entitled and to read as follows:

23.02.096 Business Center Sign

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.

SECTION 3. Section 23.02.106 of Chapter 23.02 of Title 23 of the San José Municipal Code is amended to read as follows:

23.02.106 Commercial Speech, On-Site

“On-site Commercial Speech” means Commercial Speech to identify and promote the presence of the commercial activities, products, goods or services conducted, manufactured or offered: (a) on the same parcel of land on which the Commercial Speech is displayed; or (b) on the same Business Center Site on which the Commercial Speech is displayed.

SECTION 4. Chapter 23.02 of Title 23 of the San José Municipal Code is amended by adding a section to be numbered, entitled and to read as follows:

23.02.145 Destination Entertainment Facility

Destination Entertainment Facility means a Building with a Footprint of at least fifty thousand (50,000) square feet and which contains either a Relocated Cardroom or an indoor theater with an occupancy load of at least one thousand (1,000) people.

SECTION 5. Chapter 23.04 of Title 23 of the San José Municipal Code is amended by adding a section to be numbered, entitled and to read as follows:

23.04.036 Business Center Signs

A. Quantity.

1. One (1) Business Center Sign may be allowed on a Business Center Site located within the North San José Signage Area and not more than three hundred (300) feet from a Freeway Travel Lane, if the Business Center Site also meets the following criteria:
 - a. Is at least six (6) acres in size; and
 - b. Has at least six hundred (600) continuous linear feet of Freeway Frontage or six hundred (600) continuous linear feet of Street Frontage that parallels and is visible to a Freeway Travel Lane; and
 - c. Is developed as a Destination Entertainment Facility and has a Zoning and General Plan Land Use Designation that supports such uses.
2. One (1) Business Center Sign may be allowed on a Business Center Site located within the North San José Signage Area and not more than three hundred (300) feet from a Freeway Travel Lane, if the Business Center

Site also meets the following criteria:

- a. Is at least ten (10) acres in size; and
- b. Has at least six hundred (600) continuous linear feet of Freeway Frontage or six hundred (600) continuous linear feet of Street Frontage that parallels and is visible to a Freeway Travel Lane; and
- c. Is developed for research and development as defined in Section 20.200.1000 or for office, research, and development as defined in Section 20.200.818 and has a Zoning and General Plan Land Use Designation that supports such uses.

B. Size.

No Business Center Sign shall have a total Sign Area in excess of five hundred (500) square feet.

C. Height.

1. No Business Center Sign shall exceed sixty (60) feet in height above surrounding Grade.
2. Exception:
 - a. The height of a Business Center Sign may exceed sixty (60) feet above Grade if the Director determines that all of the following conditions exist:

- i. The elevation of existing Grade immediately adjacent to the Business Center 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 Business Center Sign; and
- ii. The difference in Grade pursuant to Section 23.04.036.C.2 cannot be resolved by moving the Business Center Sign and that difference in Grade obscures visibility of the Business Center Sign from the Freeway; and
- iii. The height of the Business Center Sign above Grade does not exceed one hundred (100) feet; and
- iv. The height of a Business Center Sign located within four hundred (400) feet from any residential dwelling unit does not exceed eighty (80) feet in height above Grade; and
- v. The Business Center Sign conforms to all other provisions of this Title.

D. Location.

- 1. A Business Center Sign shall be located as close as possible to the nearest Freeway Travel Lane.
- 2. A Business Center Sign that includes a Programmable Electronic Sign shall be located no closer than one hundred fifty (150) feet from any residential dwelling unit.

3. A Business Center Sign shall conform to any location requirements applicable under State or federal law, including but not limited to requirements related to separation between signs.

E. Other Provisions.

1. A Business Center Sign may include a Programmable Electronic Sign that does not exceed seventy-five percent (75%) 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 three hundred and seventy-five (375) square feet in area.
2. The illuminated face of any Business Center 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. No Business Center Sign shall be allowed within one hundred (100) feet of the edge of a Riparian Corridor.
5. No Business Center Sign that is visible from a Riparian Corridor shall be illuminated between 12:01 a.m. and 5:59 a.m.
6. A Business Center Sign located within the Airport Influence Area:
 - a. Shall utilize automatic dimming technology as specified in Section 23.02.905.F.

- b. Any application for a Business Center Sign shall include the following information in addition to any other information that the Director may require: evidence of Federal Aviation Administration (FAA) “no hazard” determination where the Sign is subject to Title 49 Code of Federal Regulations Part 77, and a lighting study to determine appropriate lighting standards for Signs within an Airport Influence Area.
 - c. Either a ceilograph machine (a mechanism which tracks cloud bases, measures fog and can be tied into the Sign dimming system) shall be provided to activate automatic dimming based on cloud cover or fog level, or a contact person shall be available by telephone at all times and able to respond onsite to activate automatic dimming technology as directed by the airport control tower.
- 7. Notwithstanding the provisions of Section 23.02.1300.C, a Business Center Sign shall require approval of a development permit.
- 8. Notwithstanding the provisions of Section 23.02.1010.A.9, a Business Center Sign may face and be visible from a Freeway.
- 9. Sign Base:
 - a. All Business Center Signs that are Freestanding Monument Signs shall have a base of at least eighteen (18) inches in height. The height of the base measured from Grade to the top of the base shall not be more than twenty (20) feet above Grade.

- b. The base shall be architecturally consistent with the main building of the Parcel and the Business Center Sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly Signs and blighted conditions.
 - c. Landscaping surrounding the Business Center Sign shall be in accordance with Section 23.04.030.F.
- 10. A Business Center Sign shall display the name of the Business Center, if named.
- 11. Placement of the Business Center Sign must result in the consolidation of Signs within the Business Center Site, such that fewer Signs will be displayed on the Site than would otherwise be allowed.

PASSED FOR PUBLICATION of title this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk