

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 23.04.038 (NORTH SAN JOSE SIGNAGE AREA) AND SECTION 23.04.124 (DOWNTOWN SIGN ZONE) OF CHAPTER 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE TO MODIFY PERMIT PROVISIONS FOR NEW SUPERGRAPHIC SIGNS; AMENDING SECTION 23.04.156 OF PART 2.5 (URBAN MIXED-USE SIGN DEVELOPMENT ZONE) OF CHAPTER 23.04 OF TITLE 23 TO ALLOW SKYLINE SIGNS; AND TO MAKE OTHER NON-SUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO CHAPTER 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE

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 Envision San José 2040 General Plan (the “FEIR”), for which findings were adopted by City Council through its Resolution No. 76041 on November 1, 2011, and Supplemental Environmental Impact Report (the “SEIR”), through Resolution No. 77617, adopted by City Council on December 15, 2015, and Addenda thereto, and does not involve new significant effects beyond those analyzed in the FEIR and SEIR; and

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

WHEREAS, this Council of the City of San José has considered and approves the information contained in the FEIR, as supplemented and addenda thereto, and related City Council Resolution Nos. 76041 and 77617 and the determination of consistency therewith prior to taking any approval actions on this Ordinance;

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

SECTION 1. Section 23.04.038 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.038 Supergraphic Signs

One (1) Supergraphic Sign may be allowed within the North San José Signage Area subject to the following criteria and conditions:

A. ~~One (1) Supergraphic Sign may be allowed~~ On a Building that has no residential use and a Building Height, as defined in Section 17.82.210 of this Code, of at least one hundred (100) feet or on a Parking Garage with three (3) or more parking levels above grade, subject to the following:

1i. No Supergraphic Sign shall cover any portion of a window or door; and

2ii. Any Supergraphic Sign shall be displayed for no more than one hundred twenty (120) consecutive days and no more than one hundred twenty (120) days in a calendar year.

B. ~~One (1) Supergraphic Sign may be allowed~~ On a Building with no residential use and a Building Height of at least one hundred twenty-five (125) feet in connection with no more than forty (40) Large Events per calendar year, subject to all of the following:

1i. A Supergraphic Sign shall be displayed only during a Large Event and for a period of fourteen (14) additional days before and/or after the Large Event but no more than a total of fourteen (14) days plus the period of the Large Event, shall be promptly removed at the end of the Large Event plus fourteen (14) day period, and no Building shall be allowed to display a Supergraphic Sign under this subsection B. for more than thirty (30) days total in a calendar year.

2ii. No Supergraphic Sign shall cover any portion of a window or door that is located less than seventy-five (75) feet above grade.

C. All Supergraphic Signs shall conform to all of the following:

1i. No Supergraphic Sign shall be located on an Historic Landmark Building;

2ii. A Supergraphic Sign shall be located on no more than one (1) Building Façade and the Sign Area shall not exceed the area of the Building Façade on which it is located, except that such Sign may be located on two (2) Building Façades provided the total Sign Area is not greater than would otherwise be allowed on the larger of the two (2) Building Façades;

3iii. A Supergraphic Sign may consist of non-contiguous segments;

4iv. No Supergraphic Sign shall be externally illuminated;

5v. No Supergraphic Sign shall be a Roof sign;

- 6vi. A Supergraphic Sign shall comply with all life safety requirements, including but not limited to all requirements of Titles 17 and 24 of this Code;
 - 7vii. A Supergraphic Sign shall be maintained in good condition at all times and the Sign surface shall be free of dirt, rips and tears;
 - 8viii. A Supergraphic Sign shall not reduce otherwise allowable Sign Area for a Building or Parcel~~;~~
 - 9ix. A Supergraphic Sign shall be in conformance with any requirements applicable under state or federal law or regulations including but not limited to height, separation, or other location requirements~~;~~
 - 10x. A Supergraphic Sign authorized by sSubsection A~~.~~ shall not be displayed on a Building concurrent with the display of a Supergraphic Sign authorized by Subsection B~~;~~ and
 - 11xi. In lieu of the requirements of Section 23.02.960, Supergraphic Signs are encouraged to have a translucent background, but may have an opaque background.
- D. Notwithstanding the provisions of Section 23.02.1300.C. of this Code, a Supergraphic Sign shall require approval of ~~a Development Permit~~ Administrative Permit.
- E. This Section 23.04.038 shall expire and be of no force or effect on or after January 1, ~~2020~~2023, unless otherwise extended, shortened, or revised by the City Council.

SECTION 2. Section 23.04.124 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.124 Supergraphic Signs

A. ~~One (1) Supergraphic Sign may be allowed on a Building with no residential use and one hundred (100) feet or more in Height or for on Parking Garage with three (3) or more parking levels above grade, subject to the following~~One (1) Supergraphic Sign may be allowed on a Building that has no residential use and a Building Height, as defined in Section 17.82.210 of this Code, of at least one hundred (100) feet or on a Parking Garage with three (3) or more parking levels above grade, subject to the following:

1i. No Supergraphic Sign shall cover any portion of a window or door; and

2ii. Any Supergraphic Sign shall be displayed for no more than one hundred twenty (120) consecutive days and no more than one hundred twenty (120) days in a calendar year.

B. ~~One (1) Supergraphic Sign may be allowed on a Building that has no residential use and is one hundred twenty five (125) feet or more in Height above grade in connection with no more than forty (40) Large Events per calendar year, subject to all of the following~~One (1) Supergraphic Sign may be allowed on a Building with no residential use and a Building Height of at least one hundred twenty-five (125) feet in connection with no more than forty (40) large events per calendar year, subject to all of the following:

1i. A Supergraphic Sign shall be displayed only during a ~~the~~ Large Event and for a period of fourteen (14) additional days before and ~~l~~-or after the Large Event but no more than a total of fourteen (14) days plus the period of the Large Event, shall be promptly removed at the end of the Large Event plus fourteen (14) day period, and no Building shall be allowed to display a Supergraphic Sign under this subsection B. for more than thirty (30) days total in a calendar year.

2ii. No Supergraphic Sign shall cover any portion of a window or door that is located less than seventy ~~2~~-five feet above grade.;

C. All Supergraphic Signs shall conform to all of the following:

1i. No Supergraphic Sign shall be located on an Historic Landmark Building;

2ii. A Supergraphic Sign shall be located on no more than one (1) Building Façade and the Sign Area shall not exceed the area of the Building Façade on which it is located, except that such Sign may be located on two (2) Building Façades provided the total Sign Area is not greater than would otherwise be allowed on the larger of the two Building Façades;

3iii. A Supergraphic Sign may consist of non-contiguous segments;

4iv. No Supergraphic Sign shall be externally illuminated;

5v. No Supergraphic Sign shall be a Roof sign;

- 6vi. A Supergraphic Sign shall comply with all life safety requirements, including but not limited to all requirements of Titles 17 and 24 of this Code;
 - 7vii. A Supergraphic Sign shall be maintained in good condition at all times and the Sign surface shall be free of dirt, rips and tears;
 - 8viii. A Supergraphic Sign shall not reduce otherwise allowable Sign Area for a Building or Parcel~~;~~
 - 9ix. A Supergraphic Sign shall be in conformance with any requirements applicable under state or federal law or regulations including but not limited to height, separation, or other location requirements~~;~~
 - 10x. A Supergraphic Sign authorized by ~~S~~subsection A~~.~~ shall not be displayed on a Building concurrent with the display of a Supergraphic Sign authorized by ~~s~~Subsection B~~;~~ and.
 - 11xi. In lieu of the requirements of Section 23.02.960, Supergraphic Signs are encouraged to have a translucent background, but may have an opaque background.
- D. Notwithstanding the provisions of Section 23.02.1300.C~~.~~ of this Code, a Supergraphic Sign shall require approval of ~~a Development Permit~~ Administrative Permit.
- E. This Section 23.04.124 shall expire and be of no force or effect on or after January 1, ~~2020~~2023, unless otherwise extended, shortened, or revised by the City Council.

SECTION 3. Section 23.04.156 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended to read as follows:

23.04.156 Types of Signs

A. Any combination of Signs.

1. Signage allowed by Section 23.04.154 may consist of any combination of allowed Free-standing Signs, Flat-mounted Signs, Projecting Signs, Awning Signs, and Banners. Segmented Signs are allowed.
2. Each occupancy frontage may also display Window signs, Temporary Signs, Safety or Directional Signs, and any other Signs expressly authorized by this Code.
3. Small Assembly Spaces may have one (1) Attached or Free-standing Programmable Electronic Sign as part of the allowed signage pursuant to the provisions of sSubsection 23.04.156J.2. below.

B. Free-standing Signs.

1. Except as provided in this subsection, Free-standing Signs shall not exceed eight (8) feet in height above grade.
2. Free-standing Signs that are less than six (6) feet wide may be up to twenty-five (25) feet in height above grade.

3. The height of Construction Signs shall be as set forth in Section 23.04.610B.6.

C. Flat-mounted Signs.

1. Flat-mounted Signs (except for Architectural Signs allowed under Section 23.04.156.K.) shall be displayed no higher than the finished floor elevation of the fourth floor, except as otherwise specifically allowed in this Section, and in any event shall be displayed at a height no greater than forty-five (45) feet.
2. Flat-mounted Signs shall not project more than two (2) inches from the face of the building, except for Flat-mounted Signs consisting of individual letters or letters attached to raceways.
3. Flat-mounted Signs shall not be displayed on mixed use residential facades.

D. Vertical Projecting Signs.

1. Vertical Projecting Signs located adjacent to a street of less than one hundred twenty (120) feet in width shall be located at least twenty (20) feet above grade but may project no higher than sixty (60) feet above grade. Vertical Projecting Signs located adjacent to a street of one hundred twenty (120) feet or greater in width shall be located at least fourteen (14) feet above grade, but may project no higher than seventy (70) feet above grade.

2. Vertical Projecting Signs located adjacent to a street of less than one hundred twenty (120) feet in width shall project out from a building face no more than five feet six inches (5'6"). Vertical Projecting Signs located adjacent to a street of one hundred twenty (120) feet or greater in width shall project out from a building face no more than ten (10) feet.
3. Vertical Projecting Signs located adjacent to a street of less than one hundred twenty (120) feet in width shall not project above the cornice or parapet of a building. Vertical Projecting Signs ~~Projecting vertical signs~~ located adjacent to a street of one hundred twenty (120) feet or greater in width may project a maximum of ten (10) feet above the cornice or parapet of a building.
4. Vertical Projecting Signs shall be permitted on mixed use residential facades.

E. Fin Signs and Arcade Signs.

1. Fin Signs.
 - a. Fin Signs shall be located no higher than the height of the finished floor elevation of the fourth floor of the building; ~~and~~
 - b. Shall project no more than one-half the width of the sidewalk over which the Sign projects or seven feet six inches (7'6"), whichever is less; ~~and-~~
 - c. Fin Signs shall be permitted on mixed use residential facades.

2. Arcade Signs.

- a. Arcade Signs shall be located at least seven (7) feet above grade;
and
- b. Do not exceed ten (10) square feet in area per side.

F. Awning Signs; Porte-Cochere Signs.

1. Awning Signs shall be located no higher than the finished floor elevation of the fourth floor above grade; provided, however, that Awning Signs on mixed use residential facades shall be located no higher than the finished floor elevation of the second residential floor above grade.
2. Signage on awnings shall be limited to thirty-five percent (35%) of the exterior surface area of the awning.
3. Signage on Porte-Cocheres shall be allowed only on vertical surfaces of the Porte-Cochere and shall be limited to thirty-five percent (35%) of the exterior surface area of the vertical surfaces of the Porte-Cochere.
4. Signage on awnings and Porte-Cocheres shall be permitted on mixed use residential facades, subject to the limitations in ss Subsection 23.04.156F.1. above.

G. Banner Signs.

1. Free-standing Banners shall comply with the provisions of Section 23.04.156B. above.

2. Projecting Banners shall comply with the provisions of Section 23.04.156D. above.
 3. Flat-mounted Banners are not allowed.
- H. Window Signs. Window Signs consistent with Section 23.02.1060 of this Title shall be allowed on first- and second-story windows.
- I. Marquees.
1. Marquees are allowed for theatres and movie houses and on buildings containing Marquees that historically were theatres or movie houses.
 2. A Marquee, including any vertical projection, is a single Sign and an architectural element. The vertical projection of a Marquee may project above the cornice line of a building.
 3. Marquees may be Animated Signs or have animated sections.
 4. Marquee signage shall not be subject to the size and placement limitations elsewhere in this Part, but instead shall be subject to the provisions of Section 23.04.154C.2. above.
- J. Programmable Electronic Signs.
1. For a single building with a footprint of at least one hundred twenty-five thousand (125,000) square feet, a maximum of two attached Programmable Electronic Signs shall be allowed, subject to the approval

of the Director, whose approval shall be issued when the Sign or Signs meet all of the following criteria:

- a. The Sign(s) shall be located no higher than twelve (12) feet from grade unless the Director finds that a greater height achieves a pedestrian-level orientation; and
 - b. The Sign(s) shall not reduce or obscure glazing; and
 - c. Each Sign does not exceed a maximum size of eighteen (18) square feet in Sign area; and
 - d. No Sign is displayed on a mixed-use residential façade.
2. An Attached or Free-standing Sign allowed for a Small Assembly Space in accordance with Section 23.04.154 may have a Programmable Electronic Sign component not to exceed seventy-five percent (75%) of the allowable Sign area. No more than one Sign (Attached or Free-standing) shall include a Programmable Electronic Sign component.
- a. The maximum area for a Programmable Electronic Sign component shall be limited to fifty (50) square feet if the sign is one hundred (100) feet or less from a residentially zoned parcel and limited to a maximum of one hundred (100) square feet for a Sign setback more than one hundred (100) feet from a residentially zoned parcel.
 - b. The maximum height for the Free-standing sign with a Programmable Electronic Sign component shall be twenty-five (25) feet, and the maximum height for an attached sign with a

Programmable Electronic Sign component shall be thirty (30) feet above grade.

- c. Operation of the Programmable Electronic Sign shall conform to the provisions of Section 23.02.905.

3. Safety or Directional Signs for Public Parking Garages.

- a. A Safety or Directional Sign that is an Attached Sign with a Programmable Electronic Sign component is allowed subject to and so long as the sign fully meets the criteria set forth below in this Section 23.04.156J.3., and such sign shall not reduce otherwise allowable signage for a Public Parking Garage:

- i. The Programmable Electronic Sign component of the Sign shall be integrated with the allowed Attached Sign; and
- ii. The Programmable Electronic Sign component of the Sign shall not be greater than ten (10) square feet in Sign area.

- b. A Safety or Directional Sign that is a Free-standing Sign with a Programmable Electronic Sign component is allowed, subject to and so long as the Sign fully meets the criteria set forth below in this Section 23.04.156J.3., and such Sign shall not reduce otherwise allowable signage for a Public Parking Garage or for the parcel, as parcel is defined in Section 23.04.010, on which such Sign is located:

1. The aggregate Sign area of all retail pavilion signs allowed on an occupancy frontage shall not exceed one and five-tenths (1.5) square feet for each linear foot of occupancy frontage, except as provided in this subsection.
2. The maximum Sign area for any one (1) retail pavilion sign shall not exceed one (1) square foot for each linear foot of occupancy frontage where the retail pavilion sign is displayed.
3. Retail pavilion signs may be displayed for more than one (1) occupancy frontage, subject to the maximum amount of signage allowed for each occupancy frontage.
4. Retail pavilion signage allowed by sSubsection M.1. may consist of any combination of allowed Flat-mounted Signs, Projecting Signs, and Awning Signs.
5. Each Occupancy Frontage Also May Display Window Signs, Temporary Signs, Safety Or Directional Signs, And Any Other Signs Expressly Authorized By This Code.
6. No retail pavilion Sign shall extend above the retail pavilion building parapet or eave.
7. Instead of the signage permitted by sSubsection M.1. above, an applicant, at the applicant's option, may for one (1) occupancy frontage per pavilion, substitute a Programmable Electronic Sign that conforms with all of the following criteria:

- a. The size of the Programmable Electronic Sign shall not exceed a maximum area of eighteen (18) square feet.
 - b. The Programmable Electronic Sign shall be flat mounted to the wall of the retail pavilion and shall not extend above the retail pavilion building parapet or eave.
- N. Programmable Display Kiosk Signs. Programmable Display Kiosk Signs are allowed subject to the following criteria and conditions:
1. The total Sign area on kiosks shall not exceed eighteen (18) square feet per kiosk face in the aggregate, and no Programmable Display Kiosk Sign shall be located higher than eight (8) feet in height above grade.
 2. Programmable Display Kiosk Signs may be Animated Signs and/or may be illuminated with continuous external or internal lighting.
 3. Programmable Display Kiosk Signs shall not be displayed on kiosks located within forty (40) feet of another kiosk displaying a Programmable Display Kiosk Sign.
 4. A minimum width of unobstructed sidewalk clearance of at least four (4) feet shall be maintained around a kiosk for pedestrian traffic.
 5. The maximum number of kiosks on which a Programmable Display Kiosk Sign may be displayed shall be the number equivalent to one (1) kiosk per every five (5) acres of development within the Urban Mixed-Use Development Area Sign Zone.

O. Skyline/ Roof Signs. Skyline/Roof Signs are allowed subject to the following criteria and conditions:

1. Skyline Signs shall be allowed on Buildings less than eighty (80) feet in height, and either Skyline or Roof Signs on Buildings eighty (80) feet or greater in height.
2. The cumulative Sign area shall not exceed five hundred (500) square feet per Building, and no individual Sign area shall be greater than two hundred and fifty (250) square feet.
3. Skyline Signs and Roof Signs shall not reduce otherwise allowable signage for the Building.
4. Non-garage uses on the top floor of Parking Garages may have Skyline Signs.
5. 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.
6. 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.

7. Illuminated Skyline or Roof Signs located on Buildings within one thousand (1,000) feet of a river or creek shall not be displayed to directly face that river or creek.

PASSED FOR PUBLICATION of title this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk