

ORDINANCE NO. 27375

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING CHAPTERS 23.02 AND 23.04 TO EXPAND THE DOWNTOWN SIGN ZONE BOUNDARIES AND INCLUDE REGULATIONS FOR MIXED USE DEVELOPMENT, TO MODIFY SKYLINE AND ROOFTOP SIGN PROVISIONS TO APPLY CITYWIDE, TO MODIFY COMMERCIAL SIGNAGE REGULATIONS PERTAINING TO LARGE, MULTISTORY RETAIL USES, TO MODIFY PROJECTING AND FIN SIGN PROVISIONS AND 3-DIMENSIONAL SIGN PROVISIONS IN CERTAIN AREAS, TO ESTABLISH A MINIMUM BASE HEIGHT FOR DETACHED SIGNS, TO CLARIFY PUBLIC OUTREACH SIGN ALLOWANCES, AND TO REORGANIZE AND REFORMAT CERTAIN SECTIONS AND MAKE OTHER MINOR, CLARIFYING TECHNICAL CHANGES AND CORRECTIONS

WHEREAS, the provisions of this ordinance were found to be categorically exempt from the provisions of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15305 of the California State Guidelines for CEQA, under a Statement of Exemption issued on February 22, 2005 under Public Project File No. PP 05-040.

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

SECTION 1. Part 1 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

23.02.045 Architectural Sign

“Architectural Sign” means a permanent sign that is integral to the design of a doorway, column, cornice, or parapet and the materials of which are integral to the surface of the building façade.

SECTION 2. Section 23.02.350 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.350 Neon Tube Lighting

“Neon tube lighting” means any sign that includes one or more directly visible neon tube light sources or lighting sources of a similar nature, such as light emitting diodes (commonly known as LED displays), or a sign that includes lighting that creates a similar visual effect as neon tube light sources.

SECTION 3. Part 1 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read in its entirety as follows:

23.02.415 Programmable Display Kiosk Sign

“Programmable Display Kiosk Sign” means any programmable display sign mounted on a kiosk or kiosk-like structure that has a footprint of no more than twenty-five (25) square feet, has a maximum side length of five (5) feet, and is located on a private sidewalk or plaza.

SECTION 4. Section 23.02.800 of Chapter 23.02 of Title 23 of the San Jose 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, facilitate 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 is intended to be content-neutral and to provide adequate opportunity for the presentation of messages of all kinds.
- 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 contiguous 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.

SECTION 5. Section 23.02.860 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read 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.

SECTION 6. Section 23.02.870 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.870 Administrative Authority; Appeals.

- A. Administrative authority for the implementation of the sign regulations set forth in this Title and for the issuance of permits, if required under Part 4 of this Chapter, shall be as follows:

District or Type of Sign	Administrative Authority
CO, CP, CN, CG, IP, LI, HI, OS, A, R-1-RR, R-1-1, R-1-2, R-1-5, R-1-8, R-2, R-M and R- MH Zoning Districts; Neighborhood Business Districts; Airport Sign Zone; Downtown Sign Zone; Urban Mixed-Use Development Area Sign Zone; Capitol Expressway Auto Mall Signage Area, Billboard Relocation; Rotation Message Billboards; Temporary Signs	Department of Planning, Building and Code Enforcement
Election Signs	Department of Streets and Traffic for signs in public rights-of-way; Department of Planning, Building and Code Enforcement for signs not in public rights-of-way
Public Right-of-Way Signs	Department of Streets and Traffic; except Department of Parks, Recreation and Neighborhood Services for signs in parks

“Director” as used in this Title and not otherwise identified shall refer to the Director of the applicable administrative authority.

- B. Enforcement authority for this Title shall be in the Code Enforcement Division of the Department of Planning, Building and Code Enforcement. In addition, the Department of Streets and Traffic shall also have enforcement authority with regard to signs in public rights-of-way.
- C. Any appeals allowed under this Title shall be to the Planning Commission or City Council, as provided in Chapter 20.100.

SECTION 7. Section 23.02.910 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.910 Computation of Area of Sign.

- A. Unless otherwise expressly provided in this Title, the area of the message surface of a sign shall be computed as provided in this section.
- B. Message Surface
 - 1. If the message surface of a sign consists of an integral surface and has a regularly shaped perimeter, the area of the sign shall be the area within such perimeter, including the face of any frame.
 - 2. If the message surface consists of noncontiguous segments or has an irregularly shaped perimeter, then the area of the sign shall be all of the area encompassed within a single continuous rectilinear-perimeter of not more than ten straight lines, enclosing the extreme limits of the message surface (and in no case passing through or between any segments of the message surface) and including any color, material or graphic which is integrated therein which differentiates the message from the background against which it is placed, and the face of any frame.
- C. If a sign has more than one message surface, the area of the sign shall be the sum of the areas of all the message surfaces. If two surfaces on the same sign face in opposite directions (i.e., the relative angles between the directions they face is one hundred eighty degrees) and the distance between the two surfaces is not more than two feet, then the area of only one of the two surfaces (the largest if they are not equal) shall be included in the computation.
- A. Three-Dimensional Signs
 - 1. With three-dimensional signs, if the sign does not extend more than two (2) feet from the point of sign attachment, for attached signs, or if the sign does not exceed two feet in depth for free-standing signs, the area of the sign shall be measured as if the sign had a flat surface, in accordance with Subsection B of this section.
 - 2. If a three-dimensional sign is greater than two (2) feet in depth, the area of the sign shall be the sum of three (3) areas of the sign measured from each side and the front, in each case measured as if each perspective was a flat surface, except that in the Downtown Sign Zone, the Urban Mixed-Use Development Area Sign Zone and in Neighborhood Business Districts, the

sign depth shall first be multiplied by five-tenths (.5) in calculating the sign area pursuant to this subsection.

- B. In the case of a form of message surface not specifically mentioned herein, the formula for the most nearly similar type of message surface which is mentioned shall apply. The decision of the Director as to the most nearly similar type of message surface shall control.

SECTION 8. Section 23.02.920 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.920 Signs that do not reduce allowable signage.

The following signs shall not reduce signage otherwise allowable under this Title:

- A. Temporary signs expressly allowed by this Title.
- B. Safety or directional signs allowed by Section 23.02.1040.
- C. Window signs allowed by Section 23.02.1060.
- D. Street numbers required by Section 23.02.1020.
- E. Signs required by law as described in Section 23.02.1030.
- F. Flags allowed by Section 23.02.1050.
- G. Fin signs and awning signs allowed pursuant to Section 23.04.020.E.1.
- H. Signs on outdoor vending facilities allowed by Part 6 of Chapter 20.08 of Title 20 of this code.
- I. Signs on recycling facilities allowed by Section 20.08.1030.A.5 and B.11. of Part 10 of Chapter 20.08 of Title 20 of this code.
- J. Signs on temporary trailers allowed by Section 20.08.1150.E. of Part 11 of Chapter 20.08 of Title 20 of this code.
- K. Time and temperature signs allowed pursuant to Section 23.04.030.E.3.c.
- L. Skyline signs allowed pursuant to Sections 23.02.1210 or 23.04.120.
- M. Public benefit gateway signs allowed pursuant to Part 10 of Chapter 23.04.
- N. Flat roof-top signs allowed pursuant to Section 23.04.120.
- O. On-site noticing signs erected in conformance with and pursuant to City Council Public Outreach Policy No. 6-30, as the same may be amended from time to time.

SECTION 9. Section 23.02.950 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.950 Projection of Attached Signs.

Subject to Section 17.48.290 with regard to projection into airspace over a public right-of-way, whenever attached signs are permitted in this Title:

- A. Except as provided in Subsection B of this section, and notwithstanding the provisions of Section 20.30.400 of this code related to setback areas, an attached sign may project up to two (2) feet from the wall to which attached.
- B. Within the Downtown Sign Zone, Urban Mixed-Use Development Area Sign Zone, or any Neighborhood Business District, except as provided in Section 23.04.120.C. and Section 23.04.020.E.4, an attached sign may project more than two feet from the wall to which it is attached if every part of the sign is at least eight feet above grade.
- C. No sign shall project into any public right-of-way unless the Director of Public Works shall have first issued an Encroachment Permit therefor.
- D. For the purposes of this section, if a sign is recessed into a wall, the distance for maximum allowable projection for the sign shall be measured from the plane of the exterior wall surface surrounding and directly abutting the edges of the sign.

SECTION 10. Section 23.02.1000 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.1000 Mixed uses.

In the case of residential and nonresidential uses occurring on one parcel, the sign regulations governing the nonresidential use shall apply to the parcel, with the exception of regulations pertaining to roof signs and skyline signs. For roof signs and skyline signs, the sign regulations governing the residential use shall apply to the parcel.

SECTION 11. Section 23.02.1120 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.1120 Portable Signs at Vehicle Parking Lots.

- A. Operators of off-street parking facilities may display up to two (2) portable safety

or directional signs per lot entrance during hours of business operation. The Director may authorize additional safety or directional signs per entrance if necessary for direction of vehicular traffic.

- B. Each such sign:
1. Shall not exceed nine square feet in sign area for each sign face.
 2. Shall be clearly legible to parking lot vehicular traffic; letters shall be at least four inches in height.
 3. Shall be located so as not to block or interfere with pedestrian or vehicular traffic.
 4. Shall be displayed only on the parking lot property and shall not be located in the public right-of-way.

SECTION 12. Section 23.02.1370 of Chapter 23.02 of Title 23 of the San Jose Municipal Code is hereby amended to read in its entirety as follows:

23.02.1370 Sign Variances.

- A. Nothing herein shall preclude an applicant from requesting a variance from the provisions of this Title.
- B. The Director, and the Planning Commission on appeal from a decision of the Director, may, but shall not under any circumstances be required to, grant variances from the provisions of this Title.
- C. Such variances shall be referred to as Sign Variances and may be granted only pursuant to and in accordance with the procedure set forth in Chapter 20.100, Part 11 of Title 20, except that the findings required for issuance of a Sign Variance shall be as set forth in this section.
- D. Neither the Director nor the Planning Commission on appeal shall grant a Sign Variance unless it is found that:
1. Special circumstances uniquely applicable to the subject property deprive such property of the ability to display signs enjoyed by other property in the vicinity of the subject property and in the same zoning district or special sign zone. Such special circumstances shall include without limitation the size, shape, location or surroundings of the subject property, and the orientation of the buildings thereon, but shall expressly exclude any consideration of:

- a. The personal circumstances of the applicant for variance; or
 - b. Any changes in the size or shape of the subject property made by the owner of the property and/or the applicant for variance, or made or occurring while the subject property was situate in the zoning district where it is not located, regardless of whether such changes were caused by the requirements and regulations of this code; and
2. The Sign Variance, subject to such conditions as may be imposed thereon by the Director or the commission:
- a. Will not impair the utility or value of adjacent properties or the general welfare of the neighborhood;
 - b. Will not impair the integrity and character of the zoning district or special sign zone in which the subject property is located;
 - c. Will not materially add to visual clutter; and
 - d. Will not create visual blight.
- E. With regard to free-standing signs, if a Sign Variance is issued granting a variance from a height or setback requirement, it shall not be necessary to also secure a development variance therefor.
- F. With regard to attached signs:
1. A Sign Variance shall not be construed to allow a variance from any of the provisions of Chapters 20.20 through 20.60 of Title 20, and nothing contained in this section shall be construed as authorizing the issuance of Sign Variances effecting variances from such provisions; and
 2. It shall be necessary to secure a development variance in order to obtain a variance from any of such provisions.

SECTION 13. Section 23.04.010 of Chapter 23.04 of Title 23 of the San Jose 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.

- 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. Parcels located in the Capitol Expressway Auto Mall Signage Area shall comply with the provisions of this Part applicable to parcels located in the CG Commercial General Zoning District, except as otherwise specifically provided for in this Part.

SECTION 14. Section 23.04.020 of Chapter 23.04 of Title 23 of the San Jose 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 hereinbelow, 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-five feet (85') 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 ten (10) square feet in area per side;
- (b) Project no more than three (3) feet from the wall to which it is attached;
- (c) Are located at least seven feet but not more than twelve 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 if

such sign is located near its primary entryway.

(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.

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 eighteen (18) inches high by eighteen (18) inches 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) Buildings may have skyline signs on buildings less than eighty-five (85) feet in height, and skyline or roof signs on buildings eighty-five (85) feet or greater in height.
- (2) Non-garage uses on the top floor of parking garages may have skyline signs.
- (3) Skyline or roof signs located on buildings within one thousand (1,000) feet of a public park, river or creek shall not directly face that public park, river or creek unless no part of the skyline or roof sign and its supporting hardware_would be visible from that public park, river or creek.
- (4) 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.
- (5) 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.
- (6) Skyline signs and roof signs on buildings eighty-five (85) 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-five (85) 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 five (85) 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 public park, river or creek shall not directly face that public park, river or creek unless the skyline or roof sign would not be visible from that public park, 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-five (85) 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-five (85) 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-five (85) 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-five (85) 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 15. Section 23.04.030 of Chapter 23.04 of Title 23 of the San Jose Municipal Code is amended to read 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, except that:

- a. Parcels entirely located 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 three (3) free-standing signs.
 - b. Parcels with more than five hundred (500) linear feet of street frontage 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 five hundred (500) linear feet of street frontage beyond the initial five hundred (500) feet of street frontage. Such sign shall be not more than twenty (20) square feet in sign area and six (6) feet in height.
2. 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.
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. 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.

C. Height.

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. Exception:

- 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.

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 16. Section 23.04.100 of Chapter 23.04 of Title 23 of the San Jose Municipal Code is amended to read as follows:

23.04.100 Application.

- A. This Part shall govern standards for signage for all nonresidential uses in the Downtown Sign Zone.
- B. Signage for uses located in the OS-Open Space or A-Agricultural District or in a residentially zoned district shall be governed by Part 4 of this Chapter.
- C. Standards for temporary signs shall be governed by Parts 7 and 8 of this Chapter.
- D. For purposes of this Title, "Downtown Sign Zone" shall mean:
 - 1. The Downtown Core Area as defined in the General Plan; and
 - 2. Those portions of the Civic Center Redevelopment Area that meet either of the following criteria:
 - a. Front onto North or South Fourth Street between East San Fernando Street and a point at least one hundred fifty (150) feet south of East Saint John Street; or

- b. Front onto East Santa Clara Street between 4th Street and 7th Street.
3. Those portions of the Julian-Stockton Redevelopment Area which are:
 - a. East of the Guadalupe Freeway and south of the Union Pacific Railroad right-of-way; and
 - b. West of the Guadalupe Freeway, south of West Julian Street, and east of the Southern Pacific Railroad right-of-way.

SECTION 17. Section 23.04.120 of Chapter 23.04 of Title 23 of the San Jose Municipal Code is amended to read as follows:

23.04.120 Types of Signs

A. Any Combination of Signs.

1. Signage allowed by Section 23.04.110 may consist of any combination of allowed free-standing signs, flat-mounted signs, projecting signs, awning signs, banners, skyline signs and roof signs. 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.

B. Free-Standing Signs.

1. Except as provided in this Subsection, free-standing signs shall not exceed eight feet in height above grade.
2. Free-standing signs that are less than six 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.
4. Free-standing roof signs in accordance with Subsection G below and free-standing programmable display signs in accordance with Subsection J below shall not be subject to the foregoing height restrictions.

C. Flat-Mounted Signs.

1. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than thirty (30) feet above grade, except as otherwise specifically allowed in this Section

2. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than eighty (80) feet above grade when the building meets all of the following criteria:
 - a. The building is eighty (80) feet or greater in height above grade; and
 - b. The building has a building footprint of one hundred fifty thousand (150,000) square feet or greater.
3. Flat-mounted signs shall not project more than two (2) inches from the face of the building, except for:
 - a. Flat-mounted signs consisting of individual letters or letters attached to raceways; or
 - b. Flat roof-top signs that may project no more than sixty (60) inches from the face of the roof.

D. Projecting Vertical Signs and Fin Signs.

1. Projecting vertical signs:
 - a. Shall be located at least twenty (20) feet but no higher than sixty (60) feet above grade; and
 - b. Shall project no more than five (5) feet six (6) inches, and
 - c. Shall not project above the cornice or parapet of a building.
2. Fin signs:
 - a. Shall be located no higher than thirty (30) feet above grade or the height of the finished floor elevation of the third floor of the building, whichever is less; and
 - b. Shall project no more than one-half the width of the sidewalk over which the sign projects or seven feet six inches, whichever is less.

E. Awning Signs; Porte-Cochere Signs.

1. Awning signs shall be located no higher than thirty (30) feet above grade.
2. Signage on awnings shall be limited to twenty-five (25) percent 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 twenty-five (25) percent of the exterior surface area of the vertical surfaces of the porte-cochere.

F. Banner Signs.

1. Free-standing banners shall comply with the provisions of Section 23.04.120.B above.
2. Projecting banners shall comply with the provisions of Section 23.04.120.D above.
3. Flat-mounted banners:
 - a. Shall not exceed twenty (20) feet in width; and
 - b. Shall be located no higher than fifty (50) feet above grade, provided that banners located higher than thirty (30) feet above grade shall be mounted within building recesses or portals.
4. Notwithstanding any provision of this Chapter to the contrary, buildings with a footprint of seventy-five thousand (75,000) square feet or greater may erect banners only in compliance with all of the following criteria:
 - a. A total maximum of five banners shall be allowed at any time;
 - b. One banner may be up to a maximum of one thousand two hundred (1,200) square feet in total area and any and all remaining banners may be up to a maximum of six hundred (600) square feet in total area; and
 - c. All banners shall be placed no higher than eighty (80) feet above finished grade; and
 - d. All banners shall contain and display noncommercial messages only.

G. Skyline Signs; Roof signs

1. Applicability
 - a. Buildings one hundred forty (140) feet or greater in height above grade may have either skyline signs or roof signs; and
 - b. Buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade may have skyline signs; and

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

2. Dimensions

- a. The total amount of square footage of sign area for all skyline signs or roof signs on buildings two hundred twenty-five (225) feet or greater in height above grade shall not exceed two thousand (2,000) square feet per building. Any one such skyline sign or roof sign shall not be larger than one thousand (1,000) square feet.
 - b. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred ninety (190) feet or greater in height above grade and less than two hundred twenty-five (225) feet in height above grade shall not exceed one thousand four hundred (1,400) square feet per building. Any one such skyline sign or roof sign shall not be larger than seven hundred (700) square feet.
 - c. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred forty (140) feet or greater in height above grade and less than one hundred ninety (190) feet in height above grade shall not exceed one thousand one hundred (1,100) square feet per building. Any one such skyline sign or roof sign shall not be larger than five hundred fifty (550) square feet.
 - d. The total amount of square footage of sign area for all skyline signs on buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade shall not exceed five hundred (500) square feet per building. Any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
 - e. 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 seven hundred fifty (750) square feet per building. Any one such skyline sign shall not be larger than five hundred (500) square feet.
- 3. 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.
 - 4. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings.

5. 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.
 6. Skyline signs and roof signs on buildings greater than eighty (80) feet in height above grade shall not reduce otherwise allowable signage for the building.
 7. A total of two skyline or roof signs are allowed per building.
- 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 23.04.110B.2.
- J. Programmable Display Signs.
- For a single building with a footprint of at least one hundred twenty-five thousand (125,000) square feet, a maximum of two (2), attached programmable display signs are allowed, subject to the approval of the Director, whose approval shall be issued when the sign or signs meet all of the following criteria:
1. 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
 2. The sign(s) shall not reduce or obscure glazing; and
 3. Each sign does not exceed a maximum size of eighteen (18) square feet in sign area; and

4. No sign is displayed on the exterior of that portion of a building containing residential uses.

K. 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 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 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.

L. Time and Temperature Signs.

1. Any sign otherwise permitted in this Part may include a time and temperature sign, provided that a time and temperature sign may not be established within three hundred (300) feet of another time and temperature sign.
2. Each time and temperature sign shall be limited to fifteen (15) square feet in sign area, excluding any frame.
3. Time and temperature signs may not be located higher than thirty (30) feet above grade.

- M. Lightbox Signs for Gasoline Service Stations. Lightbox signs at gasoline service stations shall not exceed twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.

N. Architectural Signs

1. The total amount of Architectural Signs allowed on any one building shall not exceed a total maximum area of two hundred (200) square feet per building, in the aggregate.
2. Each Architectural Sign shall be limited in area to a maximum of thirty-two (32) square feet, except that one Architectural Sign of up to one hundred (100) square feet in area may be located on one building frontage, all subject to the total maximum area allowed under Subsection 23.04.120.N.1 above.
4. Architectural Signs may be allowed on the exterior of that portion of a building containing residential uses.

O. Public Parking Garage Signs.

1. Notwithstanding any other provisions of this Code, one (1) additional sign shall be allowed on any building containing a garage that provides public parking, under the following circumstances:
 - a. The building contains five hundred (500) or more public parking spaces.
 - b. Any part of the building is within one thousand (1,000) feet of an expressway or freeway.
2. Such sign:
 - a. Shall be flat-mounted.
 - b. Shall be a maximum of one hundred (100) square feet in sign area.
 - c. Shall be located at least thirty (30) feet but no higher than seventy (70) feet above grade and shall not project above the cornice or parapet of the building.
 - d. Shall be displayed so as to be visible from the expressway or freeway.
 - e. May be illuminated only with external lighting or internal lighting and only to the extent illumination does not create any traffic safety hazard.
3. The message on such sign shall be limited to "Public Parking" and/or any authorized City public parking symbol(s).
4. Such sign shall not reduce otherwise allowable signage for the building.

P. Freeway or Highway Off-Ramp Signs.

1. Subject to the provisions of Section 23.02.1180, a building greater than eighty (80) feet in height above grade located on a parcel of real property that is directly adjacent to a freeway off-ramp or highway off-ramp may have only the following skyline or roof signs:
 - a. A maximum of two skyline or roof signs that conform to all of the applicable requirements set forth in Section 23.04.120.G; or
 - b. A maximum of one skyline or roof sign that conforms to all of the applicable requirements set forth in Section 23.04.120.G and one flat-mounted sign that meets all of the following criteria:
 - (1) The size of the sign shall not exceed a maximum of one hundred (100) square feet in sign area;
 - (2) The sign shall be mounted to the building with an orientation that is perpendicular to, and is not directly facing, the centerline of the freeway or highway off-ramp; and
 - (3) The sign shall not be visible from the main freeway or highway to which the off ramp is attached.

Q. Flat Roof-Top Signs.

1. Buildings with a footprint of one hundred fifty thousand (150,000) square feet or greater may install a maximum of two flat roof-top signs that meet all of the following criteria:
 - a. Each flat roof-top shall not exceed a maximum of sixteen thousand (16,000) square feet in sign area, and the total sign area of two flat roof-top signs shall not exceed a maximum of thirty-two thousand (32,000) square feet; and
 - b. A flat roof-top sign may be externally or internally illuminated with continuous lighting between the hours of 7:00 a.m. and 12:00 a.m., but shall not be illuminated by any means after 12:00 a.m. and before 7:00 a.m.; and
 - c. Any illumination of a flat roof-top sign shall fully conform with the City's lighting policies, unless an exception is granted therefor or applicable thereto; and
 - d. Any illumination of a flat roof-top sign shall not produce light that is visible

with the naked eye from public areas located within one hundred (100) feet of the building on which the sign is installed.

PASSED FOR PUBLICATION OF TITLE this 15th day of March, 2005 by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,
PYLE, REED, WILLIAMS, YEAGER; GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

VACANT: DISTRICT 7

RON GONZALES
Mayor

ATTEST:

LEE PRICE, CMC
City Clerk