

Ordinance

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING SECTION 23.04.036 OF CHAPTER 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW FREEWAY-FACING ON-SITE SIGNS FOR SITES, WITHIN THE ALVISO MASTER PLAN AREA, THAT ARE DEVELOPED WITH OFFICE OR RESEARCH AND DEVELOPMENT USES; AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES TO CHAPTER 23.04 OF THE SIGN CODE.**

**WHEREAS**, an Addendum to the Final Environmental Impact Report for the Alviso Master Plan the Alviso Master Plan: A Specific Plan for the Alviso Community, certified by the City Council on December 7, 1998, by Resolution No. 68577, the Final Program Environmental Impact Report for the Envision San José 2040 General Plan, certified by the City Council on November 1, 2011 by Resolution No. 76041, and the Supplemental Environmental Impact Report, certified by the City Council on December 15, 2015, by Resolution No. 77617, and Addenda thereto, all in conformance with the California Environmental Quality Act, was prepared and approved by the Planning Director for this Ordinance under File No. PP18-084; 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 application and use of said Addendum as the appropriate environmental clearance prior to taking any approval actions on this Ordinance;

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

Section 23.04.036 of Chapter 23.04 of Title 23 of the San José Municipal Code is amended 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 or Alviso Master Plan 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 of Title 20 of this Municipal Code 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. A Business Center Sign shall be consistent with City Council Policy 6-34 "Riparian Corridor Protection and Bird Safe Design," as may be amended from time to time.
5. A Business Center Sign shall conform to Section 18.40.010 in Title 18 "Local Planning" of this Municipal Code pertaining to Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan.
6. No Business Center Sign shall be allowed within one hundred (100) feet of the edge of a Riparian Corridor.
7. No Business Center Sign that is visible from a Riparian Corridor shall be illuminated between 12:01 a.m. and 5:59 a.m.
8. 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.
9. Notwithstanding the provisions of Section 23.02.1300.C, a Business Center Sign shall require approval of a development permit.
10. Notwithstanding the provisions of Section 23.02.1010.A.9, a Business Center Sign may face and be visible from a Freeway.
11. 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.
12. A Business Center Sign shall display the name of the Business Center, if named.
13. 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.
14. Additional requirements for any Business Center Sign located within the Alviso Master Plan Area:
- a. The Sign shall conform to the following requirements:
    - i. No sign shall be allowed within at least one hundred (100) feet of a state or federally protected wetland, a burrowing owl habitat as identified in the Santa Clara Valley Habitat Conservation Plan, or the vegetative edge of a Riparian Corridor or top of bank, whichever is greater.

- ii. No Sign shall direct lighting onto a wetland or Riparian Corridor.
- iii. No Sign shall include up-lighting or spotlights.
- iv. Non-emergency lighting on the sign shall 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); and
- b. Any Sign, visible from a wetland, burrowing owl habitat or Riparian Corridor, shall be dimmed automatically one hour after sunset to 5% of their daylight luminance setting; and
- c. No sign, visible from a wetland, burrowing owl habitat or Riparian Corridor, shall be illuminated between 9:59 p.m. and 5:59 a.m.; and
- d. Any Sign that includes a programmable electronic component shall utilize shaders, or shall utilize other shading alternative(s) that the City determines will provide equivalent attenuation of upward illumination to the satisfaction of the Director of Planning; and
- e. No sign shall be allowed on the portion of a parcel that has an Open Space, Parklands and Habitat designation on the General Plan Land Use/Transportation Diagram, or in OS-Open Space and A-Agricultural Zoning Districts.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk