



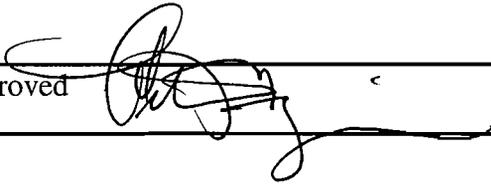
# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** September 24, 2007

Approved  Date 10/3/07

**COUNCIL DISTRICTS:** Citywide  
**SNI AREA:** All

**SUBJECT:** AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23, THE SIGN CODE, TO ADD SECTION 23.02.255 TO DEFINE A HISTORIC SIGN; TO ADD SECTION 23.02.417 TO DEFINE A PROJECTED LIGHT SIGN; TO MODIFY SECTION 23.02.1010 (B) TO STIPULATE DISPLAYS THAT ARE PROHIBITED UNLESS OTHERWISE EXPRESSLY ALLOWED; TO MODIFY SECTION 23.02.1090 (A) TO MAKE CLARIFYING CHANGES; TO ADD SECTION 23.02.1090 (B) TO ALLOW RELOCATION OF HISTORIC SIGNS; AND TO MODIFY SECTION 23.04.120 TO ADD A NEW SUBSECTION TO ALLOW THE DISPLAY OF PROJECTED LIGHT SIGNS IN THE DOWNTOWN SIGN ZONE SUBJECT TO SPECIFIC PARAMETERS. CEQA: Exempt, File No. PP07-190.

## RECOMMENDATION

Staff recommends that the City Council adopt the proposed ordinance amending Title 23 of the San Jose Municipal Code to add provisions for projected light signs and the relocation of historic signs.

## OUTCOME

The proposed ordinance would allow limited ability to implement projected light signs on large buildings located in the Downtown Sign Zone and for on-site or off-site relocation of historic signs in a manner that preserves their historic character.

## **BACKGROUND**

The current Sign Code does not allow for signs that are created by projecting light onto a message surface. Projected light images or messages, such as the projected haiku public art proposal under consideration by the Office of Cultural Affairs, are subject to the Sign Code and are not allowed in the Downtown Sign Zone or elsewhere in the City. The haiku art project is part of the “Who’s on First, What’s on Second” partnership with VTA to locate eight art installations along light rail Downtown from Fall 2007 through Winter 2008. The proposed ordinance incorporates a definition of “projected light sign” and authorizes the display of such signs in the Downtown Sign Zone subject to specific parameters as further discussed in the analysis section below.

Signs of historic significance often do not meet the current requirements of the Sign Code in regard to height, location or design. If such signs met all applicable requirements at the time they were erected, they are considered legal non-conforming and are allowed to continue to be displayed despite the lack of conformance. Unless otherwise specified in the Sign Code, once a legal nonconforming sign is removed from the site, it must conform to all requirements of the current Sign Code.

The Sign Code authorizes the Director of Planning to approve the relocation of signs that are designated as historic landmarks or signs that are located on landmark-designated buildings or structures. It does not allow the relocation of signs that may have historic merit, but have not been designated as landmarks. The proposed ordinance gives the Director authority to approve the relocation of signs that do not have a landmark designation, but the historic merit of which has been established by their listing on the City’s Historic Resources Inventory.

## **ANALYSIS**

### **Projected Light Signs**

Based on the proposed ordinance, a “projected light sign” means a sign that is projected from an external light source onto a message surface. The light source may be a high intensity beam, such as a laser, and the sign may be animated. In the case of the haiku art display proposal, a laser beam would trace haiku onto a light sensitive surface that holds the light image long enough for the entire poem to be visible.

The purpose of the Downtown Sign Zone is to recognize the need for more signage and for a greater variety of types of signs in the unique, urban center of the City where densely packed commercial uses compete for attention. The regulations applicable to the Downtown Sign Zone seek to strike a fair balance between commercial needs, traffic and pedestrian safety, and community concerns about visual clutter and visual blight. As the City seeks to enliven the Downtown as a center of employment, culture and recreation, maintaining this balance continues

to be an important objective. The proposed ordinance allows for new signage that will add visual interest in the Downtown while incorporating sufficient limitations on display location, character and duration to ensure that such signs not result in visual blight, visual clutter or safety concerns.

The proposed ordinance would allow the display of projected light signs up to 700 square feet in area only on buildings in the Downtown Sign Zone that have a footprint of 100,000 square feet or greater for the period indicated in the sign permit, but not to exceed 60 days per calendar year. The proposed requirements specify that a projected light sign cannot be displayed above a height of 60 feet, cannot be of an illumination intensity or character that creates a safety hazard or undue disturbance for vehicles, pedestrians or occupants in the area, and must conform to any applicable Federal Aviation Administration requirements. Like other temporary signs, projected light signs would not reduce sign area otherwise allowed for the building or property where the sign is displayed. A sign permit requirement will ensure that these signs are reviewed for conformance with the safety and other requirements of the ordinance, but will not regulate the content of such signage.

For the reasons described above, staff advises that the proposed ordinance provides appropriate flexibility for the display of projected light signs in a manner that is consistent with the City's rationale underlying its signage regulations.

### Historic Signs

The proposed ordinance defines an "historic sign" as one that has been listed on the City's Historic Resources Inventory and allows the Director of Planning to approve the relocation of such a sign in order to preserve it. Such an historic sign may either be individually listed on the Historic Resources Inventory or called out as a contributing element of a building or other historic feature listed on the Inventory. The provision is proposed to apply to historic signs citywide. For example, the "dancing pig" sign on the Stephens Meat Products site is proposed to be preserved in its current location when the building is demolished to make way for a parking lot. Although the building and sign are listed on the Historic Resources Inventory, they do not have a landmark designation and the sign could not be moved to another site if on-site preservation were not possible. The proposed ordinance would allow the Director to approve relocation of a sign like the Stevens Meat Products "dancing pig" sign to another property in a manner that preserves its historic value. In order to remove possible impediments to preservation and relocation of an historic sign, the ordinance specifies that such relocated historic sign would not reduce the sign area otherwise allowed on the receiving site.

The proposed ordinance provides an additional tool for preserving historic signs while retaining current Sign Code limitations on other legal non-conforming signs that are designed to avoid visual clutter and blight.

## **EVALUATION AND FOLLOW-UP**

Staff will shortly be bringing forward to the Community and Economic Development Committee a recommendation for a comprehensive update of the Sign Ordinance. The adequacy of signage provisions for the Downtown Sign Zone will be reviewed in that context.

## **POLICY ALTERNATIVES**

The following are the alternative actions available to the Council in regard to this item:

*Alternative #1: Approval of an ordinance allowing projected light signs with fewer restrictions in regard to size, location and display period.*

**Pros:** This alternative would provide greater flexibility for implementing projected light signs in the Downtown Sign Zone that may accommodate additional creative sign displays.

**Cons:** Larger signs or longer display periods could increase the visual impact of the signs to the point that they are considered visually obtrusive due to either size or duration, or may result in increased safety issues such as distractions for motorists.

**Reason for not recommending:** Staff has carefully weighed the implications of the proposed parameters and feels that they appropriately balance the goal of enlivening the Downtown with the other important goals and policies of the City pertaining to the prevention of undue visual clutter and ensuring that future signage does not result in safety concerns.

*Alternative #2: Approval of an ordinance that allows the Director discretion to approve off-site relocation of any legal non-conforming sign.*

**Pros:** This alternative would allow greater flexibility for the relocation of signs that may have historic value without the time and cost associated with documenting their historic value through listing on the Historic Resources Inventory.

**Cons:** The current Sign Ordinance specifically limits the ability to relocate legal non-conforming signs with the intention of bringing, over time, the majority of signs within the City into conformance with the City's sign standards. This alternative may allow the relocation of non-conforming signs that add visual clutter without offsetting historic merit.

**Reason for not recommending:** This alternative could open the door to requests for relocation of legal non-conforming signs that are not of historic value or of unknown historic value, which could be contrary to the City's objectives for avoiding visual clutter through its sign regulations and for ultimately bringing all signage into conformance with City's signage regulations.

**PUBLIC OUTREACH/INTEREST**

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
  
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
  
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

A public hearing notice for the proposed ordinance was published in the San Jose Post Record and public hearing notices were emailed to the Downtown Association, historic preservation groups and to neighborhood associations citywide. Staff has posted the staff report, as well as the hearing dates, on the Department's website.

**COORDINATION**

This ordinance has been coordinated with the City Attorney's Office, the Office of Economic Development, the Office of Cultural Affairs, and the Redevelopment Agency.

**FISCAL/POLICY ALIGNMENT**

N/A

**COST SUMMARY/IMPLICATIONS**

N/A

**BUDGET REFERENCE**

N/A

HONORABLE MAYOR AND CITY COUNCIL

September 24, 2007

**Subject: Projected Light and Historic Sign Relocation Ordinance**

Page 6

**CEQA**

The proposed ordinance was found to be exempt pursuant to Section 15061(b)(3), of the California Environmental Quality Act Guidelines. File No. PP07-190.

  
JOSEPH HORWEDEL, DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Carol Hamilton, Senior Planner, at 535-7837.