



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** November 2, 2006

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Approved	<i>Ray Wong</i>	Date	<i>11/2/06</i>
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**COUNCIL DISTRICTS:** Council District 4  
**SNI AREA:** None

**SUBJECT:** AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23, THE SIGN CODE, CHAPTER 23.04, TO MODIFY THE PROVISIONS FOR SKYLINE SIGNS IN THE AREA NORTH OF US 101 AND WEST OF INTERSTATE HIGHWAY 880 FOR BUILDINGS OF LESS THAN 85 FEET IN HEIGHT ON PARCELS WITH A NARROW BUILDING FRONTAGE.

**RECOMMENDATION**

Staff recommends that the City Council adopt the proposed ordinance amending Title 23 of the San Jose Municipal Code as it pertains to skyline signs in the area north of US 101 and west of Highway 880, as more particularly described below.

**OUTCOME**

The proposed ordinance would allow more flexibility for implementation of skyline signage in the Innovation Triangle (north of US 101 and west of Interstate Highway 880) for buildings of less than 85 feet in height located on properties with a narrow building frontage.

**BACKGROUND**

A “skyline sign” is a flat-mounted sign located at the top floor of a building which does not project above the higher of the cornice or parapet of the building. The current Sign Code allows for skyline signs in the area of the City north of US 101 and west of Interstate 880, and includes specific provisions for skyline signs on buildings less than 85 feet in height. These provisions limit the size of skyline signs on buildings of less than 85 feet in height to an area equal to one half of the sign area allowed on the first floor. The allowed area of first floor signage is based on one square foot of signage per linear foot of occupancy frontage, subject to certain maximums. For buildings of less

than 85 feet in height on properties with narrow building frontages, the allowed area for a skyline sign can be quite small. As an example, the IBM site located on North First Street just south of Nortech Parkway, includes a three-story building with a building frontage of 130 linear feet, resulting in an allowed first floor sign area of 130 square feet and a skyline sign area of 65 square feet, a relatively small sign for a third floor location.

The proposed ordinance provides more flexibility for the size of skyline signs on buildings less than 85 feet in height that are located on parcels with a narrow building frontage. It does so by increasing the allowed area of such skyline signs without increasing the overall amount of signage.

### **ANALYSIS**

The current Sign Code provisions that control the size of skyline signs are intended to prevent potential visual clutter associated with large signs in prominent locations at the top floor of buildings. Maintaining an attractive office park setting remains a key objective. Staff believes that the proposed ordinance provides appropriate safeguards by retaining the limitations on overall signage while allowing greater flexibility regarding the location of allowed signage for sites with a limited building frontage along a public street.

The proposed ordinance would allow buildings of less than 85 feet in height located on a parcel with a building frontage on a public street of less than 150 feet to have a skyline sign of one (1) square foot of sign area per linear foot of occupancy frontage. Since the aggregate sign area for all attached signs on a building frontage also may not exceed one square foot of sign area for each linear foot of building frontage, the effect of the proposed ordinance is to allow more flexibility in the location of the signage, rather than an increase in the amount of allowed sign area.

In the case of the IBM site, where the building and occupancy frontage under the current provisions allow a total of 130 square feet of signage, the proposed ordinance would allow all of the signage to be placed on the first floor, or all of it to be implemented as a skyline sign, or some combination of the two, so long as the total area does not exceed 130 square feet. The ordinance provides this flexibility only for properties that have a narrow building frontage on a public street, and consequently, have relatively limited sign area. By limiting applicability of the proposed ordinance to sites with a building frontage of less than 150 feet, the ordinance limits the maximum size of any skyline sign to 150 square feet.

Based on the above analysis, staff concludes that the proposed ordinance provides appropriate flexibility for the use of skyline signs in a manner that is consistent with City's rationale for its signage regulations.

### **POLICY ALTERNATIVES**

**Alternative No. One:** Denial of the ordinance.

Pros: Denial of the proposed ordinance would continue the status quo of the City's current sign regulations for the area of the City located north of US 101 and west of Interstate Highway 880.

Cons: This alternative would continue the current sign regulations, eliminating the potential to provide greater flexibility for the location of allowed signage on constrained sites.

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 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)**
- Criteria 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. Public hearing notices were mailed or emailed to neighborhood associations in the Innovation Triangle Area and to corporate and building industry representatives. 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 and the Redevelopment Agency.

### **FISCAL/POLICY ALIGNMENT**

N/A.

### **BUDGET REFERENCE**

N/A

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**CEQA**

Environmental clearance for the proposed ordinance is covered by the San Jose 2020 General Plan Final Environmental Impact Report which was certified by the Planning Commission on August 16, 1994.

*For*   
JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

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