

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: March 17, 2009

Approved

Paul Krutz

Date

3/25/09

COUNCIL DISTRICTS: Citywide
SNI AREA: ALL

SUBJECT: AN ORDINANCE OF THE CITY OF SAN JOSÉ AMENDING TITLE 23 OF THE SAN JOSÉ MUNICIPAL CODE (THE SIGN CODE) TO AMEND SECTIONS 23.02.800 AND 23.02.1220 OF CHAPTER 23.02 AND SECTIONS 23.04.010 AND 23.04.030 OF CHAPTER 23.04 AND TO ADD SECTION 23.02.365 TO CHAPTER 23.02, ALL TO CREATE THE STEVENS CREEK BOULEVARD SIGNAGE AREA, ESTABLISH SIGNAGE REGULATIONS FOR THIS SIGNAGE AREA AND MAKE OTHER RELATED CLARIFYING CHANGES.

RECOMMENDATION

Staff recommends that the City Council approve the proposed ordinance amending Title 23 of the San José Municipal Code as described in the subject line above to create the Stevens Creek Boulevard Signage Area and establish regulations therefore, as well as to make related clarifying changes.

OUTCOME

The proposed ordinance would allow San José businesses located on the south side of Stevens Creek Boulevard between Winchester Boulevard and the westerly boundary of the City of San José to display larger and taller freestanding signs that are more consistent with the signage currently existing on the north side of the street in the City of Santa Clara, thereby enhancing the visual balance of the streetscape and providing greater consistency in regard to signage for businesses operating on the San José side of the street.

BACKGROUND

The boundary line between the City of San José and the City of Santa Clara runs down the middle of Stevens Creek Boulevard for approximately 2.9 miles between Winchester Boulevard on the east and the City limits on the west (to approximately 850 feet west of Interstate 280). The majority of properties located on both sides of the street are developed with commercial businesses along the full length of this boundary line, including a significant number of automobile dealers. The owners of existing San José businesses located along this stretch of Stevens Creek Boulevard have expressed concern regarding the current lack of consistency in the amount of signage allowed on the south side of the street (in the City of San José) as compared to the north side of the street (in the City of Santa Clara), and have indicated that San José's more restrictive signage provisions place San José businesses at a disadvantage in competing with their counterparts in the City of Santa Clara because the businesses in Santa Clara are more readily identified by their larger and more visible signage. Concern has also been raised that the disparate signage allowed by the two cities for Stevens Creek Boulevard contributes to a streetscape that lacks visual balance and unity. This report responds to these concerns by providing an analysis of the signage regulations of the two cities, summarizing the existing differences in actual signage implemented in the two cities on either side of Stevens Creek Boulevard, and proposing modifications to the City of San José Sign Code intended to achieve more balanced signage along this important commercial street.

ANALYSIS

Comparison of San José and Santa Clara Signage Regulations

The signage regulations of the City of San José and the City of Santa Clara differ in both structure and substance. Table 1 (see attached) provides a general comparison of the regulations of the two jurisdictions as they apply to commercial businesses on Stevens Creek Boulevard. The Santa Clara regulations provide four options for calculating the allowed area for all signs allowed on a site in the aggregate; they include no separate limitations for individual categories of signs, such as attached signs (signs attached to a building) or freestanding signs. In contrast, San José's regulations provide separate limits for the allowed area of attached and freestanding signs and no overall limit for all signage on a parcel. The methodology for calculating the area of a freestanding sign differs as well. San José includes only one side of the sign in the area calculation so long as the two sides are no more than two feet apart, while Santa Clara includes both sides. The same freestanding sign would have an area of 120 square feet under San José's methodology and an area of 240 square feet under Santa Clara's regulations.

Case Studies

Sign Area

In order to clarify the implications of the disparate regulations of the two cities, Table 2 (see attached) compares the signage area that would be allowed for three Stevens Creek Boulevard sites under San José and Santa Clara sign regulations. The total allowed sign area (including both attached and detached signage) differs under the two sets of sign parameters, but the difference is not consistent or significant. Total signage allowed for the Smythe Volvo and Oak

Tree Mazda sites is greater under Santa Clara regulations, while signage for the Stevens Creek Honda site is greater under San José sign provisions. A more notable divergence in the allowed signage is evident for freestanding signs. Allowed sign area for freestanding signs under San José regulations represents between 9 and 18 percent of the total allowed sign area, while Santa Clara regulations allow 100% of the allowed signage area to be used for freestanding signs. Even taking into consideration that Santa Clara includes both sides of a freestanding sign in calculating its area, the Santa Clara regulations allow significantly larger freestanding signs.

Sign Height

The difference in the allowed height of a freestanding sign under San José and Santa Clara regulations is also notable. San José regulations allow a freestanding sign to extend to a height calculated by dividing the area of the sign by four or a maximum 20 feet, whichever is more restrictive. These provisions, applied to the Volvo site, limit the height of the 46 square foot sign allowed for the Stevens Creek Boulevard frontage to 11.5 feet. Under Santa Clara regulations, the maximum height for any freestanding sign is 35 feet.

Number of Signs

The number of allowed signs is the same under San José and Santa Clara regulations for all three sites presented in Table 2 (see attached). The regulations could result in a differing number of allowed freestanding signs in some instances, but generally the regulations appear to achieve a similar result through different methods.

Existing San José and Santa Clara Signage

Stevens Creek Boulevard between Winchester Boulevard on the east and the City limit line on the west is a six-lane commercial street providing direct access to a variety of commercial businesses that are primarily auto oriented, and to a small number of multi-family residential developments. Street trees are very sparse along this segment of Stevens Creek Boulevard. The street is home to a significant number of major auto dealer sites and other auto sales/leasing facilities. The auto dealer sites are generally configured with retail display of cars along the site frontage and buildings set back from the street. Most of the new freestanding signs installed along this street over the past few years have been implemented by auto dealers. Staff has focused the analysis of existing signage on auto dealers due to their dominance along this segment of Stevens Creek Boulevard and the opportunity they provide for comparison of like uses in the two cities.

Many of the existing freestanding signs along Stevens Creek Boulevard do not meet current signage requirements and are considered "legal non-conforming". These signs conformed to the requirements in place at the time they were installed, but are not consistent with today's regulations. Examples of freestanding signs that are legal non-conforming include the Ford sign in Santa Clara and the Toyota sign in San José depicted in Figure 1 (see attached). These signs are larger and/or taller than current sign regulations allow. For purposes of this analysis, staff has focused on signage that meets current requirements.

Attached Signs

Table 3 (see attached) shows the total existing area of attached signs for businesses located in San José and Santa Clara and compares the existing sign area with the maximum allowed sign area based on San José's signage regulations. The comparison indicates that on the whole, the businesses in both San José and Santa Clara currently display significantly less attached signage than San José regulations would allow. In San José, only Stevens Creek Honda approaches the maximum allowed sign area. In Santa Clara only Acura displays more signage than the San José regulations allow. San José's current sign regulations do not appear to significantly constrain the display of attached signage for these businesses.

Freestanding Signs

A similar comparison of freestanding signs indicates that San José's signage regulations do appear to constrain the size and height of freestanding signs. Table 4 (see attached) shows the area and height of existing freestanding signs along the Stevens Creek Boulevard frontage on selected sites in San José and Santa Clara as compared to the area and height allowed under San José's current sign regulations. The comparison indicates that the San José businesses utilize most of the sign area allowed under San José regulations and that most Santa Clara businesses display freestanding signs that are significantly larger than the San José regulations allow. In regard to height, two out of four of the San José businesses display freestanding signs at the maximum allowed height. All of the Santa Clara freestanding signs exceed the maximum height allowed under San José sign regulations.

Figure 2 (see attached) shows examples of freestanding signs installed in San José and Santa Clara under the current signage regulations. For purposes of comparison, sign area is calculated using only one side of the sign. San José signs are smaller and shorter monument signs; Santa Clara's are generally larger and significantly taller. Regardless of size, Santa Clara signs are consistently elevated on poles or other structures to a height of 25 feet or greater while only one of the San José signs reaches a height of 20 feet and most are approximately half the height of the Santa Clara signs. Despite the greater size and height of the Santa Clara signs, none exceeds 120 square feet in area, the maximum size allowed under the San José regulations for a single sign, and none extend to a height of 35 feet, the maximum allowed under current Santa Clara sign regulations.

Proposed Changes to the Sign Code

In order to provide greater balance in the signage allowed on either side of Stevens Creek Boulevard, staff is proposing designation of a special sign area to be called the "Stevens Creek Boulevard Signage Area" on the south side of the street and establishment of signage parameters for this area that will allow signs more consistent with those currently allowed in the City of Santa Clara on the north side of the street. The special sign area is proposed to encompass commercially zoned properties fronting onto Stevens Creek Boulevard between Winchester Boulevard and the western City limit line, approximately 850 feet west of Interstate 280 (see Figure 3, attached). In keeping with Section 23.04.030 (F) of the existing Sign Code, the term "parcel" as applied in the Stevens Creek Boulevard Signage Area (SCBSA), includes multiple parcels subject to a single development permit.

Based on evidence that freestanding signs account for the primary divergence in the level of signage on the north and south sides of Stevens Creek Boulevard, the proposed parameters for the SCBSA focus on increases in the size, height and number of allowed freestanding signs. The proposed signage parameters are presented in the attached draft ordinance and are summarized in Table 5 (see attached).

Sign Area and Height

In order to allow freestanding signs in San José that are more consistent with signs on the north side of the street in Santa Clara, staff is proposing to increase the allowed sign area for freestanding signs in the Stevens Creek Boulevard Signage Area so that a parcel with a frontage of 200 linear feet or more would qualify for the maximum size sign. In regard to height, staff is proposing to retain the existing provision limiting the height of a freestanding sign to the area of the sign divided by four, but to remove the current limit of 20 feet and to allow large signs to extend to a maximum height of 30 feet. Table 6 (see attached) indicates how this change would affect auto dealer sites within the proposed SCBSA. All but one of the sites would qualify for the maximum sign area and height under the proposed requirements.

Outdoor Retail Display Frontage

Staff is also recommending additional freestanding signage for sites that include an outdoor retail display area along the Stevens Creek Boulevard frontage of at least 100 linear feet. Such sites are disadvantaged in regard to signage under the current signage regulations in that buildings are typically set back from the street so that the allowable signage attached to these buildings is not effective in delineating the retail display area. Furthermore, a single attached sign at the street frontage may not be effective in distinguishing separate display areas on a large site. In order to provide signage for outdoor display areas that is more consistent and visually balanced with the signage seen on the Santa Clara side of the street, staff is proposing that any site with at least 100 linear feet of outdoor retail display frontage be eligible for one additional sign and any site with 200 or more linear feet of outdoor retail display area be eligible for two additional signs. These signs would be limited to a maximum of 50 square feet in area, and would also be subject to the current aggregate sign area limitations for freestanding signs on a single street frontage and on a parcel as a whole. Staff is proposing a limit of three total freestanding signs per parcel in order to prevent the excessive proliferation of signs on parcels that already qualify for more than one sign under the current Sign Code.

This provision would allow retailers with outdoor display frontages, including auto dealers, greater flexibility in the use of allowable signage area. An auto retailer that sells more than one brand of vehicles could use the additional sign or signs to identify display areas for a specific type of automobile in a way that could not be done with attached signage or a single freestanding sign. This provision will allow signage opportunities for businesses with outdoor retail display frontages that are similar to those visible on the other side of the street while limiting the total number of signs to prevent excessive sign clutter.

Conclusion

The proposed changes to the Sign Code support the City's objectives for economic development and for upgrading, beautifying and revitalizing existing strip commercial areas by providing additional opportunities for freestanding signs along Stevens Creek Boulevard in a manner that will improve and balance the appearance of the street, limit visual clutter, and ensure that San José businesses are not at a disadvantage in regard to signage in competing with neighboring Santa Clara businesses.

EVALUATION AND FOLLOW-UP

Staff will be returning to the City Council in September with recommendations for the Sign Ordinance Update. The adequacy of signage provisions for the Downtown Sign Zone and other commercial and industrial areas of the City will be reviewed again in the context of the Update.

POLICY ALTERNATIVES

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

Alternative No. One: Adopt an ordinance replicating Santa Clara's signage regulations for the proposed Stevens Creek Boulevard Signage Zone.

Pros: This alternative would provide clear consistency regarding the signage allowed on the south side of the Stevens Creek Boulevard in San José as compared to signage allowed on the north side of Stevens Creek Boulevard in San Clara.

Cons: Replicating Santa Clara's signage regulations for the proposed Stevens Creek Boulevard Signage Area would require extensive changes to the current Sign Ordinance, including unique definitions and methodologies applicable to a single street, thereby imposing an additional element of complexity to an already complex set of sign regulations. The Santa Clara provisions would also add complexity and time to the sign permit process by introducing four alternative methods for calculating allowed sign area and necessitating that all existing sign area on a site be inventoried each time a new sign is proposed.

Reason for not Selecting: The proposed sign regulations would achieve an effective balance between signage in the two cities without the complexity associated with this alternative.

Alternative No. Two: Adopt an ordinance providing even greater increases in height and sign area than are currently allowed for freestanding signs in the City of Santa Clara.

Pros: This alternative would increase the potential for businesses along Stevens Creek Boulevard to advertise through freestanding signage.

Cons: This alternative may not actually result in taller or larger signs as evidenced by the fact that businesses in Santa Clara have not implemented signs to the full height and size allowed

under current Santa Clara regulations. To the extent that it does result in larger and taller signs than currently exist in Santa Clara, it would not achieve the objectives of providing signage consistency for businesses on either side of this street and associated visual balance for this important commercial corridor.

Reason for Not Selecting: This alternative may not achieve the objectives of equal signage and visual balance on the two sides of Stevens Creek Boulevard.

Alternative No. Three: Adopt an ordinance using acreage rather than street frontage as the factor for calculating signage area.

Pros: None.

Cons: Staff's analysis indicates that use of property frontage to generate signage area provides more signage than does acreage for the vast majority of properties.

Reason for Not Selecting: This alternative is less effective than the proposed methodology in optimizing signage for most businesses on Stevens Creek Boulevard.

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)**

Public outreach for this proposal complies with the City Council's Public Outreach Process. A description of the proposed ordinance was emailed to sign companies, representatives of commercial and industrial businesses and to neighborhood and business associations for public comment and was posted on the City's web site. The proposal was presented to the Neighborhood Roundtable and to representatives of auto dealerships on Stevens Creek Boulevard. A public hearing notice for the proposed ordinance was published in the Mercury News and emailed to sign companies, business interests and neighborhood associations. The staff report, as well as the hearing notice have been posted on the Department's website. Staff has been available to discuss the proposal with interested members of the public.

Community representatives attending the Neighborhood Roundtable were supportive of the proposal for Stevens Creek Boulevard; however, they indicated that they would not be

supportive of similar signage provisions on West San Carlos Street. The group as a whole requested that street addresses be required on freestanding signs to assist the public in locating businesses. This provision is already a requirement of the current Sign Code.

Representatives of auto dealers on Stevens Creek Boulevard were generally supportive of the proposed ordinance. They suggested that staff consider allowing larger and taller signs in San José than are allowed in Santa Clara and that staff explore using acreage rather than street frontage as the method for calculating sign area. They also indicated that additional consolidation of dealerships was likely in the future and that additional freestanding signs are needed for multiple dealerships on a single site.

COORDINATION

This ordinance has been coordinated with the City Attorney's Office and the Office of Economic Development.

FISCAL/POLICY ALIGNMENT

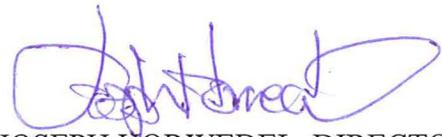
The proposed ordinance is consistent with the economic development goals of the San José 2020 General Plan and with General Plan policy which encourages the upgrading, beautifying and revitalization of existing strip commercial areas.

BUDGET REFERENCE

N/A

CEQA

EIR Resolution No. 65459 (File No. PP-08-273).



JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Attachments

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