



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: September 5, 2012

Approved

Date

9/7/12

SUBJECT

AN ORDINANCE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE (THE SIGN CODE) AS FOLLOWS:

- a) **TO AMEND CHAPTER 23.02 TO:**
 - 1) **REVISE SECTION 23.02.290 LIGHTBOX, LIGHTBOX SIGN, REVISE SECTION 23.02.940 LOCATION OF ATTACHED SIGNS, ADD A NEW SECTION 23.02.101 TO DEFINE SERVICE STATION CANOPY; CANOPY SIGN, AND REVISE SECTION 23.02.1110 SIGNAGE AT GASOLINE SERVICE STATIONS;**

- b) **TO AMEND CHAPTER 23.04 TO:**
 - 1) **AMEND SECTION 23.04.020 TO REVISE REGULATIONS FOR SIGNAGE AT GASOLINE SERVICE STATIONS,**
 - 2) **AMEND SECTION 23.04.035 TO INCREASE THE MAXIMUM ALLOWABLE SQUARE FOOTAGE OF PROGRAMMABLE ELECTRONIC SIGNS,**
 - 3) **AMEND SECTION 23.04.120 TO REVISE REGULATIONS FOR SIGNAGE AT GASOLINE SERVICE STATIONS; AND**

- c) **TO MAKE OTHER NONSUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO SAID CHAPTERS 23.02 AND 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE.**

RECOMMENDATION

Staff recommends that the City Council approve an ordinance amending Title 23 (the Sign Ordinance) of the San José Municipal Code to modify specific provisions pertaining to allowable signage within the Downtown and other Districts of the City for Programmable Electronic Signs for Freeways and gasoline service stations.

HONORABLE MAYOR AND CITY COUNCIL

September 5, 2012

Subject: Proposed Amendment of the Sign Ordinance

Page 2

OUTCOME

With approval of this ordinance, the City Council would adopt specific sign regulations implementing prior Council direction. These regulations would further the purposes of the City's sign regulations by encouraging attractive signage, facilitating traffic safety, promoting commerce and achieving an aesthetically pleasing environment.

BACKGROUND

Over a series of City Council meetings in 2010, the City Council identified a Preferred Strategy for a comprehensive Sign Code Update. Staff has been working since 2010 to bring forward a series of Sign Code amendments to implement this Strategy.

The most recent set (Phase 3) of amendments was considered by the City Council in June 2012.

As part of the outreach for the Phase 3, staff conducted a community meeting in June prior to the City Council hearing. At that community meeting, a group of community members requested that the City revise the regulations related to gasoline service stations to accommodate larger and additional canopy signage, an item not identified as part of the Preferred Strategy. Staff proceeded in June to bring the Phase 3 amendments to the City Council rather than delay those amendments to research and develop a proposal to address this new request. Staff indicated to the community members that their request could be considered as part of the next set of proposed Sign Code amendments. The proposed ordinance described in this memorandum addresses this community request.

At the June 12, 2012 Council meeting, staff was directed to return with analysis and possible changes that could be made to gasoline service station canopy regulations. The proposed amendment, as discussed in this report, includes Sign Code revisions implementing Council Direction on gasoline service stations, freeway signs, and other non-substantive changes.

ANALYSIS

Per Council direction, staff has reviewed the sections of the Sign Code that address gasoline service stations. Based on this review, staff has identified some changes that should improve the organization and readability of the Sign Code as well as increase the allowable amount of canopy signage. As part of this Sign Code amendment, staff is also proposing changes to the regulations for Freeway Signs to fully address City Council direction previously given on this topic. The proposed Sign Code amendments address the following:

September 5, 2012

Subject: Proposed Amendment of the Sign Ordinance

Page 3

- 1) Revise regulations related to Service Station Canopy ;
- 2) Revise the maximum allowable Programmable Electronic Sign for Freeway Signs;
and
- 3) Make other related non-substantive, clerical or technical modifications.

The following analysis addresses how each of these objectives are addressed in the proposed Sign Code amendments by topic area.

1) (Gasoline) Service Station Canopy Signage

Because gasoline service stations have unique physical configurations, the Sign Ordinance includes specific regulations for gasoline service station canopies that are subject to design approval by the Director of Planning, Building and Code Enforcement. The Sign Ordinance includes signage standards for different areas of the City (e.g., Downtown, Urban Mixed Use, Commercial and Industrial Zoning Districts, Open Space and Residential Zoning Districts, Neighborhood Business Districts, and Airport) as well as provisions applicable Citywide. The current Sign Ordinance allows signage on canopies in the Commercial and Industrial Zoning Districts, and in Neighborhood Business Districts. Within the Commercial and Industrial Zoning Districts, Service Station Canopy Signs are allowed in addition to otherwise allowable signage, but limited to a maximum area of two feet in height by two feet in width and a maximum number of signs of two per canopy with no more than one sign per canopy length. Service Station Canopy Signs are not allowed within the Urban Mixed Use, Airport or Residential Districts.

The proposed amendment would establish more permissive allowances for Service Station Canopy Signs within the Commercial, Industrial and Neighborhood Business Districts, using existing methodology for Attached Signs to calculate their allowed size. The proposed change would allow one of the two allowed Canopy Signs to be as large as one square foot in area for each foot in length of the canopy. These larger Canopy Signs would be limited in length to 40% of the length of the canopy on which the sign is placed. The proposal maintains the remaining parameters related to height, location, and quantity of signage allowed on canopies. The proposal would also allow Canopy Signs to be located closer to the canopy edge by eliminating the requirement for the signs to have three inches clearance from the edges of the canopy. As a result of the proposed regulations, within the Commercial, Industrial and Neighborhood Business Districts, a larger sign could be placed on one of the sides of the canopy, as demonstrated in the following photos.

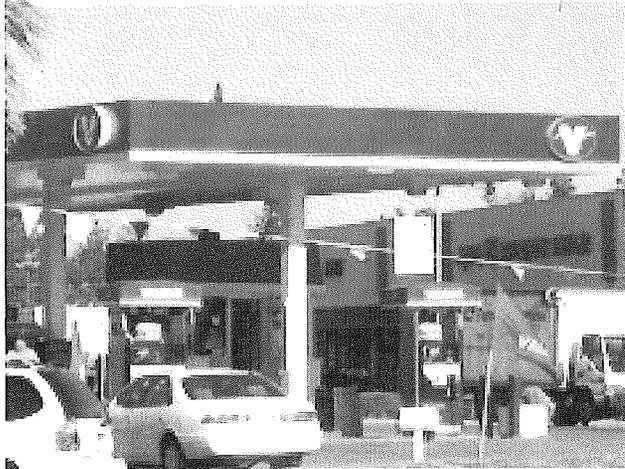
HONORABLE MAYOR AND CITY COUNCIL

September 5, 2012

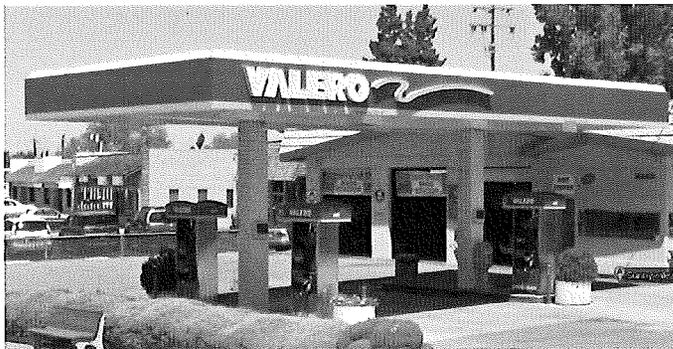
Subject: Proposed Amendment of the Sign Ordinance

Page 4

Typical Canopy Sign as currently permitted by the Sign Code for Commercial, Industrial and Neighborhood Business Districts



Canopy Signage as would be allowed by proposed Sign Code amendment for the Downtown, Commercial, Industrial and Neighborhood Business Districts



Additionally, to reflect the different types of alternative fuel available in the market, the proposed Ordinance replaces the term "Gasoline Service Station" with the more generic term "Service Stations" and makes other clarifying and organizational changes to improve readability of the Sign Code.

2) Freeway Signs: Programmable Electronic Signs (PES)

The current Sign Ordinance allows a maximum of 500 square feet for a Freeway Sign. The Ordinance also allows the programmable electronic sign component of a Freeway sign to be 75% of the allowable signage, limiting the maximum programmable electronic sign area to 240 square feet.

As part of the December 2011 Sign Code Amendments, staff proposed an increase from 400 to 500 square feet for the total allowable free-standing Freeway Signage area at commercial shopping centers where adjacent to freeways. The programmable electronic component of the signs was proposed to be limited to 60% of the total allowable signage to a maximum of 240 square feet. At that hearing, the City Council approved staff's proposal to increase the total allowable sign area and also increased the allowable Programmable Electronic Sign component to be 75% of the total sign area.

Consistent with Council direction to allow a larger Programmable Electronic Sign, the proposed Sign Code change would increase the maximum square footage of the Programmable Electronic Sign from 240 square feet to 375 square feet to match 75% of the allowable signage area of 500 square feet.

3) Other Modifications

The proposed ordinance also includes a small number of non-substantive changes to the Sign Code including the elimination of obsolete terminology and the correction of typographical errors, such as incorrect cross references.

EVALUATION AND FOLLOW-UP

Staff will return to the City Council later this year with additional revisions to the Sign Ordinance consistent with prior direction for the Preferred Sign Code Update Strategy.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- 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.

Public outreach for this proposal conforms to the Public Outreach Policy. A notice of the public hearing for this ordinance was emailed to a list of community groups, other organizations, business interests, sign industry representatives, and interested individuals, and was posted on the City's website. A specific outreach web page was also created for this project. The web page includes illustrations of the current and proposed allowable signage. A link to this web site

HONORABLE MAYOR AND CITY COUNCIL

September 5, 2012

Subject: Proposed Amendment of the Sign Ordinance

Page 6

was sent to interested parties inviting their feedback on the proposal, including the community members who attended the June meeting. Staff has also had phone conversations with community members about this proposal over the summer. Additional feedback received prior to the City Council meeting will be forwarded by supplemental memo.

Prior public outreach for the Sign Code Update included a total of nine community meetings; fifteen focus group/stakeholder meetings; meetings with five Strong Neighborhood Initiative Groups, with representatives of the outdoor advertising industry, and with the Chamber of Commerce; and an Internet Visual Preference Survey of San José residents. This staff report and attachments are available for review on the City's website.

COORDINATION

This report and the proposed ordinance were coordinated with the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan Urban Design policies that promote vibrant urban development.

CEQA

Negative Declaration, File No. PP11-099, Addendum thereto, PP12-073

/s/

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions please contact Jenny Nusbaum, Senior Planner, at 408-535-7872.