



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Christopher Burton

SUBJECT: See Below

DATE: February 3, 2025

Approved

Date:

2/12/2025

COUNCIL DISTRICT: Citywide

SUBJECT: PP24-006 – Amendment to Chapter 23.04, Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Title 23 of the San José Municipal Code to Modify Permit Provisions for Supergraphic Signs Related to Large Events

RECOMMENDATION

Approve an ordinance amending Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Chapter 23.04 of Title 23 of the San José Municipal Code to modify permit provisions for Supergraphic Signs related to Large Events to: (a) eliminate existing sunset clause, (b) increase display duration, and (c) alter height and size allowances, and to make other technical, non-substantive, or formatting changes within those sections.

SUMMARY AND OUTCOME

Approval of the proposed ordinance will amend Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Chapter 23.04 of Title 23 (Sign Code) to remove the existing sunset clause, increase display duration, and alter height and size allowances within the Downtown Sign Zone and North San José Signage Area.

BACKGROUND

In 2016, the City Council adopted regulations implementing Supergraphic Signs with Ordinance No. 29850. These regulations allowed the installation of temporary, large building-mounted signs to further the City's objectives for visually vibrant signs that support North San José and Downtown businesses. North San José and Downtown San José are key business centers within San José. Additionally, Downtown San José

draws visitors and residents to conventions, large-scale sporting events, and cultural activities, and is therefore most suited for Supergraphic Signs.

Supergraphic Signs are large static signs on a flexible material (generally vinyl-based) attached to a building with adhesive or anchor bolts. Additionally, Supergraphic Signs are limited to on-site or non-commercial advertising, which may include event sponsors where these signs are installed in a designated event zone. An example would be the “Oracle” sign displayed on the building at 488 S. Almaden Ave. during the 2019 College Football Playoff National Championship.

Under the Sign Ordinance, the most flexible allowance for Supergraphic Signs was in conjunction with “Large Events.” A “Large Event” is defined by the Sign Code as either of the following:

- (a) A Large Downtown Convention - a convention or other event held in the downtown core area with 700 or more San José hotel rooms booked on a single night by the San José Convention and Visitor’s Bureau or by the convention or event sponsor; or
- (b) A Large Downtown Special Event - an outdoor public or private event occurring in downtown and which is declared to be a downtown special event as determined by the City Manager designee authorized to declare such events with a projected attendance of 10,000 people or more and a permit for such event has been issued pursuant to Chapter 13.14 of the San José Municipal Code.

Examples of past large events include the National Football League (NFL) Super Bowl 50 in 2016 and the College Football Playoff National Championships in 2019. The return of the NFL Super Bowl and downtown activities related to the Fédération Internationale de Football Association (FIFA) World Cup in 2026 are expected to meet the definition of a “Large Event.”

In 2020, based on experience with Supergraphic Signs from the NFL Superbowl 50 and the College Football Playoff, staff proposed an amendment to the Sign Code to streamline the permit process for approval of the Supergraphic Signs to an administrative permit process rather than a development permit to reduce permitting duration, associated costs and promote newer signage opportunities. The Supergraphic Sign ordinance was originally adopted with a sunset date of January 1, 2020, after which it no longer had any force or effect. Staff recommended the sunset period be extended three years to January 1, 2023. The City Council approved this ordinance, streamlining and extending Supergraphic Sign allowances on February 25, 2020 (Ordinance No. 30371).

In anticipation of the upcoming special events in 2026, staff evaluated the effectiveness of the now-invalid Supergraphic Sign ordinance. Staff is proposing to remove the sunset for Supergraphic Signs related to large events and make amendments to the number of signs, size, placement, and duration of such signs.

ANALYSIS

The City Council regularly approves changes to the Sign Code to promote economic development throughout the city by facilitating more on-site signage opportunities for businesses in San José. Prior changes incorporated allowances for Business Center Signs, Shopping Center Signs, Freeway Signs, and large-format Supergraphic Signs.

Major upcoming sports events in 2026 to be held throughout the San Francisco Bay Area, including the FIFA World Cup and the return of the NFL Super Bowl, are anticipated to bring large numbers of visitors to downtown San José and create significant interest among sponsors and business owners to invest in downtown. The City is already preparing to make the downtown area more engaging and accessible to visitors and residents in anticipation of significant economic impact.

Due to the anticipated interest from sponsors and business owners to advertise and display Supergraphic Signs in the Downtown Sign Zone and the North San José Signage Area during future large events, including the upcoming 2026 events, staff recommends that the City Council remove the sunset clause for the Supergraphic Sign ordinance. Staff is not proposing a new sunset date so that allowance for Supergraphic Signs related to events would remain in effect for all future events that meet the “Large Event” definition, unless amended or repealed by City Council in the future.

Prior to the 2023 sunset of the ordinance, Supergraphic Signs related to events were allowed for a limited period of time around a large event. Supergraphic Signs were limited to non-residential buildings of at least 125 feet in height. The signs were prohibited from covering any portion of a door or window less than 75 feet in height. "This requirement effectively established a minimum building height, since Supergraphic Signs large enough for effective messaging were difficult to install without covering windows below 75 feet." No more than one Supergraphic Sign was allowed per building.

In addition to removing the sunset clause, staff is recommending amendments to the number of signs, size, placement, and duration as discussed below.

Duration

Under the previous ordinance, Supergraphic Signs related to events were allowed to be displayed during the duration of the event, as well as 14 days before and up to 14 days

after the event. As there may be multiple special events per year, the Sign Code also limited any building from displaying Supergraphic Signs for a total of more than 120 calendar days in any year. This limit was included so that these very large signs that are designed and fabricated to be temporary do not become permanent.

For the approximately eight years that the Sign Code allowed Supergraphic Signs, only three Supergraphic Signs were approved. This was despite the great interest staff heard for such signage from many businesses and building owners. Staff received feedback that the short duration for displaying the signs made them infeasible, as they are expensive to design, fabricate, and install. Based on this feedback and discussion with the City Manager's Office of Economic Development and Cultural Affairs, staff recommends an increased display duration of up to 75 days before and 75 days after an event, with a total maximum of 180 days (6 months) in any calendar year. The Sign Code includes provisions that the signage must be maintained in good condition, free of dirt, rips, and tears. This means that if a Supergraphic Sign suffers from any damage or excessive wear and tear during the extended display duration the City has the authority to order the sign to be repaired or removed.

Building Height

Event-related Supergraphic Signs were allowed on buildings of at least 125 feet in height. The signs could not cover any portion of a door or window less than 75 feet. The proposed change would remove the minimum building height to allow more flexibility on what buildings could display a Supergraphic Sign. As these are large signs that are intended to be viewed from afar, staff is proposing a minimum display height of 40 feet so that they do not visually compete with pedestrian oriented signage intended to be viewed from the street level. This will practically limit Supergraphic Signs to buildings that are at least four stories or more. Staff proposes to retain the prohibition on installing Supergraphic Signs on residential buildings or mixed-use buildings that incorporate residential units.

Number and Placement of Signs

The Sign Code had a limit of no more than one event-related Supergraphic Sign per building, although the sign could be wrapped on the building so that it was visible from up to two building facades. The proposed ordinance would change the allowance to up to two signs per building. This proposed change would potentially allow for a building to display a Supergraphic sign on all four facades of a building if two signs are installed with each sign wrapping around the corner of the building. However, area limitations would remain unchanged that require the total sign area for each sign is not greater than would otherwise be allowed on the larger of the two building facades, and thereby prohibit a building from being completely wrapped in signage.

Staff also proposes allowing flat Supergraphic installations on building roofs, visible only from the air. This is intended to potentially capture the attention of passengers arriving at and departing from San José Mineta International Airport.

Other Requirements

Staff is proposing to add a provision specifying that Supergraphic Signs shall not obstruct aerial access as required in conformance with California Fire Code section D105, with local amendments. This new language is based upon the San José Fire Department's recommendation and will ensure that life safety requirements stay front of mind for applicants and staff as they plan for and evaluate these signs.

The streamlined review process for Supergraphic Signs previously approved by City Council in 2020 (Ordinance No. 30371) will remain unchanged. Staff recommends retaining the staff-level Administrative Permit approval process.

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals. It does not propose any changes to service delivery, programs or staffing that has significant community/resource impacts.

EVALUATION AND FOLLOW-UP

If the City Council approves the proposed Sign Code amendments, the new ordinance will be effective 30 days after the second reading.

COORDINATION

This memorandum was coordinated with the City Attorney's Office, the City Manager's Office of Economic Development and Cultural Affairs, and the Fire Department.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the February 25, 2025 City Council meeting.

Staff followed City Council Policy 6-30: Public Outreach Policy, in that notices for the public hearings were posted on the City's website, published in the San Jose Post-Record, and emailed to a list of interested groups and individuals. Staff has been available to respond to questions from the public.

HONORABLE MAYOR AND CITY COUNCIL

February 3, 2025

Subject: PP24-006 – Amendment to Chapter 23.04, Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Title 23 of the San José Municipal Code to Modify Permit Provisions for Supergraphic Signs Related to Large Events

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COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Determination of Consistency to the Envision San José 2040 General Plan EIR (Resolution No. 76041), Envision San José General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto (**Attachment**).

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

Christopher Burton

Director, Planning, Building, and Code Enforcement

For questions, please contact Martina Davis, Division Manager, Planning, Building and Code Enforcement, at 408-535-7888.

ATTACHMENT - Determination of Consistency with the Envision San José 2040 General Plan Final Environmental Impact Report and Supplemental Environmental Impact Report



**DETERMINATION OF CONSISTENCY WITH THE
ENVISION SAN JOSÉ 2040 GENERAL PLAN FINAL ENVIRONMENTAL IMPACT REPORT
AND SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH#
2009072096)**

Pursuant to Section 15168(c)(2) of the CEQA Guidelines, the City of San José has determined that the project described below is pursuant to or in furtherance of the Envision San José 2040 General Plan EIR, Resolution No. 76041, Supplemental EIR to Envision San José General Plan EIR, Resolution No. 77617, and Addenda thereto. The City of San José has determined that this activity is within the scope of the earlier approved programs and the Final Program EIRs adequately describe the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIRs. Therefore, the City of San José may take action on the project as being within the scope of both the Final, Supplemental Program EIRs, and addenda thereto.

File No. PP24-006 Title 23 (Sign Code) Update San José Municipal Code.

Project Description: An ordinance of the City of San José amending Section 23.04.038 (North San Jose Signage Area) and Section 23.04.124 (Downtown Sign Zone) of Chapter 23.04 of Title 23 of the San José Municipal Code to amend permit provisions for Supergraphic Signs related to Large Events to: (a) eliminate existing sunset clause, (b) increase display duration, and (c) modify height and size allowances, and to make other technical, non-substantive, or formatting changes within those sections.

Location: Citywide **Council District** Citywide **County Assessor's Parcel Number** - Various

The environmental impacts of this project were addressed by the “Final Program EIRs” as described above. The following impacts were reviewed and found to be adequately considered by the EIRs:

The environmental impacts of this project were addressed by a Final Program EIR entitled, "Envision San José 2040 General Plan," adopted by City Council Resolution No. 76041 on November 1, 2011 supplemented by the Supplemental Program EIR entitled, “Envision San José 2040 General Plan Supplemental EIR,” adopted by City Council Resolution No. 77617 on December 15, 2015, and addenda thereto. The Program EIR and Supplemental Program EIR were prepared for the comprehensive update and revision of all elements of the City of San José General Plan, including an extension of the planning timeframe to the year 2035. The following impacts were reviewed and found to be adequately considered by the EIRs:

☒ Transportation	☒ Land Use	☒ Noise and Vibration
☒ Air Quality	☒ Biological Resources	☒ Geology and Soils
☒ Hydrology & Water Quality	☒ Hazardous Materials and Hazards	☒ Public Facilities & Services
☒ Cultural Resources	☒ Aesthetics	☒ Energy
☒ Population and Housing	☒ Greenhouse Gas Emissions	☒ Public Facilities & Services
☒ Cumulative Impacts	☒ Growth Inducing Impacts	☒ Agriculture
☒ Mineral Resources	☒ Hazardous Materials and Hazards	☒ Public Facilities & Services

Background

The Envision San José 2040 General Plan encourages regular review of the Municipal Code to ensure that the document reflects the goals, policies, and implementation of the General Plan.

Project and Consistency with Envision San José 2040 General Plan

Supergraphics are large static signs on a flexible material (generally vinyl-based) attached to a building with adhesive or anchor bolts for a temporary duration. No lighting is associated with these signs. The proposed amendment would modify provisions for Supergraphic Signs specifically associated with large events within Downtown Sign Zone and the North San José Signage Area that are key business centers within San José. Downtown San José draws several visitors and residents to conventions, large-scale sporting events, and cultural activities.

The below analysis considers how the proposed amendments to Chapter 23.04 will achieve the objectives consistent with relevant General Plan Goals, Policies, and Actions. The amendments propose to expand opportunities and facilitate signage opportunities, which is a key component of the General Plan.

General City Design Goal CD-1 – Attractive City

Policy CD-1.29: Provide and implement regulations that encourage high quality signage, ensure that businesses and organizations can effectively communicate through sign displays, promote way finding, achieve visually vibrant streetscapes, and control excessive visual clutter.

Downtown Goal CD-6 – Downtown Urban Design

Policy CD-6.6: Promote iconic architecture and encourage and incorporate innovative, varied, and dynamic design features (e.g., appearance, function, sustainability aspects) into sites, buildings, art, streetscapes, landscapes, and signage to make Downtown visually exciting and to attract residents and visitors.

Policy CD-6.10: Design buildings with site, façade, and rooftop locations and facilities to accommodate effective signage. Encourage Downtown businesses and organizations to invest in high quality signs, especially those that enliven the pedestrian experience or enhance the Downtown skyline.

The sunset date of January 2023 for Supergraphic Sign provisions has lapsed, and this ordinance is presently inactive. More recently, staff re-evaluated the relevance of the Supergraphic Signs in anticipation of upcoming large events in 2026. Therefore, this amendment proposes to reinstate the ordinance to eliminate the sunset period, increase display timeframes, and modify height and size allowances for the display of Supergraphic Signs on non-residential buildings. The previous requirement for an Administrative Permit for the review and approval of Supergraphic Signs would remain unchanged. The proposed amendments to the Sign Code would alter the provisions for Supergraphic Signs, permitted for temporary display, as discussed below:

1. The Supergraphic Sign was previously permitted for a maximum of 120 days per calendar year on non-residential buildings. This amendment proposes to change the maximum duration to 180 days per calendar year. The earlier maximum period of 14 days before and after a large event signage display is proposed to be changed to a maximum period of 75 additional days before and/or after the Large Event and shall be promptly removed at the end of the Large Event. The proposed timeframe would allow for extended display duration and accommodate increased flexibility in set up and removal.
2. Previous allowance for signage display was allowed on non-residential buildings that are at least one hundred twenty-five feet (125 feet) in height for Large Downtown Conventions or Special Events (without covering any portion of door or window less than 75 feet). The proposed change would eliminate the minimum height requirement to allow for increased flexibility. However, no Supergraphic Sign is proposed for display less than a minimum height of 40 feet above grade.
3. The proposed allowance would modify the allowance of one (1) Supergraphic Sign per building to two (2) signs specifically for large events. Additionally, each sign was earlier permitted to wrap around a building and cover up to two facades with area tabulation limitations but the amendment does not allow more than two (2) signs for each building.
4. This amendment would propose additional allowance related to flat-mounted Roof top signs for Large Events but not otherwise allowed in other instances.

Project Consistency with Previously Approved EIRs and Addenda Thereto

The project will consist of amending Title 23 (Sign Code) of the San José Municipal Code to reflect the goals and policies of the General Plan. The proposed changes to the Municipal Code would further the General Plan policies such as CD-1.29, CD-6.6 and CD-6.10, and would update codes to adapt to current signage requirements. Supergraphic Signs are subject to a discretionary permit requirement, are temporary in nature, and are not associated with new outdoor lighting or any other temporary or permanent property improvements beyond the sign itself. For the reasons discussed above, the project is within the scope of the General Plan and associated EIRs in that the Final EIR and Supplemental EIR are Program EIRs pursuant to CEQA, and CEQA Guidelines Section 15168(c)(2), and adoption of the Guidelines does not result in new significant impacts beyond those identified in the General Plan Final and Supplemental EIRs.

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Christopher Burton, Director
Planning, Building and Code Enforcement

31/01/25

Date

Martina Davis

Deputy