

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Councilmember Raul Peralez  
Councilmember Sylvia Arenas  
Councilmember Don Rocha  
Councilmember Chappie Jones

**SUBJECT:** SEE BELOW

**DATE:** September 21, 2018

Approved by:

*[Handwritten signatures and initials]* Date: 9/21/18  
*[Handwritten initials: SA, DR]*

**SUBJECT: Amendment to the General Plan Land Use Policy CD-10.4, City Council Policy 6-4, and Title 23 of the San José Municipal Code (the Sign Code).**

## RECOMMENDATION

Accept the original August 22, 2018 staff recommendations with the following additions:

1. Allow staff discretion to add or substitute sites proposed by applicants through the competitive procurement process and ensure that no potentially viable sites are eliminated without first allowing public comment.
2. Modify the definition of City-owned land to include City right-of-way and remnant property.
3. Provide clarification in the ordinance language on the definition of false advertisement.
4. In regard to Sign Illumination:
  - a. Modify the tilt requirement to allow an alternative use of technology for mitigation if available,
  - b. Remove the restriction on white or bright backgrounds or change from a restriction to guidance,
  - c. Change the hours of non-operation to between 12:00 a.m. and 5:00 a.m.
5. Take down requirements will be consistent for all participants on off-site, stand-alone, digital billboards and may be used as additional points for the RFP process in the Downtown Sign Intensification Zone.
6. Require applicants to ensure that all projects support the City's VisionZero Strategy and make adjustments, if needed, to maintain pedestrian safety.
7. Direct staff to immediately proceed to Phase 2 of the Work Plan which would evaluate non-City-owned sites citywide to potentially allow signs including billboards, programmable electronic signs and signs displaying off-site commercial speech.

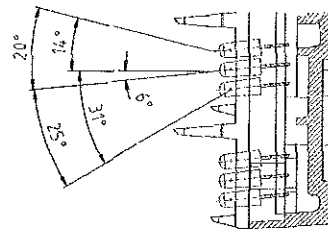
## **BACKGROUND**

San José has historically been resistant to the idea of large signage within city boundaries, with a ban on billboards implemented in the 1970s. We understand that paper billboards are known to be blight magnets attracting nuisance such as graffiti, or poor visual maintenance. However, as our city continues to urbanize, we must re-think the way we approach our sign code. The City Council agreed via priority setting in 2015 that staff should bring forth a policy update that allows digital displays, reduce blighted paper billboards and generate revenue for the city.

## **DISCUSSION**

We understand staff did intense work to whittle a list of 1,062 city-owned sites down to 17 parcels. While we understand that these sites were subjected to a criteria-based review, there may be certain sites that could be reconsidered after thoughtful discussion with stakeholders. Therefore, while we are happy to accept the list of vetted sites staff has presented, there may be additional opportunities on a project by project basis. The expectation should be that any new proposals will be environmentally cleared and not pose grave community impacts. By doing so, we would increase the opportunity to reduce existing paper billboards and potentially generate additional revenue for the City.

We also appreciate the thoughtful dialogue that has been occurring within the community, specifically between stakeholders and the Lick Observatory. The recommended downward tilting of billboards may have the unintended consequence of distorting images resulting often in an increase of night time illumination to offset the distortion. Our understanding is that digital billboard technology now allows for features to mitigate light pollution and avoid the need to require a tilt. Some of these solutions include internal lensing configurations, offset or tilted mounting diodes, or long louvers above each row of pixels (see adjacent figure) in which there is commensurate attenuation of upward light as the downward tilt requirement. With that said, if billboard companies are able to procure a product that includes this technology, then the city should not impose the tilt requirement.



Finally, we understand and agree with the planning commission's comments on pedestrian safety and that any approved project should align with the goals of our VisionZero strategy. Similar to our traffic calming process, if there are increases of traffic incidents in the project area, we would expect proper evaluation and due diligence on the project area and if merited, adjustments to the project itself.

## **CONCLUSION**

We hope our colleagues will accept these recommendations so that staff can begin implementing Phase One and proceed to Phase Two. We have seen examples such as Avaya Stadium, the Center for Performance Arts and Glasshouse utilize digital signage that are vibrant and aesthetically pleasing. Large cities throughout the world and the Bay Area have crafted policies to allow the emergence of digital displays in their cities, San José should be equally progressive!