



# Memorandum

**TO:** HONORABLE MAYOR AND  
AND CITY COUNCIL

**FROM:** Rosalynn Hughey

**SUBJECT:** SEE BELOW

**DATE:** February 10, 2020

Approved

*D. D. Syl*

Date

*2/19/2020*

**SUBJECT: FILE NO. PP19-047: AN ORDINANCE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE (THE SIGN CODE) TO AMEND CHAPTER 23.04, SECTION 23.04.038 (NORTH SAN JOSÉ SIGNAGE AREA) AND SECTION 23.04.124 (DOWNTOWN SIGN ZONE) TO MODIFY PERMIT PROVISIONS FOR SUPERGRAPHIC SIGNS; AMEND SECTION 23.04.164, PART 2.5, "URBAN MIXED-USE SIGN DEVELOPMENT ZONE TO ALLOW SKYLINE SIGNS; AND TO MAKE OTHER NON-SUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO SAID CHAPTER 23.04 OF THE SIGN CODE.**

## **RECOMMENDATION**

- a. Consider the 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; and
- b. Approve an ordinance to amend Chapter 23.04, Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) to modify permit provisions for Supergraphic Signs; amend Section 23.04.164, Part 2.5, "Urban Mixed-Use Sign Development Zone to allow skyline signs; and to make other non-substantive, ministerial, technical, or typographical changes to said Chapter 23.04 of the Sign Code.

## **OUTCOME**

Approval of the proposed ordinance will amend the Sign Code to extend the sunset period and streamline permits for supergraphic signage within the Downtown Sign Zone and North San José Signage Area; and would allow the display of skyline signs in the Urban Mixed Use Sign Zone.

## **BACKGROUND**

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 Jose. These prior changes include Business Center Signs, Shopping Center signs, Freeway Signs, large format Supergraphic Signs, and facilitating signage for the Urban Mixed Use Sign Zone.

The Downtown Sign Zone and the North San José Signage Area are two rapidly growing areas and key business centers within San José. Downtown San José draws visitors and residents to conventions, large scale sporting events and cultural activities. The Sign Code regulations for Downtown and North San José were amended to provide on-site large format static display, such as Supergraphic signs, to foster and create a vibrant visual environment for businesses. The signage within the Urban Mixed Use Sign Zone promotes enhanced visibility and offers flexibility for creative designs.

## **ANALYSIS**

Currently, Supergraphic signs require the issuance of a development permit to allow signage on high-rise buildings in the Downtown Sign Zone and the North San José Signage Area. The signage is currently permitted for a maximum period of 120 days per calendar year for signs on non-residential buildings of at least one hundred feet in height or a parking garage with three or more parking levels above grade (without covering any portion of door or window), or for a maximum period of 14 days before and after an event on non-residential buildings of at least one hundred twenty-five feet in height for Large Downtown Conventions or Special Events (without covering any portion of door or window less than 75 feet). These timeframes offer local businesses an opportunity to display supergraphic signs during major events and ensure that the supergraphic displays are routinely removed and altered. Additionally, supergraphic signs are limited to on-site or non-commercial advertising and intended to only promote local businesses, products, and events.

In December 2016, the City Council approved the ordinance that included an evaluation in three years to determine if additional revisions are needed. Section 23.04.038 is due to expire in January 2020, unless otherwise acted upon by the City Council. During this period, two Supergraphic sign applications were approved and signs installed, all of which were related to the College Football Playoffs. Staff recommends that the sunset period be extended another three years, and the permitting process streamlined to increase signage possibilities through an Administrative Permit process. The development permit requirement initially accommodated the Building Division's need for compliance review for flammability, ventilation, and other Code requirements. The proposed Sign Code amendments would incorporate the building permit requirements, streamline the approval process, and reduce permitting duration and associated costs to promote newer signage opportunities. The amendments could further boost display of on-site signage to locally promote a business or product offered on that site, or could display a noncommercial message.



The Urban Mixed Use Sign Zone applies to larger properties with mixed use development that are approved under a single development application, and categorized as urban in design and scale. Currently, the only development in San Jose that meets the criteria where it is subject to the Urban Mixed Use Sign Zone is Santana Row. Although the Urban Mixed Use Sign Zone allows enhanced signage and includes a combination of sign types, skyline signs are not included. Staff recommends that the Urban Mixed Use Sign Zone include skyline signs as permitted currently in commercial zoning districts. No change in maximum sign area allowance is proposed. The proposed amendments to the Sign Code will offer increased sign visibility which furthers the City's goals of promoting business signage.

### **CONCLUSION**

If adopted, the proposed ordinance provisions will amend the Sign Code to extend the sunset period and streamline permits for supergraphic signage within the Downtown Sign Zone and North San José Signage Area; and facilitate display of skyline signs in the Urban Mixed Use Sign Zone.

### **EVALUATION AND FOLLOW-UP**

If the proposed Municipal Code amendments are approved by City Council, the new Ordinance will be effective 30 days after the second reading.

### **CLIMATE SMART SAN JOSE**

The recommendation in this memorandum aligns with one or more Climate Smart San José energy, water, or mobility goals.

### **PUBLIC OUTREACH**

Staff initiated outreach efforts to gather public input on the proposed Sign Code changes, and conducted focus group meetings on January 13, 2020. Attendees expressed support for the proposed changes to streamline the permitting process.

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

**COORDINATION**

This memorandum was coordinated with the City Attorney's Office.

**COMMISSION RECOMMENDATION/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.

/s/  
ROSALYNN, HUGHEY, Director  
Planning, Building and Code Enforcement

For questions please contact Michael Brilliot, Deputy Director, at (408)-535-7831.

Attachment: Determination of Consistency



**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. PP19-047 Quarterly Update of Title 23 (Sign Code) San José Municipal Code.**

**Project Description:** An ordinance of the City of San José amending Title 23 (Sign Code) of the San José Municipal Code to amend Chapter 23.04 to add clarifying language, make minor modifications or non-substantive changes that are conducted as part of the ongoing maintenance of the San José Municipal Code.

Specifically, the proposed changes amending Title 23 (the Sign Code) of the San José Municipal Code are to amend Chapter 23.04, Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) to modify permit provisions for Supergraphic Signs; to amend Section 23.04.164, Part 2.5, "Urban Mixed-Use Sign Development Zone to allow skyline signs; and to make other non-substantive, ministerial, technical, or typographical changes to said Chapter 23.04 of the Sign Code.

**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:

<input checked="" type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Land Use	<input checked="" type="checkbox"/> Noise and Vibration
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Geology and Soils
<input checked="" type="checkbox"/> Hydrology & Water Quality	<input checked="" type="checkbox"/> Hazardous Materials and Hazards	<input checked="" type="checkbox"/> Public Facilities & Services
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Energy
<input checked="" type="checkbox"/> Population and Housing	<input checked="" type="checkbox"/> Greenhouse Gas Emissions	<input checked="" type="checkbox"/> Public Facilities & Services
<input checked="" type="checkbox"/> Cumulative Impacts	<input checked="" type="checkbox"/> Growth Inducing Impacts	<input checked="" type="checkbox"/> Agriculture
<input checked="" type="checkbox"/> Mineral Resources	<input checked="" type="checkbox"/> Hazardous Materials and Hazards	<input checked="" type="checkbox"/> 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**

The proposed amendments would modify Title 23 (Sign Code) of the San José Municipal Code to make minor modifications or non-substantive changes to Chapter 23.04. These changes are a part of the ongoing Sign Code updates that respond to current signage need.



The following analysis considers how the proposed changes to amend Chapter 23.04 of the Sign Ordinance will achieve the objectives consistent with relevant General Plan Goals, Policies, and Actions.

- (a) Amend Chapter 23.04, Section 23.04.038 (North San José Signage Area) and Section 23.04.124 (Downtown Sign Zone) to modify permit provisions for Supergraphic Signs; to amend Section 23.04.164, Part 2.5, "Urban Mixed-Use Sign Development Zone to allow skyline signs; and to make other non-substantive, ministerial, technical, or typographical changes to said Chapter 23.04 of the Sign Code.

The current Sign Code regulations provide for different types of signage within the urbanized areas of the City, subject to regulations for the quantity, size, and location to ensure that signage does not result in any significant visual or aesthetic impacts. In keeping with economic and business trends and to encourage distinctive and aesthetic architectural designs, the Sign Code is amended regularly over the years to provide for additional signage to meet current requirements. Additionally, the Goals and Policies of the General Plan encourage a more vibrant and urbanized city with emphasis on economic growth and promoting signage that directly affect the look and feel of neighborhoods and growth centers. Some of these Goals and Policies such as those related to community design, land use and environment are intended to ensure that through the development review process new projects are reviewed in compliance with CEQA, are built in a manner that is sensitive to surrounding environmental situations, and conform to applicable adopted City regulations.

The amendments to Chapter 23.04 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.

**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. 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. Any further actions, such as actions to approve individual development projects based on the amended Sign Code will require additional environmental review at the time such actions are proposed.

Aparna Ankola  
Project Manager

Rosalynn Hughey, Director  
Planning, Building and Code Enforcement

Date

Deputy