



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

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STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Toni J. Taber, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 29850**", the original copy of which is attached hereto, was passed for publication of title on the **13th day of December, 2016**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **10th day of January, 2017**, by the following vote:

AYES: ARENAS, CARRASCO, DAVIS, JONES, JIMENEZ, KHAMIS, T.
NGUYEN, PERALEZ, ROCHA; LICCARDO.

NOES: NONE.

ABSENT: DIEP.

DISQUALIFIED: NONE.

VACANT: NONE.

Said Ordinance is effective as of **10th day of February, 2017**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **12th day of January, 2017**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29850

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING PART 1 OF CHAPTER 23.02 AND PARTS 1 AND 2 OF CHAPTER 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE TO ALLOW AND REGULATE SUPERGRAPHIC SIGNS IN BOTH THE DOWNTOWN SIGN ZONE AND THE NORTH SAN JOSE SIGNAGE AREA, INCLUDING SPECIFIC REGULATIONS RELATED TO THE NUMBER, SIZE, LOCATION AND DURATION OF SUPERGRAPHIC SIGNS, AND TO AMEND AND ADD DEFINITIONS RELATED TO SUPERGRAPHIC SIGNS AND MAKE OTHER NONSUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO CHAPTER 23.04 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), a Negative Declaration for this project was adopted by the City Council under File No. PP10-111 and subsequent addenda thereto under File Nos. PP12-041, PP13-015 and PP13-033; and

WHEREAS, pursuant to Section 15164 of the CEQA Guidelines, the City of San José has determined that no new effects would occur from and no new mitigation measures would be required for the adoption of this Ordinance; and

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this City Council has reviewed and considered the adopted Negative Declaration (PP10-111), as addended, prior to taking any approval actions on this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Section 23.02.080 of Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.02.080 Banner Sign; Banner

"Banner sign" or "banner" means a sign on cloth or other flexible material which projects from or hangs from a building, pole or wire that is 1,200 square feet or less in area. Banners include without limitation pennants, flags, cable-hung banners and vertical banners. Depending upon its method of attachment, a banner sign may be a flat-mounted sign, a projecting sign, or a freestanding sign.

SECTION 2. Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.02.253 to be numbered, entitled and read as follows:

23.02.253 Historic Landmark Building

"Historic Landmark Building" means an Historic Landmark Structure or a Structure that is identified on the historic resources inventory as a candidate city landmark, a contributing structure to a city landmark district or national register district, or as eligible for the California Register of Historic Resources (individually) or for the National Register of Historic Places (individually).

SECTION 3. Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.02.276 to be numbered, entitled and read as follows:

23.02.276 Large Downtown Convention

“Large Downtown Convention” means a convention or event held in the Downtown Core Area with 700 or greater Peak Room Nights booked in the City of San José by the San José Convention and Visitor’s Bureau or by the convention or event sponsor.

SECTION 4. Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.02.277 to be numbered, entitled and read as follows:

23.02.277 Large Downtown Special Event

“Large Downtown Special Event” means a Downtown Special Event, as defined in Section 6.55.050 of this Code, for which a Special Event Permit has been issued pursuant to Chapter 13.14 of this Code, which has a projected attendance of 10,000 or greater, as determined by the Director as defined in Chapter 6.55 of this Code.

SECTION 5. Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.02.278 to be numbered, entitled and read as follows:

23.02.278 Large Event

“Large Event” means a Large Downtown Special Event as defined in Section 23.02.277 of this Title, or a Large Downtown Convention as defined in Section 23.02.276 of this Title.

SECTION 6. Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.02.382 to be numbered, entitled and read as follows:

23.02.382 Parking Garage

"Parking Garage is a building that is primarily used of storage of vehicles and that contains at least sixty thousand (60,000) square feet of floor area and does not contain any residential space.

SECTION 7. Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.02.283 to be numbered, entitled and read as follows:

23.02.383 Peak Room Nights

"Peak Room Nights" means the number of hotel rooms booked for a convention or event on the night during the convention or event on which the most rooms are booked.

SECTION 8. Part 1 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.02.527 to be numbered, entitled and read as follows:

23.02.527 Supergraphic Sign

"Supergraphic Sign" means a Sign, other than a Banner Sign, which consists of flexible material attached flush to a Building Façade.

SECTION 9. Part 1 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.04.038 to be numbered, entitled and read as follows:

23.04.038 Supergraphic Signs

- A. One (1) Supergraphic Sign may be allowed on a Building that has no residential use and a Building Height, as defined in Section 17.82.210 of this Code, of at least one hundred (100) feet or on a Parking Garage with three (3) or more parking levels above grade, subject to the following:
 - i. No Supergraphic Sign shall cover any portion of a window or door; and
 - ii. Any Supergraphic Sign shall be displayed for no more than one hundred twenty (120) consecutive days and no more than one hundred twenty (120) days in a calendar year.
- B. One (1) Supergraphic Sign may be allowed on a Building with no residential use and a Building Height of at least one hundred twenty five (125) feet in connection with no more than forty (40) Large Events per calendar year, subject to all of the following:
 - i. A Supergraphic Sign shall be displayed only during a Large Event and for a period of fourteen (14) additional days before and/or after the Large Event but no more than a total of fourteen (14) days plus the period of the Large Event, shall be promptly removed at the end of the Large Event plus fourteen (14) day period, and no Building shall be allowed to display a Supergraphic Sign under this subsection B for more than thirty (30) days total in a calendar year.
 - ii. No Supergraphic Sign shall cover any portion of a window or door that is located less than seventy five (75) feet above grade;
- C. All Supergraphic Signs shall conform to all of the following:

- i. No Supergraphic Sign shall be located on an Historic Landmark Building;
- ii. A Supergraphic Sign shall be located on no more than one (1) Building Façade and the Sign Area shall not exceed the area of the Building Façade on which it is located, except that such Sign may be located on two (2) Building Facades provided the total Sign Area is not greater than would otherwise be allowed on the larger of the two (2) Building Facades;
- iii. A Supergraphic Sign may consist of non-contiguous segments;
- iv. No Supergraphic Sign shall be externally illuminated;
- v. No Supergraphic Sign shall be a Roof sign;
- vi. A Supergraphic Sign shall comply with all life safety requirements, including but not limited to all requirements of Titles 17 and 24 of this Code;
- vii. A Supergraphic Sign shall be maintained in good condition at all times and the Sign surface shall be free of dirt, rips and tears;
- viii. A Supergraphic Sign shall not reduce otherwise allowable Sign Area for a Building or Parcel.
- ix. A Supergraphic Sign shall be in conformance with any requirements applicable under state or federal law or regulations including but not limited to height, separation, or other location requirements.

- x. A Supergraphic Sign authorized by Subsection A shall not be displayed on a Building concurrent with the display of a Supergraphic Sign authorized by Subsection B.
 - xi. In lieu of the requirements of Section 23.02.960, Supergraphic Signs are encouraged to have a translucent background, but may have an opaque background.
- D. Notwithstanding the provisions of Section 23.02.1300.C of this Code, a Supergraphic Sign shall require approval of a Development Permit.
- E. This Section 23.04.038 shall expire and be of no force or effect on or after January 1, 2020, unless otherwise extended, shortened, or revised by the City Council.

SECTION 10. Part 2 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to add a new Section 23.04.124 to be numbered, entitled and read as follows:

23.04.124 Supergraphic Signs

- A. One (1) Supergraphic Sign may be allowed on a Building with no residential use and one hundred (100) feet or more in Height or for on Parking Garage with three (3) or more parking levels above grade, subject to the following:
- i. No Supergraphic Sign shall cover any portion of a window or door; and
 - ii. Any Supergraphic Sign shall be displayed for no more than one hundred twenty (120) consecutive days and no more than one hundred twenty (120) days in a calendar year.

- B. One (1) Supergraphic Sign may be allowed on a Building that has no residential use and is one hundred twenty five (125) feet or more in Height above grade in connection with no more than forty (40) Large Events per calendar year, subject to all of the following:
- i. A Supergraphic Sign may be displayed only during a the Large Event and for a period of fourteen (14) additional days before and or after the Large Event but no more than a total of fourteen (14) days plus the period of the Large Event, shall be removed promptly at the end of the Large Event plus fourteen (14) day period, and no Building shall be allowed to display a Supergraphic Sign under this subsection B for more than thirty (30) days total in a calendar year.
 - ii. No Supergraphic Sign shall cover a window located less than seventy five (75) feet above grade;
- C. All Supergraphic Signs shall conform to all of the following:
- i. No Supergraphic Sign shall be located on an Historic Landmark Building;
 - ii. A Supergraphic Sign shall be located on no more than one (1) Building Façade and the Sign Area shall not exceed the area of the Building Façade on which it is located, except that such Sign may be located on two (2) Building Facades provided the total Sign Area is not greater than would otherwise be allowed on the larger of the two (2) Building Facades;
 - iii. A Supergraphic Sign may consist of non-contiguous segments;
 - iv. No Supergraphic Sign shall be externally illuminated;

- v. No Supergraphic Sign shall be a Roof sign;
 - vi. A Supergraphic Sign shall with comply with all life safety requirements, including but not limited to all requirements of Titles 17 and 24 of this Code;
 - vii. A Supergraphic Sign shall be maintained in good condition at all times and the Sign surface shall be free of dirt, rips and tears;
 - viii. A Supergraphic Sign shall not reduce otherwise allowable Sign Area for a Building or Parcel.
 - ix. A Supergraphic Sign shall be in conformance with any requirements applicable under state or federal law or regulations including but not limited to height, separation, or other location requirements.
 - x. A Supergraphic Sign authorized by Subsection A shall not be displayed on a Building concurrent with the display of a Supergraphic Sign authorized by Subsection B.
 - xi. In lieu of the requirements of Section 23.02.960, Supergraphic Signs are encouraged to have a translucent background, but may have an opaque background.
- D. Notwithstanding the provisions of Section 23.02.300.C of this Code, a Supergraphic Sign shall require approval of a Development Permit.
- E. This Section 23.04.124 shall expire and be of no force or effect on or after January 1, 2020.

PASSED FOR PUBLICATION of title this 13th day of December, 2016, by the following vote:

AYES: CARRASCO, HERRERA, JONES, JIMENEZ, KHAMIS, M.
NGUYEN, T. NGUYEN, OLIVERIO, PERALEZ, ROCHA;
LICCARDO.

NOES: NONE.

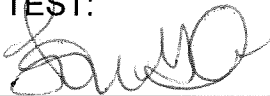
ABSENT: NONE.

DISQUALIFIED: NONE.



SAM LICCARDO
Mayor

ATTEST:



TONI J. TABER, CMC
City Clerk