



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Joseph Horwedel

**SUBJECT:** SEE BELOW

**DATE:** August 31, 2006

Approved

*Kay Winter*

Date

*9/5/06*

**COUNCIL DISTRICTS:** 3 and 6  
**SNI AREA:** Market/Almaden and University

**SUBJECT:** AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23, THE SIGN CODE, TO MODIFY CHAPTER 23.04, PART 2, TO ALLOW INFLATABLE SIGNS ON LARGE PARCELS IN THE DOWNTOWN SIGN ZONE.

## RECOMMENDATION

Staff recommends that the City Council adopt the proposed ordinance amending Title 23 of the San Jose Municipal Code as it pertains to signage allowed in the Downtown Sign Zone, all as more particularly described below.

## OUTCOME

The proposed ordinance would allow for the installation of a maximum of one inflatable sign on certain large parcels in the Downtown Sign Zone.

## BACKGROUND

The current Sign Code does not allow inflatable signs in the Downtown Sign Zone or elsewhere in the City. Inflatable balloon figures, such as the "rubber duck" previously mounted to the roof of the Children's Discovery Museum (CDM), are considered inflatable signs and are not currently permitted under the City's Sign Ordinance. The proposed ordinance would allow inflatable signs, like the rubber duck, to be implemented on a limited basis in the Downtown Sign Zone on large parcels.

Historically, the CDM has installed inflatable signs on their roof on a temporary basis, which action did not comport with the City's signage regulations. CDM has indicated a desire to enhance the stability of these types of signs on their building by installing a permanent platform on which to anchor these types of signs. This request highlighted for the City the need to address the issue of

whether inflatable signs should be allowed at all in the Downtown. The CDM site is owned by the City, but the City has always by policy abided by its own signage regulations in the Sign Code that apply to private properties. Additionally, CDM, as a private operator, remains subject to the City's signage requirements.

### **ANALYSIS**

The current Sign Code provisions prohibiting inflatable signs are intended to prevent potential visual clutter associated with a proliferation of these highly visible signs. Preventing such visual blight continues to be a concern; however, staff believes that with appropriate limitations on number, size and location, inflatable signs in the Downtown Core area have the potential to add visual interest in a manner that would be consistent with the City's overall goals for a vibrant Downtown and in a manner that would not create unwelcome visual blight concerns, especially outside of the City's urban core. The proposed ordinance provides restrictions and requirements for the installation of inflatable signs that staff believes will ensure that they are designed and located appropriately and are limited in number, such that a limited allowance for these types of signs would provide a balancing of City interests in a vibrant Downtown and a prevention of visual clutter.

The proposed ordinance would limit inflatable signs to parcels in the Downtown Core that are seven acres or greater in size and would allow only one sign per parcel. Eight parcels that meet this minimum parcel size requirement currently exist in the Downtown Sign Zone, significantly limiting the number of potential sign locations. Other proposed limitations contained in the proposed ordinance include requirements that inflatable signs be mounted on buildings of 50,000 square feet or greater and of 50 feet or less in height, that they be limited in size to 3,600 cubic feet, and that they extend no more than 30 feet above the building. These requirements are intended to ensure that the scale of the sign is appropriate to that of the building. The proposed ordinance also requires that inflatable signs conform to Federal Aviation Administration (FAA) height requirements consistent with General Plan Policy regarding height in the Downtown area.

Based on the above analysis, staff concludes that the proposed ordinance would allow inflatable signs in a manner that is consistent with the City's goals for the Downtown area, as well as the City's rationale for its signage regulations.

### **POLICY ALTERNATIVES**

The following are the alternative actions available to the Council in regard to this item:

**Alternative No. One:** Approval of the ordinance as recommended by staff.

**Pros:** Approval of the proposed ordinance would allow a very limited number of inflatable signs in the Downtown Sign Zone, such as the inflatable rubber duck at the Children's Discovery Museum. The provisions of the proposed ordinance limit the number, size and location of these signs to ensure that inflatable signs do not result in undue visual clutter.

Cons: The City's current sign code does not allow for inflatable signs in any location. Opening, even narrowly, the possibility for these types of signs could prompt requests to the City to allow these types of signs in other areas of the City because of their potential high visibility.

**Alternative No. Two:** Denial of the ordinance.

Pros: Denial of the proposed ordinance would continue the status quo of the City's current sign regulations that prohibit inflatable signs in all locations of the City, including the Downtown Core.

Cons: This alternative would continue the current prohibition on inflatable signs in the Downtown Sign Zone, eliminating the potential to enhance visual interest in the City's urban core landscape. It would continue to prohibit the installation of such signs, such as the rubber duck proposed for the Children's Discovery Museum.

### **PUBLIC OUTREACH/INTEREST**

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 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)**
- Criteria 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. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

A public hearing notice for the proposed ordinance was published in the San Jose Post Record. Staff has posted the staff report and draft ordinance as well as the hearing dates on the Department's website.

### **COORDINATION**

This ordinance has been coordinated with the City Attorney's Office, the City Manager's Office and the Redevelopment Agency.

### **FISCAL/POLICY ALIGNMENT**

N/A.

HONORABLE MAYOR AND CITY COUNCIL  
August 31, 2006  
**Subject:** Inflatable Sign Ordinance  
Page 4

**BUDGET REFERENCE**

N/A

**CEQA**

Environmental clearance for the proposed ordinance is covered by the Downtown Strategy Plan Final Environmental Impact Report which was certified by the Planning Commission on June 6, 2005.

*Andrew Calstree*  
For JOSEPH HORWEDEL, ACTING DIRECTOR  
Planning, Building and Code Enforcement

For questions please contact Carol Hamilton, Senior Planner, at 535-7837.