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CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: **Joseph Horwedel**

SUBJECT: **Little Saigon Banner Proposal**

DATE: May 15, 2008

Approved

Date 5/16/08

INFORMATION

On April 16, 2008, the Little Saigon San Jose Foundation filed a Community Identification Sign application to allow street banners along Story Road, between the 101 Freeway overpass and Senter Road. The application, as initially proposed, included 60 color street banners displaying the name "Little Saigon."

On May 6, 2008, staff from the Departments of Planning, Building, and Code Enforcement, Transportation, Public Works, and the City Attorney and City Manager's Offices met with the applicants to discuss the proposed banners' conformance to provisions for temporary community identification signage within City Council Policy 9-3 Community Identification Signs and Architectural /Gateway Monuments, as amended by the City Council on March 25, 2008. The March 25, 2008 amendments to Council Policy 9-3 include evaluation and processing criteria for temporary community identification signage.

The Department of Transportation has determined that 39 of the 60 proposed pole locations meet the City's safety and banner specification requirements and are suitable for banner installation. . In addition to safety considerations, Council Policy 9-3 (attached) has siting criteria for locating community identification signs, and states the following:

> Community Signs may be installed at an entry or other focal point of an established community or business area. They should not, however, be used to try to define specific boundaries of a community. Because Community Signs occupy space within or near the public right-of-way they have the propensity to add to visual clutter if allowed on every street. For this reason, it is preferable to confine them to larger streets that are ideally non-residential in character. Community Signs should therefore be allowed only on arterial and major collector streets as defined in the San José 2020 General Plan.

Staff conveyed to the Little Saigon banner sponsors that the number of banners currently proposed does not meet the siting criteria of Council Policy 9-3, in that the banners are proposed along the entire stretch of Story Road between the 101 Freeway and Senter Road, rather than at key entry or focal points in the area. Staff requested that the number of banners be decreased to approximately 12, and be located in key entry or focal point areas, such as intersections of Story Road. Staff also commented that the banners, which included images of the South Vietnamese flag as political imagery should not be included in the design, since community signs that may be

allowed in the City's public right-of-way pursuant to Council Policy 9-3 serve to identify or provide way-finding to a unique area and not communicate political ideas. The banner sponsors will be revising the banner proposal to comply with the City Council Policy 9-3 on banner design and on the number and location of banners that they would like to pursue.

Pursuant to Council Policy 9-3, a community meeting will be held to discuss the temporary community identification signage proposal in mid or late June 2008 at the Leninger Center in Kelly Park (1300 Senter Road). Staff had tentatively scheduled this meeting for the end of May, however, this week, the applicant asked to delay the meeting. The public hearing for the Community Identification Signage is anticipated to be heard a Planning Director's Hearing about 30 days later. The Director's Hearing and community meeting notices in English, Vietnamese, and Spanish will be sent to those who rent or own residential and business properties within 1,000 feet of the portion of Story Road that is between Via Ferrari and Senter Road. The banner proposal is located within the Tully/Senter Strong Neighborhood Initiative area and is adjacent to the Spartan/Keyes, K.O.N.A., and West Evergreen Strong Neighborhood Initiative areas. Community meeting notices will be sent through electronic mail to the affected and adjacent Strong Neighborhood Initiative Neighborhood Action Committees.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

Should you have further questions, please contact Reena Mathew at (408)535-7844.

City of San José, California

COUNCIL POLICY

TITLE:	PAGE:	POLICY NUMBER
COMMUNITY IDENTIFICATION SIGNS AND ARCHITECTURAL/ GATEWAY MONUMENTS	Page 1 of 9	9-3
	EFFECTIVE DATE: 3/ 27/72	REVISED DATE: 3/25/08
APPROVED BY: Council Action – March 27, 1972; May 6, 2003, March 25, 2008		

BACKGROUND

The City Council, in the early 1970's, was concerned about potential visual clutter and the perceived physical disunity that could result from the excessive use of community identification signs within the City's neighborhoods. On March 27, 1972, the City Council adopted Policy 9-3 prohibiting community identification signs other than those of a historical nature. This action was taken, in part, to symbolize a determination to maintain a unified City in the face of rapid annexation of several disparate areas and neighborhoods.

Today, San Jose has matured into a sophisticated cosmopolitan city with well-established and unique neighborhoods. Within these neighborhoods, the use of community identification signs and architectural/gateway monuments could strengthen the sense of uniqueness without compromising San Jose's physical design unity and overall identity as one city. As a large city with numerous neighborhoods, San Jose can use community identification signs and architectural/gateway monuments as an effective urban design tool for preventing excessive uniformity in its urban character, for reducing visual clutter and visual blight, for facilitating traffic flow, and for promoting neighborhood cohesiveness and identity. In fact, in contemporary urban design practice the use of community identification signs and need to maintain a cohesive urban fabric can be complementary, and are not in the least mutually exclusive.

The City's Sign Ordinance, adopted on November 10, 1992, contains provisions that allow community identification signs and architectural/gateway monuments on either private property or the public right-of-way.

The City Council, on October 15, 2002, amended Policy 9-3 to allow community identification signs and architectural/gateway monuments for the Greater Downtown Area. While this focused amendment enabled the Redevelopment Agency (RDA) to enter into contractual agreements for architectural and graphic design services for the downtown gateway sign program as identified in the Strategy 2000: San Jose Greater Downtown Strategy for Development, and the Downtown San Jose Signage Master Plan, the rest of the City remained subject to the prohibitions of Policy 9-3.

Following the review of the Sign Ordinance, Policy 9-3 as amended, and recent Council direction, staff concluded that the Policy should be replaced with one that addresses when and where it would be appropriate to construct community identification signs and architectural/gateway monuments.

DEFINITIONS

Community Signs is the term used in this policy to describe community identification signs and architectural/gateway monuments. It refers to the sign and/or monument and any necessary supporting structures designed to acknowledge distinct and unique neighborhoods and districts in the City.

PURPOSE

This policy is consistent with the Sign Ordinance and does not, in and of itself, necessitate any changes to the Municipal Code regarding Community Signs. It is intended to:

1. Provide guidance as to when and where the installation of Community Signs would be appropriate.

2. Ensure that Community Signs do not:

   a) Create visual clutter, or

   b) Create traffic or pedestrian safety hazards, or

   c) Detract from a citywide sense of community unity, but build on community identity and image.

All proposals for Community Signs are subject to the Sign Ordinance and its provisions for discretionary review and permitting. Community Signs throughout the City are subject to this policy. The Director of Planning, Building and Code Enforcement (PBCE) shall administer the provisions of this Policy, except that the RDA may administer this Policy in the Downtown Core.

POLICY

1. Overview

Community Signs may be located on either private property or public right-of-way. The design, size and shape of these signs typically depend on, and vary with, the character of the right-of-way. They are normally freestanding signs, spanning across, in the median, or on the edges of the street. There are generally three types of Community Signs within the public right-of-way: neighborhood identification signs, business area identification signs, and banners. The first two are often structural signs built on permanent foundations whilst the latter are of flexible material typically hung on existing street furniture. The City's Sign Ordinance contains provisions that allow these kinds of signs. The City reviews these signs for size, scale, mass, and context, and their potential impacts on traffic operations.

2. Community Sign Ownership and Sponsors

Community Signs should be considered for the purpose of identifying established or unique areas of the City only when placement of the Community Sign would not contribute to the fractionalization of the City or undermine City cohesiveness. For signs within the public right-of-way, only the City or RDA may erect them pursuant to the City's Sign Ordinance and shall, subsequently, retain ownership of them. However, neighborhood and business organizations, or other private groups such as homeowner associations may request the City or RDA to consider the placement of a Community Sign based on a promise to donate funding necessary to construct and maintain the Community Sign. Alternatively, the private individuals or groups may enter into a turnkey agreement with the City or RDA to cost, bid, and construct a Community Sign with provisions for its long-term maintenance.

In general, the City or RDA will not approve the installation of a Community Sign unless it has prior approval through the City's or RDA's Capital Improvements Program, or is being proposed by a substantial number of persons or a group such as a neighborhood or business association which is willing to fund the construction and maintenance of the Community Sign.

3. Community Sign Siting Criteria

a) Community Signs may be installed at an entry or other focal point of an

established community or business area. They should not, however, be used to try to define specific boundaries of a community. Because Community Signs occupy space within or near the public right-of-way they have the propensity to add to visual clutter if allowed on every street. For this reason, it is preferable to confine them to larger streets that are ideally non-residential in character. Community Signs should therefore be allowed only on arterial and major collector streets as defined in the San Jose 2020 General Plan.

b) Community Signs shall:

i) Not create traffic, pedestrian, or other safety hazards.

ii) Comply with State traffic guidelines.

c) A temporary Community Sign that meets all of the siting, construction, maintenance, safety, and design criteria set forth in this Policy may be allowed temporarily in locations where a permanent Community Sign can be allowed and may be installed during that time period where design, installation, maintenance and funding issues related to the proposed permanent Community Sign are being evaluated and resolved, but in no event shall a temporary Community Sign be installed for a time period in excess of three (3) years from the date that the temporary Community Sign was approved. Temporary Community Signs may be allowed where the City Council has previously made an express finding that a particular identifying name for a well-established or unique area of the City possesses wide-spread support in a relevant community.

4. Community Sign Design Criteria

a) To the extent possible, Community Signs within the public right-of-way should be integrated with traffic calming devices and/or existing street furniture.

b) The size, type, massing, proportions and location of a Community Sign should be compatible with the area in which it is being proposed.

c) Community Signs should serve to enhance the identification of the area in which they are proposed, and contribute to "way-finding" for both pedestrians and motorist.

5. Construction and Maintenance

All Community Signs and supporting structures shall be securely built and maintained in a good state of repair. They shall be kept free from rust, dirt, and chipped, cracked or peeling paint. Graffiti and unauthorized stickers shall be removed, burned out bulbs replaced, and hanging or torn parts repaired. The message of a freestanding sign should never be removed from the supporting structure, except for a temporary period of time while the message is being changed or the surface replaced.

6. Review Process

The review and evaluation of permanent Community Signs in the public right-of-way will involve a multi-departmental review process. Only proposals approved for review and processing through the City's budgetary process, whether funded by the City, RDA or private donation, will be considered.

Flexible, permanent community identification signs and banners, such as temporary event-related banners, in the public right-of-way are excluded from this policy. Temporary event-related banners are, however, subject to the City's temporary banner program administered through the Office of Economic Development. Notwithstanding the foregoing, temporary Community Signs that are banners may be allowed for installation in a location and manner that otherwise conforms to all of the applicable provisions of the Sign Ordinance and this Policy.

The review process for a proposed permanent Community Sign is as follows:

a) Design Review: All proposals to install a Community Sign shall undergo a comprehensive review. The Department of Planning, Building and Code Enforcement (PBCE), or RDA for proposals within the Downtown Core, will coordinate the review, with the full recovery of staff costs. PBCE or RDA staff will coordinate proposals with the applicable Council Office, the Department of Public Works (DPW), and Department of Transportation (DOT). PBCE will coordinate Community Sign applications within redevelopment areas outside the Downtown Core with the Redevelopment Agency (RDA) for additional input.

   Proposals will be reviewed for conformance with the siting and design criteria for Community Signs stated in this policy. Proposals must include a description of the location, a scaled drawing of the proposal in plan and elevation, a project budget, identification of funds available to complete the review and processing of the proposal as well as funds to complete the fabrication/construction and installation of the Community Sign, and a maintenance agreement. The proposal also will be

reviewed for conformance with CEQA.

b) Community Outreach and Public Hearing. Prior to a public hearing, at least one community meeting should be held to explain the project to residents, businesses, property owners, and Strong Neighborhoods Initiative (SNI) advisory committees and other associations within a 2,000-foot radius of the proposed Community Sign. The persons or groups proposing the Community Sign will be responsible for organizing the community meeting. In processing a Community Sign application in the public right-of-way, RDA or the Director of PBCE shall ensure that the proposal is consistent with the Sign Ordinance. In general, the following are some expected roles during the review of the petition:

i) As the first point of contact, RDA or PBCE staff will take in and process the application, and refer it to the applicable Council Office (if needed) and other City departments. Staff will specifically review the proposal with respect to its character, context, mass, proportion, scale and conformance with the Sign Ordinance.

ii) For proposals within a redevelopment area outside the Downtown Core, RDA staff will receive a referral from PBCE. Their specific review will also involve the character, context, mass, proportion, scale and conformance with the Sign Ordinance.

iii) The applicable Council Office should assist in facilitating community outreach and participation.

iv) DPW will review the project budget to ensure that it is adequate for the work being proposed and for any potential construction impacts. A maintenance agreement between the project sponsor and the City will be required prior to construction.

v) DOT will review the proposal's potential impacts on traffic operations.

vi) RDA or the Director of PBCE will coordinate comments from the other departments, receive testimony at a noticed public hearing, and render a decision on the application.

vii) The Director's decision may be appealed to the City Council.

c) Improvement Plan Review: The Department of Public Works (DPW) will review the proposal's improvement plans subsequent to approval by RDA or the Director of

PBCE, or Council on appeal. If private groups or individuals have proposed to donate any funding or construction services related to the proposal, then agreements memorializing those obligations and understanding will be prepared through the Director of Public Works, and approved by the City through the City's contracting policies and procedures. Following execution of these agreements, the DPW will cost and bid the proposal, and award the construction contract(s) only after sufficient funds have been deposited with the City. Alternatively, through the execution of these agreements, the sponsoring individuals or groups can effect the construction of the improvements by themselves on behalf of the City. When the sponsor chooses to cost, construct or award the project for construction directly, the Director of Public Works will ensure the completion of a turnkey agreement to hand over the project to the City upon completion of the project. Under either scenario the City will maintain oversight and inspection responsibilities to ensure that the project is constructed to specifications and the City's codes. Additionally, the Director of Public Works will ensure that the sponsor(s) enter into a maintenance agreement with the City to cover the project. During this stage, DPW will coordinate the preparation of the improvement plans with the project sponsors and RDA or PBCE staff to ensure substantial conformance with the approved proposal.

The review process for a proposed temporary Community Sign is as follows:

a) Design Review: All proposals to install a Community Sign shall undergo review for compliance with this Policy by the Department of Planning, Building and Code Enforcement. PBCE will coordinate their review with other departments of the City as PBCE deems appropriate or necessary and, in the Downtown Sign Zone, with the RDA, with the full recovery of staff costs.

   Proposals will be reviewed for conformance with the siting, design and other criteria for temporary Community Signs stated in this Policy. Proposals must include a description of the location, a scaled drawing of the proposal in plan and elevation, a project budget, identification of funds available to complete the review and processing of the proposal as well as funds to complete the fabrication/construction and installation of the Community Sign, and a maintenance agreement. The proposal also will be reviewed for conformance with CEQA.

b) Community Outreach and Public Hearing. At least one community meeting on the temporary Community Sign should be held to explain the proposal to residents, businesses, property owners, and Strong Neighborhoods Initiative (SNI) advisory committees and other associations within a 1,000-foot radius of the proposed temporary Community Sign. The persons or groups proposing the Community Sign will be responsible for organizing the community meeting unless the City Council or

Director of Planning determines that City staff conduct such outreach. Staff costs in performing outreach will be recovered through the permit fees for the temporary Community Sign. In processing a temporary Community Sign application in the public right-of-way, PBCE shall ensure that the proposal is consistent with the Sign Ordinance. In general, the following are some expected roles during the review of the petition:

i) As the first point of contact, PBCE staff will take in and process the application, and refer it to the applicable Council Office (if needed) and other City departments for comment. Staff will specifically review the proposal with respect to its character, context, mass, proportion, scale and conformance with the Sign Ordinance.

ii) DPW will review the project budget to ensure that it is adequate for the work being proposed and for any potential construction impacts. A maintenance agreement between the project sponsor and the City will be required prior to construction or installation of the temporary Community Sign.

iii) DOT will review the proposal's potential impacts on traffic operations.

iv) The Director of PBCE will coordinate comments from the other departments and receive testimony at a noticed public hearing on the temporary Community Sign proposal, and then render a decision on the application.

v) The Director's decision may be appealed to the City Council.

c) Improvement Plan Review: The Department of Public Works (DPW) will review the proposal's improvement plans subsequent to approval by the Director of PBCE, or Council on appeal. If private groups or individuals have proposed to donate any funding or construction services related to the proposal, then agreements memorializing those obligations and understanding will be prepared through the Director of Public Works, and approved by the City through the City's contracting policies and procedures. Following execution of these agreements, the DPW will cost and bid the proposal, and award the construction contract(s) only after sufficient funds have been deposited with the City. Alternatively, through the execution of these agreements, the sponsoring individuals or groups can effect the construction of the improvements by themselves on behalf of the City. When the sponsor chooses to cost, construct or award the project for construction directly, the Director of Public Works will ensure the completion of a turnkey agreement to hand over the project to the City upon completion of the project. Under either scenario the City will maintain oversight and inspection responsibilities to ensure that the project is constructed to

specifications and the City's codes. Additionally, the Director of Public Works will ensure that the sponsor(s) enter into a maintenance agreement with the City to cover the project. During this stage, DPW will coordinate the preparation of the improvement plans with the project sponsors and RDA or PBCE staff to ensure substantial conformance with the approved proposal.

2. Removal of Signs

Community Signs may be removed by or on behalf of the City or RDA for reasons of blight, poor maintenance or public safety and welfare. Removal should only occur after the surrounding community has been notified and given an opportunity for input, unless the Director of Transportation, or RDA, or Director of PBCE determines that the presence of the sign creates a safety hazard. Any Community Sign removed from the public right-of-way by, or on behalf of, the City may be held in storage, or disposed of if the Director of DOT determines that the sign has no residual value. The Director of Transportation, the persons or groups that sponsored the Community Sign or neighborhood/business groups in its vicinity can petition RDA or the Director of PBCE to remove a Community Sign. In considering the petition, RDA or the Director of PBCE should:

a) Contact the persons or groups that sponsored the sign (if they are not the petitioners) and afford them the opportunity to redress any prevailing problem(s).

b) Hold a community meeting, in conjunction with the applicable Council Office, to solicit input about the sign and/or inform the community about any problems necessitating its removal.

c) Hold a public hearing to revoke the Community Sign and allow its removal.

3. Other Considerations

The Executive Director of RDA or Director of PBCE, or City Council on appeal, may impose other appropriate conditions on proposed Community Signs as required to reduce visual clutter or visual blight, to maximize pedestrian and vehicular traffic safety, or to implement the provisions of this policy. The criteria in this policy represent minimum standards.