

Attachment IV

Billboards on Private Property  
&  
Off-Site Advertising on City  
Property

An Assessment of City of San Jose  
Sign Ordinance Regulations

# **Billboards on Private Property and Off-site Advertising on City Property**

## **An Assessment of City of San Jose Sign Ordinance Regulations**

### **Billboards**

#### ***Existing City of San Jose Regulations and Policies***

*Zoning Ordinance.* In 1985 the City Council adopted an ordinance banning new billboards in San Jose. At that time, staff estimated that there were approximately 600 billboards in the City; those that had been legally implemented became legal nonconforming when the ban was adopted. The Council subsequently adopted an ordinance allowing for relocation of legal nonconforming billboards elsewhere in the City, subject to specific parameters. The stated purpose of the ordinance was to provide a mechanism for relocating billboards away from specific areas the City was seeking to revitalize and beautify, including the Downtown Core Area, major thoroughfares leading into the Downtown Core, Redevelopment Areas, and Neighborhood Business Districts. The parameters for billboard relocation in the current Sign Ordinance continue to discourage location of billboards in these areas or within 600 linear feet of residential property, and preclude them within 660 feet of any landscaped freeway. The Council later adopted provisions allowing billboard companies the ability to apply for an increase in the height of a legal nonconforming billboard in exchange for removal of other legal nonconforming billboards in the city. Table 1 summarizes the billboard regulations included in the current Sign Ordinance.

Council Policy 6-4; Billboards on City-Owned Land, was adopted by the City Council in 1971 to set the standard for community development by discontinuing the use of billboards on City-owned property (see Attachment A). The Policy specifies that all existing billboards on City-owned land should be removed within a period of five years. The City's real estate staff have indicated that they are aware of only two remaining billboards on City-owned property. Based on Council Policy 6-4, when the leases for these billboards come up for renewal, the City administration will send termination notices and seek removal of the billboards.

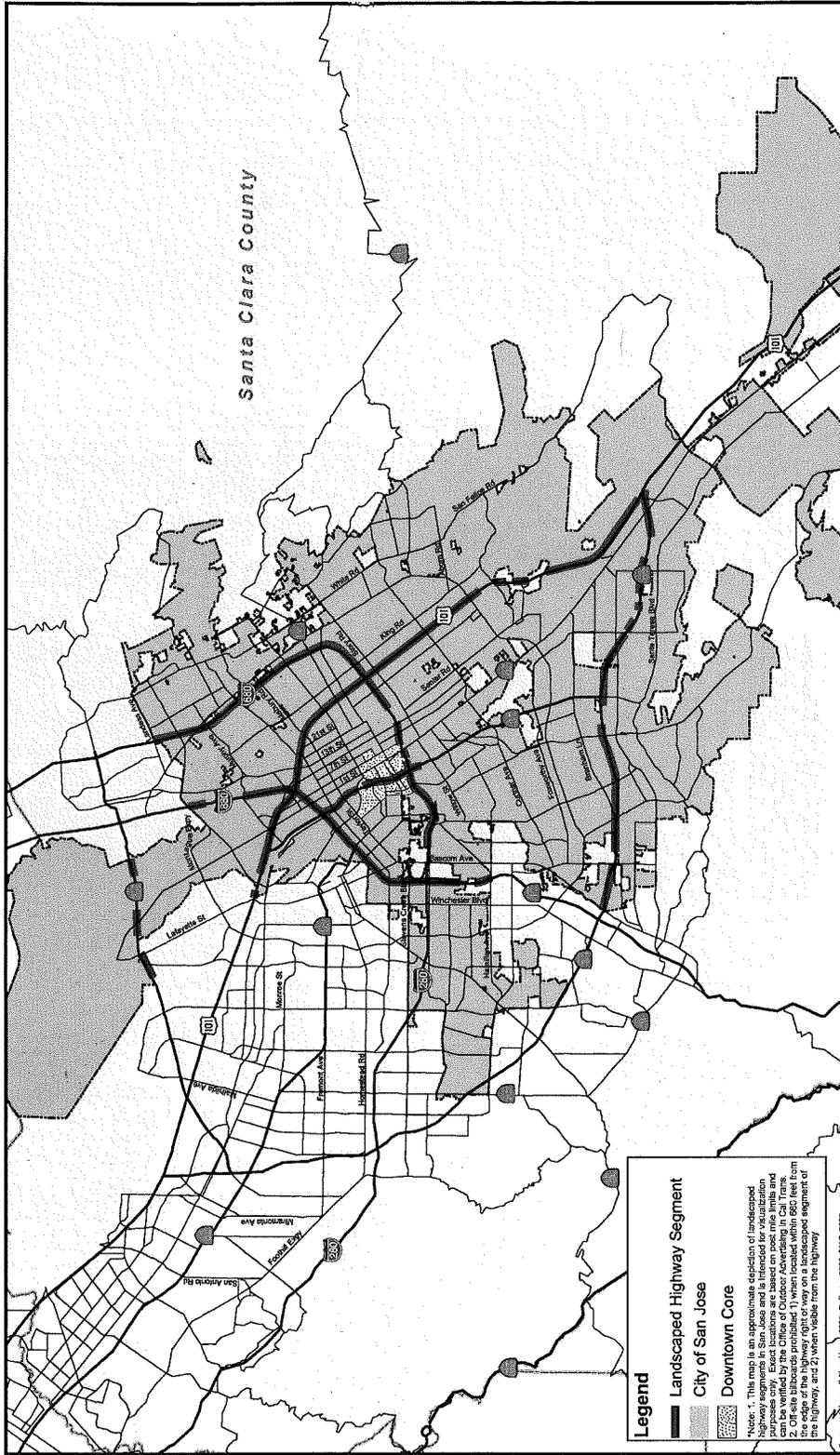
**Table 1. Current Sign Ordinance Regulations for Billboards**

	<b>Current Sign Ordinance Regulations</b>
<b>New Billboards</b>	<ul style="list-style-type: none"> <li>• New billboards not allowed.</li> </ul>
<b>Existing Billboards</b>	<ul style="list-style-type: none"> <li>• Existing legal-nonconforming billboards may remain, subject to the legal nonconforming provisions of Part 3 of the Sign Ordinance.</li> </ul>
<b>Billboard Relocation</b>	<ul style="list-style-type: none"> <li>• Billboard relocation allowed through a Planned Development Zoning subject to:               <ol style="list-style-type: none"> <li>1) Height: Maximum of 36 ft.</li> <li>2) Size: Maximum of 700 square feet.</li> <li>3) Separation Requirement: Relocated billboard not allowed within 660 ft. of a landscaped freeway or 600 feet of any residential property. Not allowed in a Redevelopment Area, a Neighborhood Business District or any area subject to a specific program for beautification or utility undergrounding.</li> </ol> </li> </ul>
<b>Billboard Height Increase</b>	<ul style="list-style-type: none"> <li>• Alteration in the height of an existing legal nonconforming billboard allowed through a contract approved by the City Council and a Sign Permit Adjustment approved by the Director, in exchange for removal of other legal non-conforming billboards in the City. Maximum height for a relocated billboard is 50 feet.</li> </ul>

*San Jose 2020 General Plan Urban Design Policy No. 9.* This policy specifies that new billboards should be allowed only under Planned Development Zoning and only where they do not create visual clutter and blight, and that the relocation of existing billboards from impacted areas to areas where they would have a less visually blighting effect should be encouraged.

**Caltrans Regulations**

The California Business and Professional Code sets forth regulations for off-site advertising displays (billboards, supergraphics or other signs that include off-site advertising) located within 660 feet of, or visible from, an interstate or primary highway. The legislation specifies that local jurisdictions may adopt more stringent regulations. The State regulations, administered by Caltrans through a permit process, include size and height limitations, separation requirements, and traffic safety parameters. They limit freeway landscaping within 500 feet of an existing billboard and preclude the location of new billboards on landscaped freeways. Figure 1 shows the freeway segments in San Jose that are considered “landscaped” based on Caltrans criteria. Through the Downtown Core Area, Route 87 is entirely landscaped except for a short segment extending from Coleman Avenue on the north to approximately 150 feet south of Bassett Street. Due to residential development on the east side of the freeway at this location, it is likely that Caltrans standards would allow no more than a single billboard along Route 87 through the Downtown Core.



Landscaped Highway Segments in San Jose\*  
PMC

Figure 1. Landscaped Freeways

The segment of State Route 280 which forms the southerly boundary of the Downtown Core Area, is also a landscaped freeway except for two short segments. The area along these freeway segments that is eligible for billboards would also be limited by residential uses.

### **Billboard Analysis and Recommendation**

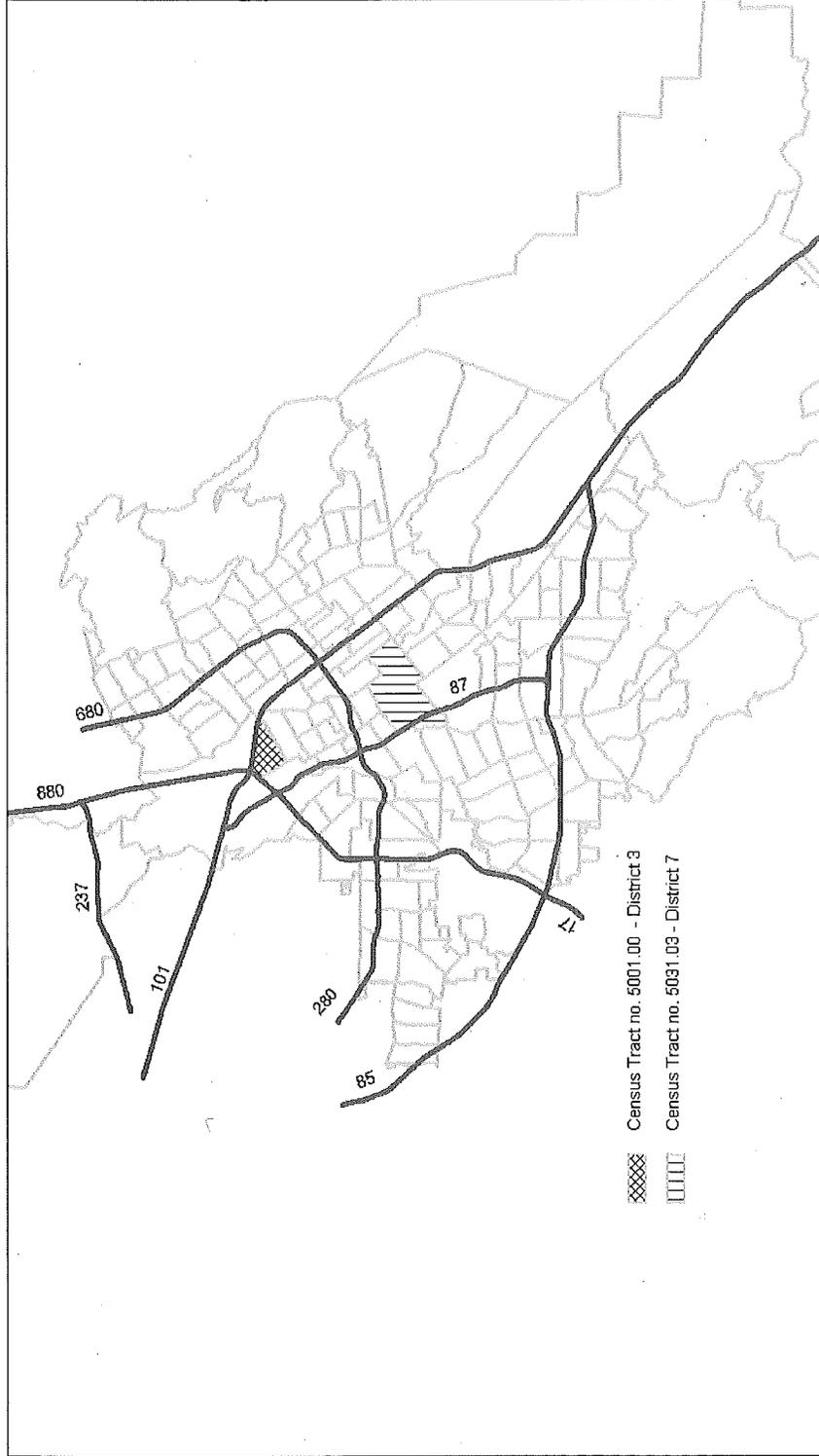
In assessing whether new billboards should be allowed in the Downtown Core Area or elsewhere in San Jose, staff has considered five key issues: 1) the role of existing billboards in San Jose, 2) community input regarding billboards and on-site versus off-site signage, 3) community response to the Internet Visual Preference Survey, 3) state regulations limiting local control over billboards, 4) regulations of other major cities, and 5) traffic safety considerations. These issues are discussed below:

#### Contribution of Existing Billboards

A primary purpose of the Sign Code Update is to reassess the City's sign regulations to ensure that they support business development and promote an interesting and visually vibrant urban landscape, while maintaining a sensitivity to concerns pertaining to visual clutter or visual blight. In order to assess the role of billboards in achieving these signage goals, staff has looked closely at existing billboards in two San Jose census tracts, 5001.00 in Council District 3 and 5031.030 in Council District 7. Figure 2 shows the location of these census tracts.

On-site signs are ancillary to the businesses to which they are attached and help people understand what services, goods and amenities are available in San Jose and in their local neighborhoods and assist persons in locating those businesses. Billboards are a separate business and use of the site; billboards typically convey little or no way-finding purpose or benefits. In order to better understand what way-finding purpose billboards might serve, staff inventoried the messages displayed on billboards in the two identified census tracts during the week of July 13-17 in order to ascertain whether billboards assist motorists or other persons in locating businesses on the site or in the area. Photos of the billboards are included in Appendix A and available at:

[http://www.sanjoseca.gov/planning/zoning/signs/Billboards in TwoSanJoseCensusTracts.pdf](http://www.sanjoseca.gov/planning/zoning/signs/Billboards_in_TwoSanJoseCensusTracts.pdf)



**Figure 2 Census Tracts 5001.00 & 5031.03**

**Prepared by the Department of Planning, Building, and Code Enforcement  
City of San Jose, California**

**Joseph Horwedel, Director**



Map Created On:  
9/16/2009

Table 2 indicates the number of billboards recorded in each census tract and the total number of message faces. Two-sided billboards with messages on each side have two billboard faces.

**Table 2. Billboards in Two San Jose Census Tracts**

	<b>Census Tract 5001.00 Council District 3</b>	<b>Census Tract 5031.03 Council District 7</b>
Total No. Billboards	20	45
No. Billboards Reviewed	20	45
Total No. Billboards Faces	30	63
No. Billboard Faces Reviewed	28 <sup>1</sup>	63

**Table 3. Billboards by Message Category in Two San Jose Census Tracts**

Message Category	<b>Census Tract 5001.00 Council District 3</b>		<b>Census Tract 5031.03 Council District 7</b>	
	No. Billboard Faces	Percent of Total Billboard Faces	No. Billboard Faces	Percent of Billboard Faces
Alcohol	9	32%	17	27%
Soda/Fast Food	1	4%	5	8%
Movie/Media	5	18%	9	14%
Public Service	2	7%	18	29%
No Message	1	4%	3	5%
Other	10	36%	10	16%
Total <sup>2</sup>	28	101%	63	101%

Table 3 summarizes the types of messages displayed on these billboards. Only one of the billboard faces advertises a business located on the site. Alcohol advertisements unrelated to a specific business or site were the subject of approximately one-third of the billboard faces in the District 3 census tract and just over one-quarter of the billboard faces in the District 7 census tract. Public service advertisements comprise a significant portion (29%) of the messages in the District 7 census tract, but are less prominent in the District 3 census tract. According to representatives of the outdoor advertising industry, public service messages are generally displayed on billboards when there are no paid advertisements for the space. Soda/fast food and movie/media advertisements represented a notable percentage of the messages in one or both census tracts. Between 4% and 5% of the billboard faces in both census tracts displayed no message; they were either completely blank or the message was in such poor condition that it could not be read. This review highlights the fact that the City has no control over what messages are displayed on billboards and that billboards almost never assist motorists or others in locating a business at or near the billboard site.

<sup>1</sup> In Census Tract 5001.00, staff was unable to photograph one side of two billboards due to their orientation to the freeway; these billboard faces were not reviewed for message or condition.

<sup>2</sup> Percent does not total 100 due to rounding.

Signs play a significant role in the visual environment of a city in that they are prominent structures that are typically, and deliberately, highly visible in the public realm. Billboards are more prominent than most other signs due to their size and height. A review of the billboards in the two study census tracts indicates that the billboard structures themselves, like their messages, are generally unrelated to the local setting. Unlike way-finding signs for local businesses, which often reflect the architectural design of the building or the character of the neighborhood, billboard structures in these census tracts are for the most part awkwardly placed, do not relate to the buildings or sites they occupy and look much the same in any given location. When poorly maintained, their visual effect is significantly negative. Table 4 summarizes the condition of the billboard faces in the two study census tracts during the week of July 13-17. In the District 3 census tract, one-quarter of the total billboard faces were in poor condition (including ripped or tattered message surfaces or graffiti) and the condition of billboards in the District 7 census tract was only marginally better.

**Table 4. Billboard Condition in Two San Jose Census Tracts**

Condition	Census Tract 5001.00		Census Tract 5031.03	
	No. Billboard Faces	% of Billboard Faces	No. Billboard Faces	% of Billboard Faces
Good <sup>3</sup>	21	75%	50	79%
Poor <sup>4</sup>	7	25%	13	21%
Total	28	100%	63	100%

It is likely that new billboards would differ in some respects from those reviewed in the two study census tracts. They may include more modern structures and may be better maintained than the existing examples, at least in the near term. Nevertheless, the review of existing billboards highlights several important considerations that would likely apply to new billboards. First, the primary purpose of a billboard is not to assist persons in finding their way to local businesses, direct customers to specific goods and services located on the site or in the neighborhood, or enhance the unique physical qualities of a local community through compatible or complementary architecture. Secondly, from a visual standpoint, there is no guarantee that billboards will introduce creativity or vibrancy to the urban landscape. Currently, these signs display messages for a relatively narrow range of products in the same structural format in multiple locations, contributing to a visual sameness that makes one intersection, look like the next regardless of the neighborhood or city. Finally, there appears to be no guarantee that billboards will be maintained over time in a manner that will prevent their becoming focal points of community blight. Based on this analysis, staff concludes that existing billboards in San Jose do not support the premise that new billboards would contribute to economic vitality or a unique, vibrant or creative urban environment. Additional photographs of billboards throughout the City can be viewed at [http://www.sanjoseca.gov/planning/zoning/BillBoard\\_Album.asp](http://www.sanjoseca.gov/planning/zoning/BillBoard_Album.asp).

<sup>3</sup> Condition rated "good" if message surface is intact and there is no graffiti.

<sup>4</sup> Condition rated "poor" if some or all of the message surface is ripped or if billboard is defaced by graffiti.

### Public Input Regarding Billboards

Billboards were a primary topic of discussion throughout the public outreach process for the Sign Code Update. Community opinions on the subject of billboards varied greatly and were at times diverse even within the focus groups. Those with favorable views of billboards emphasized their importance in promoting general commerce, generating revenue for a property owner and enlivening the City. Others viewed billboards less favorably and expressed concern that new billboards in San Jose would not create the kind of visual image or landscape that would attract people to the City; that tree lined streets would be a more attractive image for the City than billboards. Overall, there was general acceptance of billboards in the Downtown Core Area. In regard to digital billboards, some participants saw them as a positive "high tech" form of advertising that is more attractive than the traditional billboard. Others expressed concern regarding potential light and glare and traffic safety impacts, and pointed to the experience of residential neighborhoods impacted by large digital billboards in Los Angeles. Persistent themes throughout the outreach meetings included concern that billboards do not benefit local businesses, especially small businesses, and a general preference for on-site information versus off-site advertising. Explanations regarding this preference pointed to the benefits of on-site signage for local businesses and the practical way-finding and informational benefits of these signs.

In the final round of outreach, staff presented the following four billboard alternatives for static billboards and electronic/digital billboards: 1) retain existing regulations; 2) allow large signs in the Downtown for on-site information and way-finding purposes; 3) allow new billboards in the central business area of the Downtown Core through relocation from other areas of the City; and 4) allow billboards in the central area of the Downtown Core and along State Route 87 in the Downtown Core through relocation from other areas. Following is a brief summary of the community responses.

- *Community Meetings.* Community opinions were split; preferences tended towards Alternative 1 and Alternative 4 for both conventional and digital billboards.
- *Sign Industry Focus Group and Outdoor Advertising Focus Group.* Participants were generally supportive of Alternative 4 for both conventional and electronic/digital billboards. The outdoor advertising companies expressed strong interest in locating billboards along State Route 87 and suggested that they be allowed along freeways citywide. One major outdoor advertising company indicated they would not be interested in locating billboards in Downtown San Jose, except along the freeways, because there was not sufficient traffic or visibility. Some indicated that billboard relocation would be more feasible if the Sign Ordinance did not require property owner approval for relocation of a billboard from an existing site. The outdoor advertising representatives generally viewed digital billboards as the wave of the future for effective and efficient advertising.

- *Business Community Focus Group.* Responses of this group to the alternatives for both conventional and electronic/digital billboards were split. Some business representatives indicated that billboards should be allowed in the Downtown Core and along Route 87. Others felt that the current regulations should be retained, or preferred the option of large on-site signs in the Downtown. One focus group participant, who supported billboards, did not agree that relocation should be required.
- *Property Owner Focus Group and Resident Focus Group.* Participants preferred Alternative 4. (Attendance was small - one and two participants, respectively).

#### Internet Visual Preference Survey

The Internet Visual Preference Survey asked respondents to rate static images of billboards in various locations Downtown and along Route 87 and a video of a digital billboard, on a scale of 1 to 7, one being not acceptable at all and 7 being completely acceptable. The resulting mean scores for most billboard images were above the neutral score of 4 (ranging between 4.2 and 5.1) indicating a general level of acceptance of this type of sign. The only exception was an image of a billboard on an historic building, which received a mean score of 3.7.

The billboard video clip (showing the operation of a digital sign located at the entrance to the Bay Bridge) received a mean acceptability score of 4.2, slightly above the neutral score of 4.0. Nevertheless, when asked to choose between two pairs of still (non-video) images of billboards, one static and one digital, the respondents preferred the digital billboards over the static (by a 2 to 1 margin in one case). In general, respondents who viewed digital billboards as largely acceptable tended to be younger people, especially young men who visit downtown frequently and who have lived in San Jose less than 10 years. In contrast, respondents who found digital billboards to be unacceptable tended to be older, long-term residents who did not visit downtown frequently.

Despite the relatively positive overall acceptability rating for billboards, respondents indicated a strong preference for on-site signage. Images of a traditional pylon sign advertising a shopping center received a mean score of 5.9 and 70% of respondents rated the sign at the high end of the acceptability scale. When asked to indicate their preference between two side-by-side images of a billboard on the side of a parking structure, one of which displayed an on-site message, the other an off-site message, 78% preferred the on-site message (52% indicated a strong preference and 26% said they "somewhat preferred" the on-site message), 7% preferred the off-site message, and 16% had no preference. This response is consistent with the feedback staff has received throughout the public outreach process, that signage providing on-site information is clearly preferred over off-site signage.

Billboard Regulations of Other Cities

Table 5 provides a brief summary of the billboard regulations of other major cities. This review indicates that the regulations of major cities vary in regard to billboard regulations. Some allow them in specific areas; others significantly restrict or preclude new billboards. It is notable that two major California cities, San Francisco and Los Angeles have recently taken steps to ban or significantly limit allowance for new billboards based on community opposition to the proliferation of these signs.

**Table 5. Billboard Regulations of Major U.S. Cities.**

City	Summary of Regulations
San Francisco	In 2002 the voters of San Francisco approved a ballot measure banning all new billboard construction in the city with the second highest proposition victory margin in history (79.3%). In 2001 the Board of Supervisors adopted legislation tightening billboard code enforcement.
Los Angeles	After a legal settlement gave billboard companies the right to modernize approximately 800 existing billboards in Los Angeles (i.e. convert to electronic/digital billboards), community outcry resulted in revisions to the City's sign regulations to tightened restrictions on billboards and digital display signs, eliminate the distinction between on-site and off-site advertising and reduced levels of allowed signage citywide. The staff report for the ordinance change states that "... in much of the city, signage is both overwhelming and monotonous, filling the visual environment with the same clutter from one neighborhood to the next, obscuring the true character of the city's neighborhoods".
New York	Billboards allowed within certain zoning districts with dimensions varying by district. Digital billboards are restricted to special districts. Outdoor advertising companies are required to register their entire inventories before engaging in outdoor advertising.
Minneapolis	Billboards allowed by right in the Downtown Entertainment Billboard District and the General Billboard District. Billboards allowed elsewhere only through relocation of an existing billboard. Digital Billboards allowed in specific districts, subject to specific controls.
Seattle	Billboards allowed through relocation/reconstruction only, subject to limits on the number of such relocations or reconstructions per year.
Cincinnati	Billboards allowed only through relocation of existing billboards.
Denver	Billboards allowed only when an existing billboard or combination of billboards of equal size are removed.

### Traffic Safety Considerations

The purpose of a sign is to attract the attention of passersby in order to convey a message. Signs along roadways seek to attract the attention of drivers raising the concern that signs may divert driver attention. This is a particular concern for electronic/digital signs that include messages that change or move. Such signs must meet appropriate design criteria to address safety concerns. In assessing this issue, staff has reviewed two resources: 1) a report commissioned and administered by the American Association of State Highway and Transportation Officials: "Safety Impacts of Emerging Digital Display Technology for Outdoor Advertising Signs", which can be viewed at <http://www.scenic.org/pdfs/NCHRP%20Digital%20Billboard%20Report.pdf>; and 2) a study conducted by the Federal Highway Administration in 2009: "The Possible Effect of Commercial Electronic Variable Message Signs (CEVMS) on Driving Safety – Phase I, which may be viewed at <http://www.fhwa.dot.gov/realestate/cevms.htm>.

*American Association of Highway Transportation Official (AASHTO) Report; Safety Impact of the Emerging Digital Display Technology for Outdoor Advertising Signs.* The objective of the report, commissioned by the American Association of State Highway and Transportation Officials (AASHTO) was to provide guidance for State Departments of Transportation and other highway operating agencies with respect to the safety implications of digital display technology used for outdoor advertising signs. The report involved a literature review of relevant studies, including those conducted by the outdoor advertising industry, a peer review, and recommended guidance related to the safety aspects of digital display technology. The conclusions of the literature review include the following:

- The research sponsored by the outdoor advertising industry generally concludes that there are no adverse impacts from roadside digital billboards, even when, in one case, the actual finding of such research indicates otherwise; and
- The research of government agencies, insurance companies and auto safety organizations regularly demonstrate that the presence of roadside advertising signs such as digital billboards contributes to driver distraction at levels that adversely affect safe driving performance.

The AASHTO report provides guidelines for regulating electronic/digital signs intended to minimize their potential adverse traffic safety impacts. These guidelines include recommendations for the following:

- Placement of signs away from driver decision points, such as exits and merge lanes, and traffic control devices, such as signs and signals;
- Minimum duration of message display based on sight distance and speed limit;
- Minimum distance between electronic/digital signs;

- Limitations on special effects during message change (such as fade, dissolve or animation);
- Prohibition regarding message sequencing (i.e., breaking a message into two or more successive display phases of a single sign or two or more signs as in the manner of the old Burma Shave messages) in a manner that prolongs the duration that eyes must be diverted from the roadway;
- Limitations on the amount and type of information displayed (limitations on type of information including phone numbers, internet addresses and text message instructions that may spur drivers to slow to read, record or copy information);
- Luminance levels; and
- Annual operating permits.

*Federal Highway Administration Study, 2009.* This study seeks to identify additional research and methodologies to further assess the potential impact of digital billboards on driver attention and distraction and to propose a research strategy to fill those knowledge gaps. It makes recommendations for studies that are to be completed in a subsequent phase.

Staff concludes from a review of the above information that there is sufficient evidence in regard to the potential driver distraction associated with digital billboards and other digital signs to warrant caution. Should the City Council choose to allow

electronic/digital signs or billboards in the Downtown Core or elsewhere in San Jose, parameters for the location, design and operation of these signs will need to be developed and installation of signs would need to be determined on a case-by-case basis based on design elements such as roadway design, speeds, volumes, and sight distance.

#### State Preemption

The State of California has preempted local jurisdictions from regulating legal nonconforming billboards in the same manner as other legal nonconforming structures. Generally, the City cannot amortize out billboards as it can other types of structures or otherwise require the removal of a billboard without some consideration of just compensation. The significant advertising revenue associated with billboards has resulted in outdoor advertising companies pursuing very aggressive measures to retain existing billboard signs. As result, an existing billboard on a site proposed for development can present a serious impediment to the new development. Even billboards that have lost their potential to generate significant revenue (due to the fact that the visibility of the billboard has decreased over time with the development of nearby high rises, for example), are generally retained in place by billboard companies on the chance that they may be eligible for future relocation. Existing billboards on East Santa Clara Street illustrate this point. The Redevelopment Agency has planted street trees along this corridor that are now beginning to reach maturity. The trees reduce the visibility of billboards that have existed in this corridor for decades and many of the billboards are

now difficult to lease. They nevertheless remain; those that cannot attract paying advertisements display public service announcements.

State preemption means that any decision to allow new billboards is a weighty one with long-term implications; once billboards are in place, options for removing them are likely to be very expensive, regardless of changes in community expectations and public policy.

#### Summary and Recommendation

Based on the above analysis, staff concludes the following: 1) staff's review of existing billboards in San Jose does not support the premise that new billboards would contribute to economic vitality or a unique, vibrant or creative urban environment; 2) San Jose residents have overall indicated a moderate level of acceptance of billboards but have indicated a strong preference for on-site signage due to its way-finding and informational benefits and in connection with local business; 3) major cities vary in their approach to billboard regulation – San Francisco has recently banned new billboards and Los Angeles is in the process of significantly limiting billboards based on community concern; 4) a growing body of evidence indicates that electronic/digital signs are more distracting to drivers than static signs, that increased driver distraction has potential adverse safety implications, and that regulations are needed to maximize traffic safety; 5) State preemption regarding billboards means that any decision to allow new billboards has long-term implications and that options for removing billboards, once they are in place, are likely to be limited and/or expensive regardless of changes in community expectations and public policy. Based on these considerations, staff recommends that the City Council retain the existing billboard ban for both static and electronic/digital billboards.

#### Off-Site Advertising on City Property

In adopting the budget for the current fiscal year, the City Council directed the Administration to explore a citywide advertising program involving off-site advertising on City property that would generate revenue for core City services and to identify necessary changes to the Sign Ordinance. Budget Document 3 provides staff direction to generate general fund revenue through commercial advertising at the following specific locations in the city:

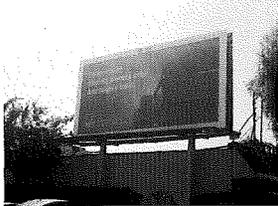
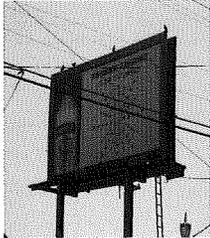
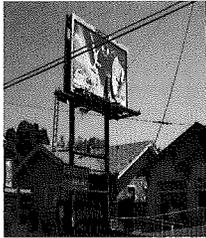
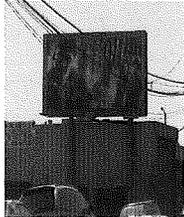
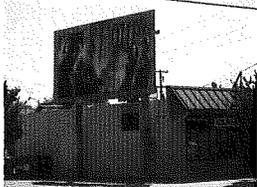
- 1) trash and recycling receptacles in the downtown, the Neighborhood Business Districts (NBDs) and parks;
- 2) public toilets in the downtown; and
- 3) free-standing advertising kiosks throughout the downtown core, within NBDs and at city-owned property (like the Convention Center and Mexican Heritage Plaza).

The Council also provided specific direction on sign technology (24/7 backlighting) and a desire to limit alcohol and tobacco advertising and suggests that the Arts Commission function as the review body supported by staff. The direction asks for staff to identify the necessary changes in the Sign Code to implement Council direction.

The Sign Ordinance does not currently allow commercial signage to be placed in the public right-of-way. Any proposal to allow off-site commercial advertising in public right-of-way locations would require amendments to the Sign Ordinance to make provision for such signage. In response to City Council direction regarding this issue, staff conducted community outreach as part of the Update process regarding news racks and other forms of commercial advertising in the public right-of-way. Community response to this type of signage was generally very positive.

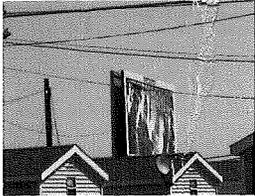
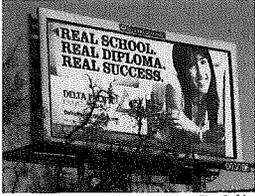
A lawsuit is currently on appeal regarding the ability of a city to have a billboard ban while allowing off-site advertising on public property. If the Council chooses to retain the existing billboard ban for private property, the legal guidance from this appellate case would be very important to any decision to allow off-site advertising on public property. Staff is recommending that the Council retain the current regulations for billboards on private property and that the Council delay making a decision regarding off-site advertising on public property until the outcome of this case sheds light on whether these two issues are linked. The City Attorney's Office is tracking this lawsuit and staff will bring forward recommendations for public right-of-way signage as soon as legal guidance resulting from the case is available.

## Appendix A: Billboards in Two San Jose Census Tracts

<b>Census Tract No. 5001.00 - Council District - 3</b>			
1144 N 4th St		259 E Taylor St	375 E Hedding St
			
Message Category: Alcohol Condition: Good <sup>5</sup>	Message Category: Other Condition: Good	Message Category: Alcohol Condition: Good	Message Category: Other Condition: Good
390 Commercial St		456 E Hedding St & 10th St	
			
Message Category: Alcohol Condition: Good	Message Category: Other Condition: Good	Message Category: Soda/ Fast Food Condition: Good	Message Category: Other Condition: Good
456 E Hedding St & 10th St - 1	784 N13th St	816 N 10th St	
			
Message Category: Public Service Condition: Good	Message Category: Alcohol Condition: Poor <sup>6</sup>	Message Category: Movie/ Media Condition: Poor	Message Category: Movie/ Media Condition: Good
831 N 11th St	862 13th St	955 Oakland Rd	
			
Message Category: Other Condition: Good	Message Category: Movie/ Media Condition: Good	Message Category: Other Condition: Good	Message Category: Other Condition: Good

<sup>5</sup> Condition rated "good" if message surface is intact and there is no graffiti.

<sup>6</sup> Condition rated "poor" if some or all of the message surface is ripped or if billboard is defaced by graffiti.

<p>999 10th St</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>HWY 101- 300 feet east from 10th St (Other face of the billboard is towards the freeway and is not rated.)</p>  <p>Message Category: Movie/ Media Condition: Poor</p>	<p>SE corner N10th St &amp; HWY 101 (Other face of the billboard is towards the freeway and is not rated.)</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>NE corner 10th St &amp; Horning St</p>  <p>Message Category: Alcohol Condition: Good</p>
<p>North Side of E Hedding St 100 feet from 12th St</p>  <p>Message Category: Other Condition: Good</p>	<p>NW corner 10th St &amp; Commercial St</p>  <p>Message Category: Public Service Condition: Good</p>	<p>NW corner of E Hedding St &amp; N Bayshore West St</p>  <p>Message Category: Alcohol Condition: Poor</p>	
<p>NW corner 10th St &amp; E Hedding St (901 N 10<sup>th</sup> St)</p>  <p>Message Category: No Message Condition: Poor</p>  <p>Message Category: Public Service Condition: Good</p>		<p>NW corner Oakland Rd &amp; Madera Ave</p>  <p>Message Category: Other Condition: Good</p>  <p>Message Category: Alcohol Condition: Good</p>	
<p><b>Census Tract No. 5031.03- Council District – 7</b></p>			
<p>1507 S 10th St- 100' from Alma Ave</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>1620 S 7th St</p>  <p>Message Category: Alcohol Condition: Good</p>	<p>1595 S 10th St</p>  <p>Message Category: Media/ Movie Condition: Good</p>  <p>Message Category: Public Service Condition: Good</p>	

1603 S 7th St



Message Category: Alcohol  
Condition: Poor



Message Category: Public Service  
Condition: Good

1641 S 10th St



Message Category: Public Service  
Condition: Good



Message Category: Other  
Condition: Good

SW corner Monterey Rd & Phelan Ave



Message Category: Public Service  
Condition: Poor

2055 S 7th St



Message Category: Media/ Movie  
Condition: Good

1750 S 10th St

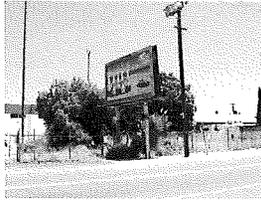


Message Category: Media/ Movie  
Condition: Poor



Message Category: Public Service  
Condition: Good

1980 S 7th S

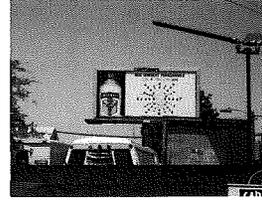


Message Category: Alcohol  
Condition: Good



Message Category: Media/ Movie  
Condition: Good

2331 S 7th St



Message Category: Alcohol  
Condition: Good



Message Category: Public Service  
Condition: Good

2070 S 7th



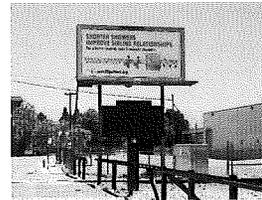
Message Category: Public Service  
Condition: Good

NE corner of E Alma Ave & RR



Message Category: Other  
Condition: Good

SE corner of E Alma Ave & RR



Message Category: Public Service  
Condition: Good

South side of Tully Rd 200 feet east of Monterey Rd



Message Category: Soda/ Fast Food  
Condition: Good

North side of Tully Rd- 200 feet east of Monterey Rd  
(Two single-faced billboards are located side-by-side at the same location.)



Message Category: Public Service  
Condition: Good



Message Category: Soda/ Fast Food  
Condition: Good

North side of Tully Rd- 250 feet east of Monterey Rd (Two single-faced billboards are located side-by-side at the same location.)



Message Category: Other  
Condition: Good



Message Category: Public Service  
Condition: Good

NW corner Phelan & RR



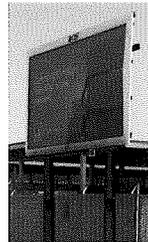
Message Category: Public Service  
Condition: Good

SW corner Phelan Ave & RR



Message Category: Media/ Movie  
Condition: Poor

Opposite side of 1595 S 10th St



Message Category: Other  
Condition: Good

SE corner Monterey Rd & RR

Billboard has two faces. The second face is hidden behind the tree.

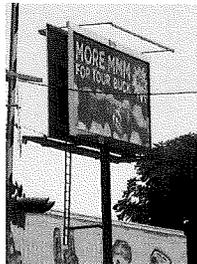


Message Category: Public Service/ Alcohol  
Condition: Good/ Poor

SW corner Monterey Rd & RR



Message Category: Other  
Condition: Good



Message Category: Soda/ Fast Food  
Condition: Good

SE corner Monterey Rd & Bellevue Ave



Message Category: Alcohol  
Condition: Good



Message Category: Alcohol  
Condition: Good

SE corner of S 7th & Phelan Ave



Message Category: Public Service  
Condition: Good

1608 Almaden Expy

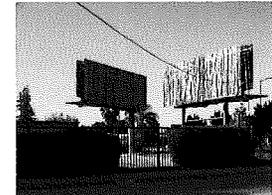


Message Category: Alcohol  
Condition: Good

SW corner Tully Rd, S 7th and Old Tully Rd (Two single-faced billboards are located side-by-side at the same location.)

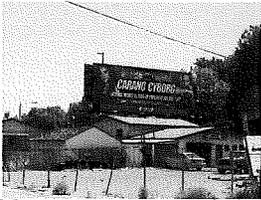


Message Category: Alcohol/ Media & Movie  
Condition: Good/ Good

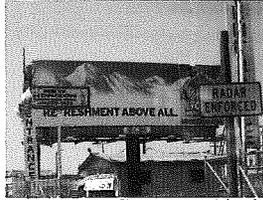


Message Category: No Message/ No Message  
Condition: Poor/ Poor

SW corner Old Tully Rd & Healy Ave (2400 Monterey Rd)



Message Category: Media/ Movie  
Condition: Good



Message Category: Alcohol  
Condition: Good

1603 Almaden Expy



Message Category: Public Service  
Condition: Good



Message Category: Other  
Condition: Good

1639 Almaden Rd



Message Category: Media/ Movie  
Condition: Poor

Almaden Expy



Message Category: Other  
Condition: Good

NW corner Almaden Expy & San Jose Ave



Message Category: Media/ Movie  
Condition: Good



Message Category: Soda/ Fast Food  
Condition: Good

NW Corner W Alma Ave & SP Railroad



Message Category: Alcohol  
Condition: Poor

NW Corner W Alma Ave & SP Railroad - 1



Message Category: Other  
Condition: Good

SW Corner W Alma Ave & SP Railroad



Message Category: Alcohol  
Condition: Good

NW corner W Alma Ave & Vine St



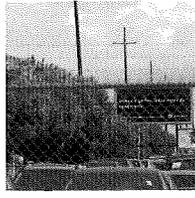
Message Category: Alcohol  
Condition: Good

SE corner W Alma Ave & Little Orchard St



Message Category: Alcohol  
Condition: Good

W 10th - 200 feet south of Alma Ave



Message Category: Other  
Condition: Good

SW corner W Alma Ave & Mastic St

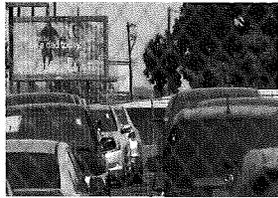


Message Category: Soda/ Fast Food  
Condition: Good



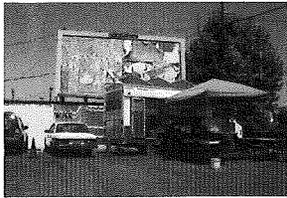
Message Category: No Message  
Condition: Good

W 10th - 220 feet south of Alma Ave- 1



Message Category: Public Service  
Condition: Good

1675 S 1st



Message Category: No Message  
Condition: Poor

1775 S 1st



Message Category: Alcohol  
Condition: Good



Message Category: Other  
Condition: Poor

1787 S 1st

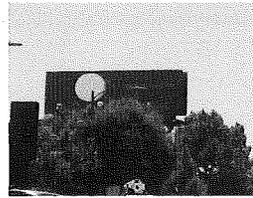


Message Category: Alcohol  
Condition: Good



Message Category: Other  
Condition: Good

SE corner Monterey Rd & Alma Ave-2



Message Category: Public  
Service  
Condition: Good



Message Category: Public  
Service  
Condition: Good