

Attachment V

Public Correspondence

**Hamilton, Carol**

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**From:** phfoster2@netzero.com  
**Sent:** Friday, May 22, 2009 4:44 PM  
**To:** hbliven@att.net  
**Cc:** Hamilton, Carol  
**Subject:** Re: San Jose Signs

Hi Carol,

I agree with Helen. No foreign language signs. This is the USA and the common language that provides US with a common understanding is English.

Phil Foster  
MCNA President  
Home: 408-578-8130

----- Original Message -----

Return-Path: <hbliven@att.net>  
Received: from mx11.vgs.unttd.com (mx11.vgs.unttd.com [10.181.44.41])  
by maildeliver03.vgs.unttd.com with SMTP id AABFBPWR5AJVQ7E2  
for <phfoster2@netzero.net> (sender <hbliven@att.net>);  
Fri, 22 May 2009 09:25:31 -0700 (PDT)  
Received: from web80503.mail.mud.yahoo.com (web80503.mail.mud.yahoo.com [209.191.72.56])  
by mx11.vgs.unttd.com with SMTP id AABFBPWR5AFAM23S  
for <phfoster2@netzero.net> (sender <hbliven@att.net>);  
Fri, 22 May 2009 09:25:31 -0700 (PDT)  
Received: (qmail 42506 invoked by uid 60001); 22 May 2009 16:25:30 -0000  
Message-ID: <519319.41729.qm@web80503.mail.mud.yahoo.com>  
X-YMail-OSG:  
QQzptFkVM1mF7QucFTto4EI3cAQLpd0wKxS.WlyTQFVPeqpVHgVNPCA4KHI6krf51GkIV2fy\_N2w  
Received: from [75.36.203.153] by web80503.mail.mud.yahoo.com via HTTP; Fri, 22 May 2009  
09:25:30 PDT  
X-Mailer: YahooMailRC/1277.43 YahooMailWebService/0.7.289.10  
Date: Fri, 22 May 2009 09:25:30 -0700 (PDT)  
From: Helen Bliven <hbliven@att.net>  
Subject: San Jose Signs  
To: carol.hamilton@sanjoseca.gov  
Cc: "phfoster2@netzero.net" <phfoster2@netzero.net>  
MIME-Version: 1.0  
Content-Type: multipart/alternative; boundary="0-1763381610-1243009530=:41729"  
X-ContentStamp: 2:3:1736872928  
X-UNTD-Peer-Info:  
209.191.72.56|web80503.mail.mud.yahoo.com|web80503.mail.mud.yahoo.com|hbliven@att.net  
X-UNTD-UBE:-1

Hello Carol,

9/15/2009

I won't be able to attend either meeting, so am sending this input:

PLEASE: No foreign language signs!

In order to be commUNITY we need to be on the same page with one language. In terms of budget problems it will save money, too. Less space and materials needed, and no translation expense. We are already so overwhelmed with signage that sometimes the important ones (No U turn) are missed.

Thank you for the opportunity of adding my 2 cents worth!

Helen Bliven  
Past President, McLaughlin Corridor Neighborhood Association

**From:** mail@sanjosed1.com  
**Sent:** Friday, July 31, 2009 3:16 PM  
**To:** Hamilton, Carol  
**Subject:** fw: RE: Sign Code Community Input

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**From:** "Phil Strong" <phil@strongleadership.com>  
**Sent:** Sunday, July 05, 2009 4:44 PM  
**To:** "Councilmember Pete Constant" <mail@sanjosed1.com>  
**Subject:** RE: Sign Code Community Input

Dear Pete -

1. There are sections of San Jose that are 'loaded' with signs of all sizes such as on Tully and Senter. There are so many stashed on the lawns, strung on trees that when driving by you really cannot read any of them because they just become a blur. It is a real eye-sore.
2. Many signs are un-readable because they are written in foreign languages. Unless you know the language, one has NO idea what the business wants you to know. Seems to me they are defeating the purpose of signage in the first place by limiting the advertisement to a single foreign language.
3. While a multi-language speaking culture tends to become a richer culture, signage is not intended to enrich but rather to inform, direct and entice one to know where and what a business establishment wants you to know about their product or service.
4. Generally, San Jose City signage should be limited to "English Only" in order to maintain a communication standard to appeal to the largest viewing audience possible.
5. Leadership in this signage area is now essential before the problem becomes totally out of control. I look to the city establishing a signage leadership group with volunteer representatives from businesses holding San Jose City business licenses to establish agreeable guide lines as to the size, quantity and placement of business signs.

Thank you for asking for my opinion.

Best Regards,

**Phil Strong - President**  
**Strong Leadership Systems**  
**8430 Chenin Blanc Lane**  
**San Jose, Ca 95135**  
**Email: [Phil@StrongLeadership.Com](mailto:Phil@StrongLeadership.Com)**  
**Ph: 408 - 532-0996**  
**Cell 408 -712-4500**  
**[WWW.StrongLeadership.Com](http://WWW.StrongLeadership.Com)**

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**From:** Councilmember Pete Constant [mailto:bounce@sanjosed1.com] **On Behalf Of** Councilmember Pete Constant  
**Sent:** Thursday, July 02, 2009 8:08 PM  
**To:** Phil Strong  
**Subject:** Sign Code Community Input Meeting

Dear Phil,

As a former small business owner I know the value of good signage. I have been working to update our sign code to better serve the needs of San José businesses and their patrons in a way that is sensitive to surrounding neighborhoods. The City is currently reviewing the sign code for changes that will affect you. I encourage you to attend one of the community meetings listed below. There are also a number of stakeholder meetings that are open to the public.

[Please click for the Community Meetings flyer.](#)

[Please click here for the Stakeholder Focus Group Meetings flyer.](#)

### Community Input Meetings

Wednesday, July 8, 2009  
6:30 p.m. to 8:00 p.m.  
Roosevelt Community Center  
Community Room  
901 East Santa Clara Street, San José

Thursday, July 9, 2009  
6:30 p.m. to 8:00 p.m.  
Camden Community Center  
Room 118  
3369 Union Avenue, San José

Please attend one of these important community meetings and share your input or feel free to contact me with any suggestions you have for revising the City's Sign Code.

Sincerely,



Pete Constant  
San José City Councilmember, District 1  
San José City Hall | 200 E. Santa Clara St., 18th Floor | San Jose, CA 95113  
408-535-4901 | [pete.constant@sanjoseca.gov](mailto:pete.constant@sanjoseca.gov) | [www.sanjoseca.gov/district1/](http://www.sanjoseca.gov/district1/)

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**From:** mail@sanjosed1.com  
**Sent:** Friday, July 31, 2009 3:16 PM  
**To:** Hamilton, Carol  
**Subject:** fw: Re: Sign Code Community Input Meeting

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**From:** "Terry" <KellyProperties@comcast.net>  
**Sent:** Friday, July 03, 2009 7:39 PM  
**To:** "Councilmember Pete Constant" <mail@sanjosed1.com>  
**Subject:** Re: Sign Code Community Input Meeting

Thanks, Pete. I am interested in this topic. The current regs for RE 'for sale' signs is sufficient, but I think there should be some leeway for the open house roadside signage. I know that my business can only stay alive if I can continue to promote **my client's** listings and **my brokerage** with the 'open house' signs. One good rule should be that if a street corner is occupied by a sandwich sign by another realtor directing traffic in the same direction as your listing, then there really is no need to duplicate that signage and clutter the pedestrian street corner. I follow this rule myself, but not everyone complies. We have more people walking (with dogs) and using the sidewalks, so we should keep them as uncluttered as possible. We realtors even know of some homeowners that rail against **legal** signage on their sidewalks and we **respect** these **unrealistic** people's bias and do **not** place signs near their homes, in deference to our unthinking neighbors, even though it is permitted. To restrict realtors sign options would greatly restrict the marketing of our clients' homes, adversely impacting the home resale market, that's my opinion.

Terry Kelly  
Kelly Properties  
1314 Lincoln Ave., 2C  
San Jose, CA 95125  
408 529-0234  
[Kellyproperties@comcast.net](mailto:Kellyproperties@comcast.net)  
"Serving You like Family"

-- Original Message -----

**From:** [Councilmember Pete Constant](#)  
**To:** [Terry Kelly](#)  
**Sent:** Thursday, July 02, 2009 8:26 PM  
**Subject:** Sign Code Community Input Meeting

Dear Terry,

As a former small business owner I know the value of good signage. I have been working to update our sign code to better serve the needs of San José businesses and their patrons in a way that is sensitive to surrounding neighborhoods. The City is currently reviewing the sign code for changes that will affect you. I encourage you to attend one of the community meetings listed below. There are also a number of stakeholder meetings that are open to the public.

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Sincerely,



Pete Constant  
San José City Councilmember, District 1  
San José City Hall | 200 E. Santa Clara St., 18th Floor | San Jose, CA 95113  
408-535-4901 | [pete.constant@sanjoseca.gov](mailto:pete.constant@sanjoseca.gov) | [www.sanjoseca.gov/district1/](http://www.sanjoseca.gov/district1/)

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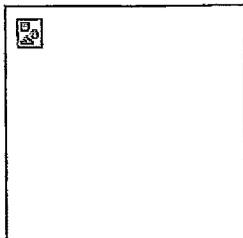
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**From:** Cansino, Rhovylynn **On Behalf Of** Constant, Pete  
**Sent:** Tuesday, August 11, 2009 12:48 PM  
**To:** 'Dana Abbott'  
**Subject:** RE: Sign Code Meeting Input

Hello Dana,

Thank you very much for taking the time to e-mail me your suggestion on the city's sign code ordinance update. I will forward your message to Carol Hamilton from the Planning Department who is the project manager for the update. Please don't hesitate to contact our offices should you have any questions or concerns.

Best,



**Rhovy Cansino**  
Council Aide  
Office of Councilmember Pete Constant  
San José City Councilmember, District 1  
San José City Hall | 200 E. Santa Clara St., 18th Floor | San José, CA 95113  
Phone: 408-535-4918 | Fax: 408-292-6448  
[rhovylynn.cansino@sanjoseca.gov](mailto:rhovylynn.cansino@sanjoseca.gov) | [www.sjdistrict1.com](http://www.sjdistrict1.com)

*P.S. Councilmember Constant would like to keep you apprised of current issues in District 1 and the City of San José, if you'd like to be added to our newsletter distribution list, please e-mail our office at [district1@sanjoseca.gov](mailto:district1@sanjoseca.gov) or sign-up online at [www.sjdistrict1.com](http://www.sjdistrict1.com)*

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**From:** Dana Abbott [<mailto:abbottpress@gmail.com>]  
**Sent:** Sunday, July 05, 2009 2:59 PM  
**To:** Constant, Pete  
**Subject:** RE: Sign Code Meeting Input

Page 2 of 2

Hello,

I would like to suggest that there be some electronic signs in high foot traffic areas, like perhaps Santana Row or some shopping areas, where people can easily see listings of community events, such as e-waste drop off, prescription drug waste, senior related offerings. I would think this would be easier to maintain and update than having flyers posted on bulletin boards.

Dana Abbott  
[AbbottPress@gmail.com](mailto:AbbottPress@gmail.com)

**Hamilton, Carol**

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**From:** tom utic [utic57@hotmail.com]  
**Sent:** Monday, August 24, 2009 4:24 PM  
**To:** Hamilton, Carol  
**Subject:** Alameda billboards

Hello Ms Hamilton,

I live and work in San Jose and have a concern about the location of several large billboards. I'm not sure whether you are the best person to contact, but I heard the City of San Jose may be reviewing policy or placement of billboards in some areas.

While I personally consider any billboards on surface streets to be unsightly, I understand that contracts with billboard companies limit the City's flexibility in determining billboard removal or relocation. My particular concern is the large billboard at the intersection of the Alameda and Race, a location currently under study (*The Alameda: A Plan for The Beautiful Way* Project Caltrans Community Based Transportation Grant). I believe that removal of this billboard should be a critical component of any improvement plan, along with another billboard on Race street near W. San Fernando that faces the Alameda.

I would appreciate it if you would consider my input on this matter, or forward it to whoever may be in a position to affect a change. Thank you for your consideration.

Tom Utic

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Carol Hamilton  
Senior Planner  
City of San Jose  
200 E. Santa Clara St. 3<sup>rd</sup> Floor  
San Jose Ca. 95113-1905

September 22, 2009

Re: Any Proposed Elimination of Owners Consent from Sign Re-location Ordinance.

Dear Carol,

I am writing to you on behalf of myself, La Senda LLC, and Desert Development LLC. We have also spoken with several other property owners who may be calling and or writing you. Let me begin by saying that we appreciate your listening to the property owners' perspective while gathering input for your report on the proposals to change the sign code.

Any proposal to change in the sign code to eliminate property owner consent to relocation of a sign will divest property owners of long vested property rights. A permit to use property for general advertising purposes is no different than any other permit for a regulated land use in that it is a property right owned by the property owner and runs with the land. A land use permit of any kind is an enhancement in the value of property *ownership*, a right that is transferrable by the property owner to his successor's interest. Any land use permit issued to a tenant is issued to the tenant as agent for the property owner.

Any lobbying by the sign companies to eliminate property owner consent from the relocation ordinance misses this fundamental point of land use regulation – the vested right for any land use is held by the property owner, *not the tenant*. A tenant cannot control the use of the property beyond the unexpired term of its lease.

As you know once a permitted sign is removed, it can't be replaced. A relocation necessarily means the removal of non-conforming use, a forced abandonment unless consented to by the owners of the properties where the "removed" sign is located. Under the current ordinance (Section 23.04.460) the relocation of a general advertising signs is logically and legally prohibited without the property owner's consent. This consent provision protects the City from claims of inverse condemnation and protects the rights of property owners, a right they can choose to waive by informed consent. Without the consent provision, the tenant is allowed to force an abandonment of the long held permit rights owned by the property owner.

We have spoken to other owners and they share the same concerns for the futures of their properties regarding relocations without their consent and the effect that it would have on the values of their property. While the sign companies have the right to remove their structures at the end of a lease or during the lease for that matter (as long as the rent is paid), they won't do so unless they have the right to re-locate the sign to another property. Where property owner consent is required the property owner retains control of the use of his property, prevents involuntary abandonment, and retains the value of that use.

However relocation under a revised ordinance which removes property owner consent is a different matter altogether. A relocation would be a transfer by the tenant of a property right belonging to a long-vested property owner to another property without consent. Acting under color of this proposed law, the tenant sign companies take the property rights of the owner of the "removed" property.

If you were to contemplate any changes to section 23.04.460 of the law, we believe you should contact the property owners in the City of San Jose who would be affected to get their input. A change in the consent language could significantly change the values of their properties. In these times, when it is hard enough to make ends meet, a change in the code removing owner consent would put many of the owners in a position of financial hardship. Others may not object to the existing sign being relocated and will negotiate a "buy out" of the permit rights as consideration for the consent. If the prospective new location and sign are valuable, the sign companies will find a way to obtain an agreement with their current property owners to obtain consent. This is the only fair way to treat the issue of relocation.

As a side note, the City of San Francisco's recently adopted new sign code requires property owner consent for relocation. They did this because of the same factors I have brought up in this letter and the same reasons the City of San Jose included them in the current sign code.

I appreciate you listening to the property owner perspective on the matters before you and trust that you will protect land use rights of the property owners of the City of San Jose in deciding which strategy you will be recommending.

Sincerely,

Les Keyak  
901 Mariners Island Blvd #600  
San Mateo CA 94404

[les@sportleasing.com](mailto:les@sportleasing.com)  
650 403 2301 office

September 3, 2009

Carol Hamilton  
Senior City Planner  
City of San Jose, Planning Dept.  
VIA EMAIL ([CAROL.HAMILTON@SANJOSECA.GOV](mailto:CAROL.HAMILTON@SANJOSECA.GOV))

RE: San Jose Sign Code Update

Dear Ms. Hamilton:

Thank you again for the opportunity to participate in today's discussion regarding the potential update to the City's Sign Code. SiliconView's inventory of signs consists exclusively of large-format L.E.D. billboards. I will elaborate here on what we like and what we would like to see changed with respect to Strategy 4 regarding programmable electronic (L.E.D.) billboards.

What we like:

- Strategy 4 accommodates off-premises advertising and advertising adjacent to a thoroughfare. Both these factors are absolute prerequisites for making large format L.E.D. billboards economically viable. The upfront capital investment for an L.E.D. billboard is substantial. To recoup that investment, a billboard company must attract national advertisers with a high traffic venue.

What we would like to see changed:

- Strategy 4 is not geographically comprehensive in that it only looks at the downtown. L.E.D. billboards would also be appropriate and desirable adjacent to the City's other major freeways, especially HWY 101 and I-880. It has been 18 years since the City last looked at updating the Sign Code. In my judgment, a comprehensive review is overdue in light of the increasingly urban nature of the City and the technological advances made in digital signage since 1992.
- The requirement that 5 boards be taken out of service for every new board is an impossible barrier to entry, especially for a new entrant into the San Jose market. Property owners and other sign companies have entered into long term leases on existing billboards, and there is no incentive for them to give up those revenue streams. True, it may be possible to buy out those interests, but that is far from certain, will likely get very expensive and in most instances will make a new L.E.D. billboard economically unfeasible.

We are very pleased that the City has taken an interest in L.E.D. billboards. These signs are dynamic, visually interesting, eco-friendly, provide a much needed boost to business and can be programmed in mere minutes to disseminate public safety and public service announcements.

Best regards,

Adam Kates  
General Manager

RECEIVED

OCT - 2 2009

September 30, 2009

CITY OF SAN JOSE  
DEPARTMENT SERVICES

Ms. Carol Hamilton  
Senior Planner  
CITY OF SAN JOSE  
200 E. Santa Clara Street, 3<sup>rd</sup> Floor  
San Jose, CA 95113-1905

*Re: Sign Re-location Ordinance  
North East Corner Marbury Way and Highway 101 – San Jose*

Dear Ms. Hamilton:

As a tax paying, long time resident of San Jose, I would like to register my strong opposition to what I believe the commercial billboard companies are proposing and the City is considering. As a property owner who has derived family sustaining income from a large billboard for many years, my property rights are not being recognized or protected. The City should not allow a sign company to remove the sign from my property as trade with the City for a new location without compensation to the property owner. Further more the idea that a competing sign company would not be allowed to replace the sign and the property owner's income stream is wrong. The City's proposed sign blight ordinance is unfair to the property owners who rely on the income from these signs. The City is condemning a portion of our property and our ability to derive income there from. If the City is going to proceed with the plan as we know it, we will look to the City to compensate us for the loss of future income. Once the other affected property owners understand what is transpiring they to will be looking for justice.

The property owners who pay the taxes have rights that must be respected. Please assist us in this matter before it gets out of hand.

Please call our representative, Larry Jones at 510.891.5819, if you have any questions.

Best regards,



Joanie Jones  
Co-Trustee  
Jones-Bittel Trust  
5427 Club Drive  
San Jose, CA 95127

cc: Mayor Chuck Reed  
City Manager Debra Figone  
All Council Persons