

# REPLACEMENT

COUNCIL AGENDA: 1-12-10  
ITEM: 4.6



## Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Edward K. Shikada

**SUBJECT:** SEE BELOW

**DATE:** January 6, 2010

Approved

Date

1/6/10

### REPLACEMENT

**SUBJECT: WAYFINDING BANNER IN THE PUBLIC RIGHT-OF-WAY POLICY AND PROPOSED CHARGES**

### REASON FOR REPLACEMENT

Deletion of references to Business Destination Areas, which are not consistent with proposed policy and will be addressed in a future policy.

### RECOMMENDATION

1. Adoption of a resolution approving a City Council policy for wayfinding banners in the public right-of-way.
2. Adopt a resolution amending Resolution No. 72737 to:
  - a. Establish a Wayfinding Banner Application charge of \$535, plus \$89 per hour after 6 hours in Economic Development/Cultural Affairs for costs associated with the application review and coordination of wayfinding banners in the public right-of-way
  - b. Establish a Double Banner Installation charge of \$66 in the Department of Transportation Miscellaneous Charges for costs associated with the installation of one dual set of wayfinding banners on a single street pole with existing banner hardware; and
  - c. Establish a New Double Banner Installation charge of \$86 plus cost of materials in the Department of Transportation Miscellaneous Charges for costs associated with the installation of one dual set of wayfinding banners on a single street pole without existing banner hardware

## **OUTCOME**

Adoption of the proposed resolution approving the wayfinding banners policy will provide a consistent Citywide framework for facilitating wayfinding to certain destinations throughout the City through the use of wayfinding banners and adoption of the proposed administrative and installation charges will ensure recovery of costs associated with the review and installation of wayfinding banners.

## **EXECUTIVE SUMMARY**

The proposed policy addresses Council's desire to facilitate wayfinding throughout the City, while addressing and balancing concerns about proliferation of signage that could lead to visual clutter issues. The policy addresses wayfinding banners in destination areas such as the Greater Downtown Area, Neighborhood Business Districts, Transit Oriented Development Corridors, and post-secondary educational campuses.

## **BACKGROUND**

The City's temporary event banner program and guidelines were established administratively ("Event Banner Program"), and currently allow only the short term placement of event banners. The Event Banner Program does not provide guidance nor is it authorization to place permanent area wayfinding banners in the public right-of-way. Although permanent banners have been installed in some areas, currently there is no policy to provide consistent guidance on the installation of such banners. The proposed Wayfinding Banner Policy is intended to address this issue more definitively and the issuance of companion administrative guidelines will provide more comprehensive guidance on the installation of permanent Wayfinding Banners.

## **ANALYSIS**

Over the years, Council has expressed concerns about a proliferation of signage that could lead to visual clutter issues. Balancing that concern is a desire to facilitate wayfinding throughout the City and to identify unique areas through the use of banner signs in the public rights-of-way.

The purpose of the proposed Wayfinding Banner Policy is to assist persons in locating and identifying certain destination areas of the City through the use of wayfinding banners located in public rights-of-way, while preventing a proliferation of banner signage that could lead to undue visual clutter along public rights-of-way. The proposed Wayfinding Banner Policy memorializes how the City chooses to exercise its authority related to the placement of banners in public rights-of-way pursuant to the City's Sign Ordinance, such as prohibiting traffic or pedestrian safety hazards and ensuring compliance with traffic guidelines.

The proposed Policy describes areas that would be eligible for wayfinding banners to assist in their identification. These include the Greater Downtown Area (as defined in The Strategy 2000 Development Plan, adopted by Council in June 2005), Neighborhood Business Districts, certain areas of Transit-Oriented Development (TOD) Corridors, and post-secondary educational

campuses that are a minimum of five acres in size. Although banners are intended to facilitate the ability to locate these areas, they are not intended to demarcate the boundaries of the area and are recommended to be confined to larger streets that are non-residential in overall character, with the exception of streets in the Greater Downtown Area.

Through the stakeholder outreach process, it has been determined that there is a high level of interest in allowing identification of other destination areas, in addition to the areas included in this Policy. A policy related to this will be brought forward in 2010. In addition to other possible unique areas, a significant interest was also expressed for identification of City facilities, such as regional parks. The existing Council Policy 9-1: Markers for Points of Interest was adopted in 1971 and should be amended to reflect updated points of interest and modifications to the implementation process. Staff hopes to bring forward an amended policy on this matter as well for Council consideration in 2010. Subsequent to Council review and adoption of the above mentioned policies, the Wayfinding Banner Policy can be amended to include unique destination areas as well as points of interest as areas eligible for the installation of wayfinding banners.

**Cost Recovery**

Given the significant General Fund budget deficit facing the City, the Administration is cognizant of the fact that the cost of installing wayfinding banners must be considered. Based on staff's analysis the following administrative and installation charges would be necessary to fully recover program costs. The following table lists the current and proposed charges for the Office of Economic Development's Office of Cultural Affairs and Department of Transportation.

Service	Charge Name	Description	Charge
Office of Cultural Affairs administrative review, assistance with outreach, coordination, determination, fiscal management	Wayfinding Banner Application	New charge; charged per review; no limit on number of banners requested	\$ 535, plus \$89 per hour after 6 hours
DOT Installation/removal of wayfinding banners on street poles outfitted with existing banner hardware	Single Banner Installation	Existing charge; no change	\$ 44
	Double Banner Installation	New charge; one set of dual banners on a single street pole	\$ 66
DOT Installation/removal of wayfinding banners on street poles that are not yet outfitted with banner hardware (includes hardware	New Single Banner Installation	Existing charge; no change	\$ 66 plus cost of materials <i>\$ 186 current cost of materials*</i> <i>\$ 252 total current cost</i>

purchase and installation)	New Double Banner Installation	New charge; one set of dual banners on a single street pole	\$ 86 plus cost of materials <i>\$ 336 current cost of materials*</i> <i>\$ 422 total current cost</i>
----------------------------	--------------------------------	---	--

\* Where a charge includes "cost plus materials," the current cost of materials is shown for reference

**Development of Banner Program Guidelines**

To guide the administration and implementation of the proposed Wayfinding Banner Policy, the City Manager or designee will develop Wayfinding Banner Policy Guidelines. These guidelines will describe in more detail the administrative processes associated with placing and removing wayfinding banners in the public right-of-way and outline criteria, requirements and implementation processes for these banners. These Guidelines will fully conform to the Wayfinding Banner Policy adopted by Council.

**Stakeholder Outreach**

On December 22, 2008, the Community and Economic Development Committee (CEDC) accepted staff's recommendation to begin public outreach regarding the proposed Wayfinding Banner Policy. From February through April 2009, staff discussed the new banner policy with various community groups including the Downtown Association, post-secondary educational institutions as well as each of the Neighborhood Business Associations.

Staff received several recommendations from the community; the majority of which have been incorporated into the Wayfinding Banner Policy. Ideas to include sponsor logos will not be considered in the guidelines since permanent banners are purely meant to serve as way-finding tools. Suggestions to allow descriptions of activities and events on banners will also not be incorporated in the guidelines since the need to communicate information to the public about events may be done through the use of Temporary Event Banners. In addition, due to safety and liability issues associated with installing banners in the public right-of-way, as well as the fact that the wayfinding banners are City speech, only City staff may install banners. However, the City may offer community members the opportunity to donate banners and banner hardware that meets City specifications, in order to defray City costs if the City decides to install wayfinding banners in an area.

**EVALUATION AND FOLLOW-UP**

Subsequent to the adoption of a policy for designation of destination areas and an amended Policy 9-1: Markers for Points of Interest, the Wayfinding Banner Policy could be amended to include destination areas and City points of interest as areas eligible for wayfinding banners.

## **POLICY ALTERNATIVES**

The following alternatives were also considered:

**Alternative #1:** Do not adopt a policy

**Pros:** None

**Cons:** The City currently does not have a policy to guide the installation of long term wayfinding banners.

**Reason for not recommending:** Proceeding with policy adoption is recommended in order to provide clear and consistent guidance for the placement of wayfinding street banners.

**Alternative #2:** The Policy could include provisions to allow for private entities to install banners.

**Pros:** Private entities may be able to install banners at a lower cost.

**Cons:** Private entities are not allowed to install signage in the public rights of way. Even if private organizations somehow could install banners in the public rights of way, the City could be held responsible for potential resulting risks and liabilities to traffic, pedestrians, and adjacent properties.

**Reason for not recommending:** The City is responsible for its public rights-of-way. The City can best ensure that the installation complies with City requirements by having City staff perform banner installation.

**Alternative #3:** Establish charges that are below cost-recovery and phase in full cost recovery

**Pros:** Phasing in full cost-recovery charges would reduce the impact on customers; it may incentivize implementation of banners in the short-term, before the full rates are implemented.

**Cons:** Implementing charges that are below cost recovery would require General Fund subsidy, possibly impacting other higher priority services.

**Reason for not recommending:** Given the significant General Fund deficit, discretionary projects that add workload to existing staff should be carefully evaluated and costs recovered to the extent possible to prevent impacts on other higher priority services.

## **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 total of ten meetings were held with various community groups and stakeholders. This item was posted on the City of San Jose website for the December 22, 2008 CEDC meeting, and will be posted on the City website for the January 12, 2010, City Council Agenda.

### **COORDINATION**

Preparation of this memorandum was coordinated with the assistance of the following: Office of the City Attorney, Office of Economic Development, Budget Office, Departments of Transportation and Planning, Building and Code Enforcement, and the Redevelopment Agency.

### **FISCAL/POLICY ALIGNMENT**

This project aligns with the City's policy to support economic growth through the promotion of destination areas in San José. Any costs associated with the banner program are proposed to be recovered through charges.

### **COST SUMMARY/IMPLICATIONS**

Approval of the proposed wayfinding banner charges would recover the City's program implementation costs including staff time and installation hardware. The annual amount of revenue collected would vary based on the number of wayfinding banner applications per year and the number of banners installed.

### **CEQA**

Exempt, PP09-075



EDWARD K. SHIKADA  
Chief Deputy City Manager

For questions please contact Ashwini Kantak, Assistant to the City Manager, at 408-535-8147.

Attachments

# City of San José, California

## COUNCIL POLICY

<b>TITLE:</b> WAYFINDING BANNERS IN PUBLIC RIGHTS OF WAY	<b>PAGE:</b> Page 1 of	<b>POLICY NUMBER</b> 9-7
	<b>EFFECTIVE DATE:</b> _ / _ /10	<b>REVISED DATE:</b>
<b>APPROVED BY:</b> Council Action –		

### BACKGROUND

Over the years, the City Council has expressed concerns about a proliferation of signage that could lead to potential visual clutter or visual blight issues. However, balancing that concern is a desire by the City Council to facilitate traffic safety and wayfinding throughout the City, through the use of wayfinding banners in the public rights of way.

The City's Sign Ordinance, contained in Title 23 of the San José Municipal Code and adopted on November 10, 1992, contains provisions that specifically provide that only the City may post signage in the public rights of way throughout the City. Administrative authority for signage in the public rights of way throughout the City rests with the City Manager or designee.

### PURPOSE

The purpose of this Policy is to assist persons in locating and identifying certain areas of the City through the use of wayfinding banners located in public rights of way, while preventing a proliferation of banner signage that could lead to undue visual clutter or blight in and along the public rights of way. This Policy also memorializes how the City shall exercise its authority to place wayfinding banners in the public rights of way under and pursuant to the provisions of City's Sign Ordinance.

### POLICY

It is the Policy of the City that it shall exercise its authority to place wayfinding banners in the public rights of way only in a manner that comports with all of the following criteria:

- A. Any and all banners placed in the public right of way shall comply with all applicable regulations of City, including without limitation those regulations set forth in City's Sign Ordinance regarding, among other elements, prohibiting traffic or pedestrian safety hazards, compliance with all traffic guidelines, height

and separation requirements, and materials and structural requirements.

- B. Banners may be placed in public rights of way solely by City.
- C. Banners placed in the public rights of way shall be the property of the City. Notwithstanding that the City may seek out designs and ideas for banners or may accept banner ideas brought to the City's attention, banners in the public way are intended to be only the City's speech and are not private speech. Nothing in this policy is intended to open a public forum or a limited public forum, by placing banners in the public right of way. Furthermore, the City may delay or defer installation of banners until a funding source can be identified to cover the applicable City costs, which may include public funding sources or private donations or both. The City has the right to take down the banners at any time.
- D. Temporary banner public information signs that communicate general information about upcoming public events or upcoming events at public facilities may be placed along public rights of way by City and are governed by separate guidelines administered by the City Manager or designee.
- E. Wayfinding banners that identify destination areas in the Greater Downtown Area, as defined in The Strategy 2000 Downtown Development Plan, adopted by Council in June 2005, may be placed by City along the main public rights of way within that Area, in a manner consistent with this policy.
- F. Wayfinding banners that identify the location of a Neighborhood Business District, as those areas are described in City's General Plan ("NBD"), may be placed by City along the main public rights of way within that NBD in a manner consistent with this policy.
- G. Wayfinding banners that identify the location of a business area within a Transit-Oriented Development Corridor ("TOD"), as those areas are described in City's General Plan, may be placed by City along the main public rights of way within that TOD, but only in those areas where a minimum of 50% of properties fronting on the TOD Corridor are used for commercial, mixed-use and/or other non-residential uses within the lengths of the TOD Corridor proposed for banners in a manner consistent with this policy.
- H. Wayfinding banners that identify the location of a post-secondary education campus, of a minimum 5 acres in size, may be placed by City along the main public rights of way along the post-secondary education campus.
- I. While banner signs placed in the Greater Downtown Area, NBDs, TODs, and post-secondary education campuses, are intended to facilitate the ability to locate and identify those areas, wayfinding banners in those areas are not intended to demarcate the boundaries of the entire area. Because wayfinding banners occupy space within the public right-of-way, they have the potential to add to visual

clutter if allowed on every street in the area. For this reason, it is preferable to confine the banners to larger streets, except in the Greater Downtown Area, that are ideally non-residential in overall character.

- J. The City Manager or designee shall administer the provisions of this Policy, including the promulgation of processes or administrative guidelines to implement this Policy, all in a manner consistent with the provisions of this Policy and City's Sign Ordinance.
- K. City Council Policy 6-30 regarding outreach for land use projects will provide guidance in developing community outreach for a wayfinding banner proposal.
- L. The terms "banner," "public information sign," and "public right-of-way" as used in this Policy shall have the respective meanings ascribed to them in City's Sign Ordinance.