

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING CITY COUNCIL POLICY 9-7, "WAYFINDING BANNERS IN PUBLIC RIGHTS OF WAY"

WHEREAS, the City Council of the City of San José ("City Council") desires to facilitate traffic safety and wayfinding throughout the City of San José ("City") through the use of banner signs in the public rights of way, without creating a proliferation of signage leading to potential visual clutter or visual blight; and

WHEREAS, the City's Sign Ordinance, contained in Title 23 of the San José Municipal Code, contains provisions that specifically provide that only the City may post signage in the public rights of way throughout the City and that the Redevelopment Agency of the City of San José ("Agency") may post signage in the public rights of way located within the Downtown Sign Zone; and

WHEREAS, the City Council believes it is in the overall public interest to balance the goal of preventing visual clutter and blight with the goal of facilitating wayfinding throughout the City through the limited use of banners in the public rights of way as City speech as set forth in more detail in the "Wayfinding Banners in Public Rights of Way" policy;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The City Council Policy 9-7 on "Wayfinding Banners in Public Rights of Way," attached as Exhibit A to this resolution and incorporated herein by this reference, is hereby approved.

EXHIBIT A

City of San José, California

COUNCIL POLICY

TITLE: WAYFINDING BANNERS IN PUBLIC RIGHTS OF WAY	PAGE: Page 1 of	POLICY NUMBER 9-7
	EFFECTIVE DATE: ___/___/10	REVISED DATE:
APPROVED BY: 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.