

**RESOLUTION NO.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING AMENDMENTS TO COUNCIL POLICY NO. 9-3, RELATING TO COMMUNITY IDENTIFICATION SIGNS AND WAYFINDING BANNERS**

**WHEREAS**, City Council Policy 9-3, relating to Community Identification Signs, was originally adopted on March 27, 1972, and was last revised on March 25, 2008 (the "Policy"); and

**WHEREAS**, the City Council of the City of San José ("City") desires to amend the Policy to: (1) modify the name of the Policy; (2) include wayfinding banners in the Policy; (3) allow installation of certain Community Signs by the applicants; (4) designate the City Manager as the lead on all signs and markers; (5) include the possibility of a Council hearing for a final determination on certain signage requests; and (6) delete certain requirements related to Temporary Community Signs; and

**WHEREAS**, public comment was received and it was moved and approved that the proposed amended Policy be adopted by resolution; and

**WHEREAS**, this Policy supersedes the policy adopted on March 25, 2008, under Resolution No. 74308 of the Council of the City of San José;

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

The revised City Council Policy 9-3 entitled, "Community Identification and Wayfinding," which revised Policy is attached hereto as Exhibit "A" and incorporated herein by this reference as though fully set forth herein, is hereby approved and shall, as of the date

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# City of San José, California

## COUNCIL POLICY

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	<b>EFFECTIVE DATE:</b> 3/ 27/72	<b>REVISED DATE:</b> _/_/2010
<b>APPROVED BY:</b> Council Action – March 27, 1972; October 15, 2002; May 6, 2003, _March 25, 2008, _____, 2010		

### **BACKGROUND**

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

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

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

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In October 2002, the City Council amended Policy 9-3 to allow community identification signs and architectural gateway monuments for the Greater Downtown Area.

Subsequently, in May 2003, Council further approved a substantial revision to Policy 9-3 which allowed the installation of community identification signs and markers in all areas of the City based on certain criteria. The amended Policy 9-3 also addressed when and where it would be appropriate to construct these signs and monuments.

In March 2008, Council approved a minor amendment to Policy 9-3 to allow the installation of temporary community signs in cases where the Council has previously made an explicit finding that a particular identifying name has “widespread support” in a relevant community.

In 2010, staff recommended that Policy 9-3 be further amended to address wayfinding banner signage, which type of signage previously had been largely excluded from the Policy, in order to foster a more unified and cohesive approach to community identification and way-finding signage located in public rights of way. Included within the 2010 amendment are additional minor changes that better define and enhance the process for Community Identification and Wayfinding Signs.

## **DEFINITIONS**

**Community Signs** is the term used in this policy to describe the various types of signs and markers that enhance community identification or way-finding to an unique area and can include wayfinding banners as well as architectural/gateway monuments. It refers to the sign, banner and/or marker and any necessary supporting structures designed to acknowledge distinct and unique areas in the City.

**Marker** is the term used in this policy to denote a physical element used to convey information about a specific location or area.

**Unique area** is the term used in this policy to denote an area in the City which attracts a significant number of residents from other parts of San José as well as visitors from outside the City due to its historical, cultural or other unique significance.

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**Improvement Plans** include but are not limited to:

1. Engineered construction plans with proposed improvements (i.e. sign type, materials, dimensions), existing improvements (i.e. topography), plan and profile, foundation design, signing and striping, electrical plans, and irrigation plans.
2. Structural calculations
3. Specifications

**PURPOSE**

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

1. Provide guidance as to when and where the installation of Community Signs would be appropriate.
2. Ensure that these Community Signs do not:
  - a) Create visual clutter, or
  - b) Create traffic or pedestrian safety hazards, or
  - c) Detract from a citywide sense of community unity, but build on community identity and image.

All proposals for Community Signs are subject to the Sign Ordinance. Community Signs throughout the City are subject to this Policy. The City Manager or City Manager’s designee shall administer the provisions of this Policy and may promulgate administrative guidelines to further implement this Policy, which guidelines shall be consistent with this Policy and the San José Municipal Code.

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## **POLICY**

### 1. Overview

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

### 2. Community Sign Ownership and Sponsors

Community Signs may be considered for the purpose of identifying established or unique areas of the City *only when placement of the Community Sign would not contribute to the fractionalization of the City or undermine overall City cohesiveness*. For signs within public rights-of-way, only the City may allow the placement of signs as a form of government speech pursuant to the City's Sign Ordinance and shall, be the owner of these signs and the City may remove them at City's sole discretion. Neighborhood and business organizations, or other private groups such as homeowner associations may request the City to consider the placement of a Community Sign if the groups are able to fund the costs to construct and maintain the Community Sign and may enter into a turnkey agreement with the City to cost, bid, construct, and maintain a Community Sign, *except for way-finding banners in the public rights-of-way, which may be installed solely by the City*. In general, the City will not approve or allow the installation of a Community Sign in the public right of way unless the sign is being proposed by a substantial number of persons or a group such as a neighborhood or business association which is willing to fund the construction or installation of the Community Sign(s), and except in the case of

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banners, fund the ongoing maintenance of these signs as well. Application and the process for approval of the banners shall be pursuant to administration guidelines adopted by the City Manager.

### 3. Community Sign Siting Criteria

Community Signs may be installed at an entry or other focal point of an established community or business area and other unique areas and in the case of wayfinding banners, along major streets. They should not, however, be used to try to define specific boundaries of a community. Because Community Signs occupy space within or near the public right-of-way they have the propensity to add to visual clutter if allowed on every street. For this reason, it is preferable to confine them to larger streets that are ideally non-residential in character. Community Signs should therefore be allowed only on arterial and major collector streets as defined in the San José 2020 General Plan, except in the Greater Downtown Area, where they may be allowed on smaller streets, provided that these streets are predominantly non-residential in use and character. *In the event of multiple unique areas, the City retains the right to prioritize placement of Community Signs in the public right of way.*

a) Community Signs shall:

- i) Not create traffic, pedestrian, or other safety hazards.
- ii) Comply with State traffic guidelines.

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

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name for a well-established or unique area of the City possesses wide-spread support in a relevant community. Temporary Community Signs will follow the same review and construction process as the permanent Community Signs.

4. Community Sign Design Criteria

- a) To the extent possible, Community Signs within the public rights-of-way should be integrated with traffic calming devices and/or existing street furniture.
- b) The size, type, massing, proportions and location of a Community Sign should be compatible with the area in which it is being proposed.
- c) Community Signs should serve to enhance the identification of the area in which they are proposed, and contribute to “way-finding” for both pedestrians and motorists.

5. Construction and Maintenance

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

6. Review Process

The review and evaluation of Community Signs in the public rights-of-way proposed by private parties will involve a multi-departmental review process. All Community Signs are intended to be cost recovery to the City. All charges associated with the review, permits, construction and maintenance of the proposed Community Sign shall be paid

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for by the applicant when the Community Sign is being proposed by private persons.

Temporary event-related banners in the public right-of-way are excluded from this policy, but are, however, subject to the City’s temporary banner program administered through the Office of Economic Development.

The review process for a Community Sign proposed by private parties is as follows:

- a) **Design Review:** All proposals to install a Community Sign shall undergo a comprehensive review. The Department of Public Works (DPW) or another department as designated by the City Manager will coordinate the review of all Community Signs, except wayfinding banners, with the full recovery of staff costs. The City Manager’s administrative guidelines set forth the review process for wayfinding banners – with the Office of Cultural Affairs (OCA) coordinating the review of wayfinding banners. DPW or other designated department and OCA will coordinate proposals with the applicable Council Office, the Department of Planning, Building and Code Enforcement (PBCE), the Department of Transportation (DOT) and the Office of the City Attorney. DPW or other designated department and OCA will also coordinate with the Redevelopment Agency (RDA) on all Community Sign applications within Redevelopment Project Areas.

Proposals will be reviewed for conformance with the siting and design criteria for Community Signs stated in this policy and in the case of wayfinding banners, also with the administrative guidelines. Proposals must include a description of the location, a scaled drawing of the proposal in plan and elevation, a project budget, identification of funds available to complete the review and processing of the proposal as well as funds to complete the fabrication/construction, and installation of the Community Sign. For all Community Signs except wayfinding banners, funds will also need to be identified for maintenance of the sign. Proposals will also be reviewed for conformance with CEQA.

- b) **Community Outreach and Public Hearing:** Community Outreach shall be done in accordance with the principles outlined in Council Policy 6-30 and per the provisions of this Policy. Prior to a public hearing, at least one community meeting should be held to explain the project to residents, businesses, property

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owners, and Strong Neighborhoods Initiative (SNI) advisory committees and other associations within a 2,000-foot radius of the proposed Community Sign. The persons or groups proposing the Community Sign will be responsible for organizing the community meeting. City staff shall be invited to the community meeting. In processing a Community Sign application in the public right-of-way, the City Manager or designee shall ensure that the proposal is consistent with the Sign Ordinance. In the event of a conflict between the policy and the Sign Code, the Sign Code shall take precedence. In general, the following are some expected roles during the review of the petition:

- i) As the first point of contact, the designated department staff will take in and process the application, and shall notify the applicable Council Office and other City departments. Staff will specifically review the proposal with respect to its character, context, mass, proportion, scale and conformance with the Sign Ordinance and in the case of banners, the administrative guidelines as well.
- ii) For proposals within Redevelopment Project Areas, RDA staff will receive a referral from the City Manager or designee. Their specific review will also involve the character, context, mass, proportion, scale and conformance with the Sign Ordinance and in the case of banners, the administrative guidelines as well.
- iii) The applicable Council Office should assist in facilitating community outreach and participation.
- iv) For all Community Signs, the designated department will review the project budget to ensure that it is adequate for the work being proposed and for any potential construction impacts. For all Community Signs, except banners, a maintenance agreement between the project sponsor and the City will be required prior to construction start.
- v) DOT will review the proposal’s potential impacts on traffic operations.
- vi) The City Manager or designee will coordinate comments from the other departments, receive testimony from the public at a noticed public hearing

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(such as a Director’s Hearing), and a written decision on the application will be rendered by the Director of PBCE and mailed to the applicant.

vii) An applicant may request to have the Director’s decision advanced to City Council for a final determination. In that case, the applicant shall request a hearing on the matter through the Rules and Open Government Committee, either directly or through a request to the Director. The Rules and Open Government Committee may choose to review the item and make a determination as to whether to advance the item for full Council consideration. The decision of the Committee, or in the case of items going to the full Council, the decision of the Council, shall be final.

c) **Improvement Plan Review:** The designated Department will review the proposal’s improvement plans subsequent to approval by City Manager or designee, or Council through the final determination process. Agreements memorializing obligations and understandings related to funding and construction services will be prepared through the Director of Public Works, and approved by the City through the City’s contracting policies and procedures. Following execution of these agreements, the sponsoring individuals or groups can start the construction of the improvements on behalf of the City, except in the case of wayfinding banners which can be installed *only* by the City. The Director of Public Works will ensure the completion of a turnkey agreement to hand over the project to the City upon completion of the project. The City will maintain oversight and inspection responsibilities to ensure that the project is constructed to specifications and the City’s codes. All contractors shall be required to have valid California licenses for type of work being performed as well as the appropriate insurance for work in the public rights-of-way. Additionally, prior to the issuance of the construction permit, the Director of Public Works will ensure that the sponsor(s) enter into a maintenance agreement with the City to cover the project. During this stage, DPW will coordinate the preparation of the improvement plans with the project sponsors, PBCE, DOT, OCA, CAO, and RDA to ensure substantial conformance with the approved proposal.

7. Removal of Signs

Community Signs may be removed by or on behalf of the City for reasons of blight, poor maintenance or public safety and welfare or for any other reason determined by

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City. Removal should occur after the surrounding community has been notified and given an opportunity for input, unless the City Manager or designee determines that the presence of the sign creates a safety hazard or visual blight. Any Community Sign removed from the public right-of-way by, or on behalf of, the City may be held in storage, or disposed of by the City Manager. The City is under no obligation to approve a replacement for any sign removed by the City. The persons or groups that sponsored the Community Sign or neighborhood/business groups in its vicinity can request that the City Manager or designee to remove a Community Sign. In considering the petition, the City should:

- a) Contact the persons or groups that sponsored the sign (if they are not the petitioners) and afford them the opportunity to redress any prevailing problem(s).
- b) Hold a community meeting, in conjunction with the applicable Council Office, to solicit input about the sign and/or inform the community about any problems necessitating its removal.
- c) Hold a public hearing to revoke the Community Sign and allow its removal.

8. Other Considerations

The City Manager or designee or the City Council through a final determination process, may impose other appropriate conditions on proposed Community Signs as required to reduce visual clutter or visual blight, to maximize pedestrian and vehicular traffic safety, to provide overall effective management of the public rights-of-way, to implement the provisions of this Policy, or for any reason that the Council deems appropriate for signage in the public right of way. The criteria in this Policy represent minimum standards.

Nothing contained in this Policy shall preclude the City Council from otherwise deciding to place banners or other identification or wayfinding signage on City-owned property or in the public rights of way in a manner established by City's Sign Code and after considering the policies articulated in this Policy.

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