COMMITTEE AGENDA: 11-26-07
ITEM: 4h

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

FROM: Joseph Horwedel

SUBJECT: SEE BELOW

DATE: November 7, 2007

Approved Paul Krutt

Date 11/9/07

COUNCIL DISTRICTS: District 3
SNI AREAS: Market/Almaden and University

SUBJECT: DRAFT WORKPLAN FOR A COMPREHENSIVE UPDATE OF THE DOWNTOWN SIGN ZONE PROVISIONS OF TITLE 23, THE SIGN ORDINANCE

RECOMMENDATION

Staff recommends that the Committee recommend Council accept the Draft Work Plan for a comprehensive update of the Downtown Sign Zone provisions of the Sign Ordinance.

BACKGROUND

The last comprehensive update of the Sign Ordinance, Title 13 of the San Jose Municipal Code, was adopted by the City Council in November, 1992. Over the past 15 years, the Council has approved a number of revisions to the Sign Ordinance to refine and update the City's signage regulations in response to changing needs of businesses, increasingly urban development patterns, and evolving community attitudes towards signage. These incremental changes (including a number of recent amendments that have focused on the Downtown Sign Zone) have expanded and refined signage options but have not provided for a fundamental assessment of the City's vision for signage to ensure that signage regulations support that vision. In order to provide a more fundamental evaluation of the City's signage regulations, the City Council included a $150,000 allocation in the 07-08 Adopted Operating Budget for funding of a consultant team to assist with the initial phase of a comprehensive update of the Sign Ordinance. This memorandum transmits a Draft Work Plan for the first phase of this Sign Ordinance update (see attached).

OUTCOME

Acceptance of the Draft Work Plan would enable staff to begin work on the first phase of a comprehensive update of the Sign Ordinance, including an RFQ process for consultant support in facilitating a public outreach process and developing signage regulations that reflect the this City's vision for appropriate levels of signage.

ANALYSIS

The Draft Work Program proposes a comprehensive update of the City's Sign Ordinance to be conducted in two phases, with the first phase focusing on the Downtown Sign Zone. This approach is facilitated by the structure of the current Sign Ordinance which provides regulations for the Downtown Sign Zone in a discrete section (Chapter 23.04, Part 4). Beginning with an update to the Downtown section will allow the City to address key signage issues first in the context of the urban core where the City's most intense level of signage has traditionally been and will likely be located, and will allow the Downtown process to frame the discussion for a subsequent comprehensive review of signage requirements for the remainder of the City. The comprehensive update of the Downtown Sign Zone will provide an opportunity to structure the proposed new regulations so that they are easier to access and understand.

The Draft Work Plan (attached) proposes a significant public outreach process that seeks input from key stakeholders and the community as a whole through a series of small-group discussions and community meetings designed to engage participants in identifying important signage issues, determining signage preferences and selecting signage strategies that will ultimately inform the drafting of new regulations. Visual preference survey techniques will be used to gauge community response to signage intensity options. Throughout the update process, staff will use the City's website to provide status reports, make draft documents available, publicize opportunities for community input and engage the community in the discussion of key signage issues.

The Draft Work Program outlines a 20-month process beginning with a Request for Qualifications and consultant selection process and ending with Council consideration of a Draft Sign Ordinance. Consultant teams are proposed to assist with data collection, facilitation of the community outreach process, development of visual preference materials, formulation of preferred signage strategies and development of draft signage regulations. The schedule is based on the reasonable assumption that an Addendum to the Downtown Strategy 2000 EIR or a Negative Declaration can be prepared for a proposed ordinance. Additional time and funding would be necessary should an Environmental Impact Report be required.

The proposed schedule reflects a conservative estimate of issues and steps and envisions a linear process which would allow staff the ability to concurrently undertake other work objectives such as streamlining the industrial provisions of the Zoning Ordinance; bringing forward a permanent secondary unit ordinance; completing zoning districts that accommodate high density housing and transit-oriented development without a Planned Development Zoning; and completing a form-based zoning district for the Alum Rock Neighborhood Business District. Additionally, although this

effort is focused on Downtown, much of the information gathered through this process could be utilized in a subsequent city-wide effort.

In summary, the proposed Work Plan provides for a comprehensive update of the Downtown sign regulations, allowing the City Council and the community to take a fresh look at signage regulation and its role in the City's urban core. This effort will establish a framework for updating signage regulations for the remainder of the City.

POLICY ALTERNATIVE

The following alternative actions are available to the Committee:

Alternative One: Pursue a comprehensive update of the entire Sign Ordinance in a single phase.

Pros: A single process could achieve a complete update of the Sign Ordinance in less overall time than a two-phase process and would allow a fundamental restructuring of the Sign Ordinance.

Cons: Current funding does not support a comprehensive update of the entire Sign Ordinance. Issues of citywide concern may lengthen the process, thereby delaying update of the Downtown section of the Ordinance.

Alternative Two: Use current funding to pursue a partial update of the Sign Ordinance that is not limited to the Downtown Sign Zone, but focuses on selected priority issues citywide.

Pros: This approach would provide a broader context for evaluating a limited range of issues and would allow priority issues to be addressed expeditiously.

Cons: This alternative would not allow for a comprehensive update of the Sign Ordinance. A piecemeal approach would necessitate retention of the current regulatory structure, thereby limiting options for addressing key signage issues. The resulting document is unlikely to be more user friendly than the current version.

PUBLIC OUTREACH/INTEREST

☐ **Criterion 1**: Requires Council action on the use of public funds equal to $1 million or greater. **(Required: Website Posting)**

☐ **Criterion 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)**

☐ **Criterion 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)**

This report does not trigger the Public Outreach criteria mentioned above, however, it will be posted on the City's website and the public is welcome to address the Committee on this topic.

EVALUATION AND FOLLOW-UP

Additional reports to the Committee and to the City Council are incorporated into the Draft Work Plan for the proposed Sign Ordinance update.

COORDINATION

This report has been coordinated with the City Attorney's Office, the Redevelopment Agency and the Office of Economic Development.

FISCAL/POLICY ALIGNMENT

N/A

BUDGET REFERENCE

N/A

CEQA

Not a project.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For questions, please contact Carol Hamilton, at (408) 535-7837.

Attachment

Draft Work Plan
Sign Code Update - Downtown Sign Zone
November 8, 2007

I. Objective

Undertake a comprehensive update of the Downtown Sign Zone provisions of the Sign Code (Title 23 of the San Jose Municipal Code) that elicits a community vision for signage and achieves signage regulations for the Downtown Core that support that vision.

II. Community Outreach

The process for development of signage regulations for the Downtown Area will engage the community in a discussion of signage through all phases of the work plan. The community outreach process will include a variety of techniques, including small group discussions, community meetings and visual preference surveys designed to educate and elicit input from stakeholders citywide. Small stakeholder discussion groups will be formed (utilizing existing organizations where possible) to provide periodic input over the course of the public outreach process. These groups will be selected to ensure broad community participation; a minimum of one group will consist of community residents drawn from throughout the City. The outreach process will seek to identify key signage issues, determine community preferences regarding signage and develop a regulatory strategy for the Downtown Sign Zone that reflects these preferences.

III. Milestones

a) Consultant Selection – Three Months

Select a consultant team through a Request for Qualifications (RFQ) process to assist with development of the ordinance including community outreach, data gathering, analysis, and graphic presentation. The consultant team will include expertise in community process facilitation, visual preference surveys and development of signage regulations.

b) Community Outreach Preparation and Data Gathering – Three Months

Identify existing stakeholder groups and form resident stakeholder group to participate in the community outreach process. Prepare education materials for public outreach process. Document existing Downtown Sign Zone regulations, and research regulations of other cities. Begin to develop visual preference survey materials.

c) Phase I Community Outreach - Four Months

i) *Introduction and Education.* Meet with stakeholder groups and hold an initial community meeting to explain the update process and provide basic signage information to equip attendees for future participation.

ii) *Issue Identification.* Meet with stakeholder groups to identify key signage issues to be addressed through the update process. Hold a community meeting to obtain feedback and identify any additional key issues. Key issues may include the following:

- Amount of signage (size and number)
- Skyline and roof signs
- Electronic/programmable display signs
- Billboards
- Temporary banners
- Window signs
- A-frame signs
- Projected light signs
- Art and signage
- Trees and signage
- Signage placement on buildings
- Amortization of legal nonconforming signs

iii) *Visual Preference Survey.* Based on key issues, complete visual preference materials and present visual preference surveys to stakeholder groups to identify the types of signage that the community finds desirable. Hold community meeting to present and validate results of stakeholder meetings.

d) Analysis and Development of Strategies - Two Months

Based on results of visual preference surveys, develop alternative strategies for addressing key signage issues.

e) Phase II Community Outreach – One Month

i) Meet with stakeholder groups to obtain input on preferred signage strategies.

ii) Hold community meeting to obtain input on preferred signage strategies

f) Report to Council Committees and City Council – Three Months

Based on community input, prepare recommendation regarding preferred signage strategies. Refer to the Planning Commission and Historic Landmark Commission for a recommendation. Take to Council Committees and City Council for direction regarding preparation of a Draft Ordinance reflecting the preferred strategy.

g) Draft Ordinance, CEQA Review and City Council Decision – Four Months

Prepare draft signage regulations and draft ordinance; prepare Initial Study and Addendum to Downtown Strategy 2000 Environmental Impact Report (EIR) or Negative Declaration; circulate Draft Negative Declaration for public review (if Addendum to EIR is not prepared); and schedule City Council hearings on draft ordinance. City Council makes decision on ordinance (first and second reading). This schedule assumes an EIR Addendum or Negative Declaration. If an EIR is required, additional time will be necessary.

IV. Schedule Comments

The proposed schedule reflects a conservative estimate of issues and steps and envisions a linear process which would allow staff the ability to concurrently undertake other work objectives such as streamlining the industrial provisions of the Zoning Ordinance; preparing a permanent secondary unit ordinance; completing zoning districts that accommodate high density housing and transit-oriented development without a Planned Development Zoning; and completing a form-based zoning district for the Alum Rock Neighborhood Business District.

Additionally, although this effort is focused on Downtown, much of the information gathered through this process could be utilized in a subsequent city-wide effort.