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JUN 13 2011
City Manager's Office


Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Ed Shikada

SUBJECT: SEE BELOW

DATE: 6-9-11

Approved 

Date 6/11/11

INFORMATION

**SUBJECT: RESPONSE TO INQUIRY FROM VIET-AMERICAN VOTERS OF
NORTHERN CALIFORNIA REGARDING LITTLE SAIGON SIGN**

BACKGROUND

This information memorandum provides a response to a May 27, 2011 letter from the Viet-American Voters of Northern California, as directed by the Rules and Open Government Committee on June 1.

A May 27, 2011, letter from the Viet-American Voters of Northern California (VAVNC) raised several questions and concerns about the recently installed "Little Saigon" community identification sign as well as about other potential unique areas and signage in the vicinity. This letter was referred to the Rules and Open Government Committee on June 1, at which time, the Committee directed staff to send a written response to the letter.

DISCUSSION

In March 2008, Council approved placement of temporary community signs or banners bearing the name "Little Saigon" for a duration of 3 years or less (until March 2011), with direction to staff to work with the community on the installation of a permanent sign. At that time, Council did not adopt "Little Saigon" as the official name, but instead directed staff to review existing policies and/or develop a new Council Policy on a process to designate and name areas and districts of the City.

On December 14, 2010, Council adopted an amended Policy 9-3: Community Identification and Wayfinding, a comprehensive policy to foster a more unified and cohesive approach to community identification and way-finding signage located in public rights of way. Council Policy 9-3 also outlines a public process that includes community outreach and a public hearing for any new

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Community Signs. This public process allows the community to provide input on various aspects of the proposed Community Sign(s) including location of the sign(s), sign design, and name and extent of the neighborhood or other unique area being identified, and thus eliminating the need for a separate policy for the designation and naming of areas. Policy 9-3 states that Community Signs would 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**. Thus, any significant community opposition to a Community Sign(s) could be grounds for the City not choosing to have the Community Sign(s) be placed in its rights-of-way.

Questions and concerns brought forward by VAVNC included those related to official name recognition by the City, issues of ownership and maintenance, extent of designated area, as well as the potential for other entities to advance other names and signage for overlapping areas. Staff has responded to the questions from VAVNC in the attached letter by providing information contained in City Council Policy 9-3 that addresses the inquiries.

Please contact Ashwini Kantak, Assistant to the City Manager, at (408) 535-8147 if you have any questions.



Edward K. Shikada
Assistant City Manager

Attachment

June 9, 2011

John Tiep Ngo
Viet-American Voters of Northern California
P.O. Box: 360863
Milpitas, CA 95036

SUBJECT: LITTLE SAIGON SIGN

Dear Mr. Ngo,

I am writing to you in response to your letter dated May 27, 2011. Your letter indicated that the Viet-American Voters of Northern California (VAVNC) works closely with the Vietnamese community in San José and that VAVNC has recently received many questions regarding the Little Saigon sign in San José. We have tried to address all of the questions and concerns included in your letter and hope that this will assist you in responding to the inquiries in a satisfactory manner.

Q1. *Is the name "Little Saigon" officially recognized by the City of San Jose? If yes, when was this decision made? Can you pin-point to the area Little Saigon encompasses, i.e. from where to where?*

A1. No, the City of San José does not officially recognize or name sub areas in the City. However, Council Policy 9-3: Community Identification and Wayfinding, amended by Council in December 2010, allows designation and naming of unique areas through a community outreach and approval process. The "Little Saigon" sign went through a community outreach and approval process as outlined in Policy 9-3 and approval of the Community Sign indicates recognition of the name by the community (not the City). The "Little Saigon" sign was the subject of a formal application with the City, file number CIS09-001. In the approval of this application, the geography identified is Story Road between McLaughlin Avenue and Via Ferrari.

Q2. *Is the project for recognizing the area between Story Road, Highway 101, and Senter/Keyes Road as Vietnamese Business District still in existence?*

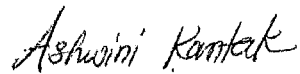
A2. The City itself is not engaged in any such effort and is not aware of a community led effort to do so at this time.

- Q3. *Last Saturday (May 21st, 2011), there was a ceremony held on Story Road to unveil a "Welcome to Little Saigon, San Jose" monument. Who is in charge of maintaining it? If there are any damages to the sign who will pay for the fees? Who will be held accountable for any accidents or misuses of the sign? Will this sign be permanently kept and maintained by the City of San Jose or by other entity?*
- A3. Little Saigon Foundation was the applicant for the Little Saigon Community Identification Sign Permit (CIS09-001). Upon City approval of the permit, the applicant obtained a Minor Encroachment Permit from the Department of Public Works for the installation of the sign. Since the sign is in the public right of way, the sign is considered City property; however, Council Policy 9-3 requires that the long term maintenance of the sign must be provided by the applicant and at no cost to the City. The CIS Permit requires the applicant to enter into a Revocable License and Maintenance Agreement with the City for the future long term maintenance of the sign prior to final acceptance of the project.
- Q4. *According to the amended Council Policy 9.3, which was passed unanimously by the City Council on December 14th, 2010, 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." Does this apply to the "Welcome to Little Saigon" monument? In other words, is the City presently taking ownership of the monument?*
- A4. Yes, in accordance with Council Policy 9-3, the City is the owner of the sign and can remove the sign based on the conditions listed in the CIS Permit, Revocable License and Maintenance Agreement and in accordance with the provisions of Council Policy 9-3.
- Q5. *Also related to amended Council Policy 9.3, if there is a certain business entity that wants to construct their own sign "Welcome to Area X" at a nearby location of this recently unveiled monument, would that be legally allowed despite its obvious conflicting messages?*
- A5. Per Council Policy 9-3, Community Signs which are "government speech" and not "commercial speech", are intended to enable wayfinding by identifying unique areas and neighborhoods in the City; they **cannot be used to identify business entities**. It is important to note that per Council Policy 9-3, Community Signs may be considered for the purpose of identifying established or unique areas of the City only when placement of the CIS **would not contribute to the fractionalization of the City or undermine overall City cohesiveness**. Thus, any significant community opposition to a Community Sign(s) could be grounds for the City not choosing to have the Community Sign(s) be placed in its rights-of-way. Furthermore, since Community Signs are intended to enable wayfinding, having overlapping areas with different signage could be confusing. However, any application for the naming or signage for an area will be reviewed by staff in accordance with Council Policy 9-3.

John Ngo, VAVNC
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Please feel free to contact me at (408) 535-8147 if you any questions.

Sincerely,



Ashwini Kantak
Assistant to the City Manager

Cc:
Debra Figone, City Manager
Ed Shikada, Assistant City Manager
Joe Horwedel, Director, PBCE
David Sykes, Acting Director, Public Works
Rick Doyle, City Attorney