

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING
CHAPTER 11.18 OF TITLE 11 OF THE SAN JOSE
MUNICIPAL CODE RELATED TO THE INSTALLATION OF
STOP SIGNS**

WHEREAS, the City Council of the City of San José is the decision-making body for this Ordinance; and

WHEREAS, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

WHEREAS, on [REDACTED], this Ordinance was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP14-017 (Citywide Exemption for Traffic Flow Management and Operations);

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

Chapter 11.18 of Title 11 of the San José Municipal Code is amended to read as follows:

Chapter 11.18
STOP SIGN INSTALLATION

11.18.010 Installation of Stop Signs

- A. The Director of ~~Streets and Traffic~~Transportation may initiate studies to determine if stop signs should be installed or removed at any particular location within the City. The Director will consider requests by members of the public and other governmental agencies in determining which studies are to be conducted.
- B. The Director may direct that a stop sign be installed at or removed from any location for which a study has been conducted when the Director determines in his or her professional judgment that the stop sign is warranted or is no longer warranted.
- C. Whenever the Director determines not to install or remove a stop sign as requested by a member of the public or other governmental entity, the requester shall be notified by mail of the determination.
- D. No request for the installation of a stop sign shall be considered by the Director within twelve (12) months from the denial of an appeal for a stop sign installation at the same location by the ~~Traffic Appeals Commission~~Appeals Hearing Board or City Council.
- E. No request for removal of a stop sign shall be considered by the Director within twelve (12) months of its installation.

11.18.020 Appeal of Stop Sign Installation or Removal

A determination of the Director to install or remove a stop sign may be appealed to the ~~Traffic Appeals Commission~~Appeals Hearing Board by any person by filing a written Notice of Appeal with the Department of ~~Streets and Traffic~~Transportation within sixty

(60) days of the installation or removal of the sign. The ~~Traffic Appeals Commission~~Appeals Hearing Board shall hold a public hearing on the appeal as provided in Section 11.18.050.

11.18.030 Appeal of Stop Sign Denial

- A. A determination by the Director to deny a request for installation or removal of a stop sign may be appealed to the ~~Traffic Appeals Commission~~Appeals Hearing Board by any person by filing a written Notice of Appeal with the Department of ~~Streets and Traffic~~Transportation within sixty (60) days of the deposit in the mail of the determination by the Director. The ~~Traffic Appeals Commission~~Appeals Hearing Board shall hold a public hearing on the appeal as provided in Section 11.18.050.
- B. The form for the Notice of Appeal shall be available from the Department of ~~Streets and Traffic~~Transportation.
- C. Such Notice of Appeal shall set forth the specific grounds for the appeal.

11.18.040 Notice of Hearing

Whenever the ~~Traffic Appeals Commission~~Appeals Hearing Board or the City Council holds a public hearing under this Chapter:

- A. Notice of time, place and purpose of such hearing shall be mailed to the requester at the address designated for such purpose in the Notice of Appeal. Such Notice of Hearing shall also be provided to any person who files a separate written Request for such Notice of Hearing pursuant to subsection F., below.

- B. A Notice of Hearing by the ~~Traffic Appeals Commission~~Appeals Hearing Board shall be provided by the Director and shall be mailed, postage prepaid, at least seven (7) calendar days before the date for hearing, to those persons specified in subsection A., above.
- C. A Notice of Hearing by the City Council under Section 11.18.060 shall be mailed by the City Clerk, postage prepaid, at least seven (7) calendar days before the date set for the hearing, to those persons specified in subsection A., above. The form of such Notice of Hearing shall be as provided by the Director.
- D. Nothing herein shall preclude the City from providing additional notice to other persons or in any manner not expressly set forth herein.
- E. Notwithstanding the above provisions, the failure of the Director or City Clerk to mail any notice, or the failure of any person to receive the same, shall not affect, in any way whatsoever, the validity of any proceedings taken under this Chapter, nor any action or decision of the ~~Traffic Appeals Commission~~Appeals Hearing Board or City Council taken or made in any such proceedings, nor prevent the ~~Traffic Appeals Commission~~Appeals Hearing Board or City Council from proceeding with any hearing at the time and place set therefor.
- F. Any person may file a Request for Notice of Hearing form with the Director of ~~Streets and Traffic~~Transportation referencing the specific stop sign location. The form for the Request for Notice of Hearing shall be available from the Department of ~~Streets and Traffic~~Transportation.

11.18.050 Hearing by ~~Traffic Appeals Commission~~Appeals Hearing Board

- A. The Director shall, subject to the rules of the ~~Traffic Appeals Commission~~Appeals Hearing Board, set a date for the public hearing to be held by the ~~Commission~~Board. Said date of hearing shall be at least ten (10) days after the date such hearing was set by the Director.
- B. Prior to the hearing, the Director shall provide a report and recommendation to the ~~Commission~~Board together with all relevant papers, documents and exhibits which are part of the Department of ~~Streets and Traffic~~Transportation file.
- C. The Director may make an oral presentation at the hearing.
- D. The requester shall present to the ~~Traffic Appeals Commission~~Appeals Hearing Board at the hearing all relevant evidence including, but not limited to, pictures, studies and oral testimony which the requester wishes the ~~Traffic Appeals Commission~~Appeals Hearing Board to consider.
- E. Within a reasonable time after the ~~Commission~~Board has concluded its hearing, it shall announce its decision in the matter.
- F. The decision of the ~~Commission~~Board shall be mailed to the requester, at the address shown on the Notice of Appeal, and to all persons who have requested notice pursuant to Section 11.18.040 ~~2-F~~, above, at the address shown on the Request for Notice of Hearing filed with the Department of ~~Streets and Traffic~~Transportation.

11.18.055 Reevaluation of ~~Traffic Appeals Commission~~Appeals Hearing Board Decision

The ~~Traffic Appeals Commission~~Appeals Hearing Board may reevaluate any decision by it to install or remove a stop sign. Any such reevaluation may be initiated by any person, but only after the original ~~Traffic Appeals Commission~~Appeals Hearing Board decision has been in place for twelve (12) months. The procedure to be used to initiate the reevaluation shall be as follows:

- A. Any person may file a written Notice for Reevaluation with the Department of ~~Streets and Traffic~~Transportation after twelve (12) months of implementation of the original decision.
- B. The form for the Notice of Reevaluation shall be available from the Department of ~~Streets and Traffic~~Transportation.
- C. The Notice of Reevaluation shall set forth the specific grounds for reevaluation.
- D. The Notice of Hearing shall be in conformance with procedures set forth in Section 11.18.040.
- E. Hearing by the ~~Traffic Appeals Commission~~Appeals Hearing Board shall be in conformance with procedures set forth in Section 11.18.050.

11.18.060 Appeal to City Council

- A. Any decision by the ~~Traffic Appeals Commission~~Appeals Hearing Board under this Chapter may be appealed to the City Council by the requester or any member of the public by filing with the Director of ~~Streets and~~

~~Traffic~~Transportation a written Notice of Appeal to the City Council within ten (10) days after a copy of the decision of the ~~Traffic Appeals Commission~~Appeals Hearing Board has been placed in the mail to the requester and any other person who has requested notice under Section 11.18.040.F.

- B. The form for the Notice of Appeal to the City Council shall be available from the Department of ~~Streets and Traffic~~Transportation.
- C. When such Notice has been received by the Director for filing, the Director shall, within twenty (20) calendar days of receipt of the Notice of Appeal to the City Council, file a copy of the Notice with the City Clerk.
- D. If a Notice of Appeal to the City Council has been received by the Director of ~~Streets and Traffic~~Transportation, the decision of the ~~Traffic Appeals Commission~~Appeals Hearing Board shall be of no force or effect unless the appeal is withdrawn prior to the hearing before the City Council.
- E. Prior to the hearing, the Director shall provide a report and recommendation to the Council together with all relevant papers, documents and exhibits which were part of the ~~Traffic Appeals Commission~~Appeals Hearing Board record.
- F. The City Council shall hold at least one (1) public hearing on the matter. The City Clerk shall set the date of the public hearing by the Council, which date shall be not less than ten (10) days after the date on which the copy of the Notice of Appeal to the City Council was filed with the City Clerk.
- G. The City Council shall adopt a Resolution setting forth its determination in the matter. The decision of the City Council shall be final.

- H. The Director shall mail a copy of the Resolution of the City Council to the requester, and any other person who has requested Notice under Section 11.18.040.-F., above, at the addresses shown for such purpose on the Notice of Appeal to Council or Request for Notice of Hearing form.

PASSED FOR PUBLICATION of title this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk