

City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Dave Poeschel [Redacted]

Thu 11/25/2021 9:18 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>  
Cc: Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; John Miller [Redacted]

[External Email]

Dear Mayor Liccardo and Council Members,

As I stated in my previous email, it is clear that the vast majority of residents do not want electronic billboards in public places. There are many less intrusive ways of raising the modest amount of revenue for the airport that the billboards would provide if that is your desire (a goal itself that deserves more public debate).

However, if two outdoor e-billboards are to be permitted, they should **comply with the General Plan. Please note ER-6.3 and ER-6.4.**

"ER-6.3 Employ low-glare lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.

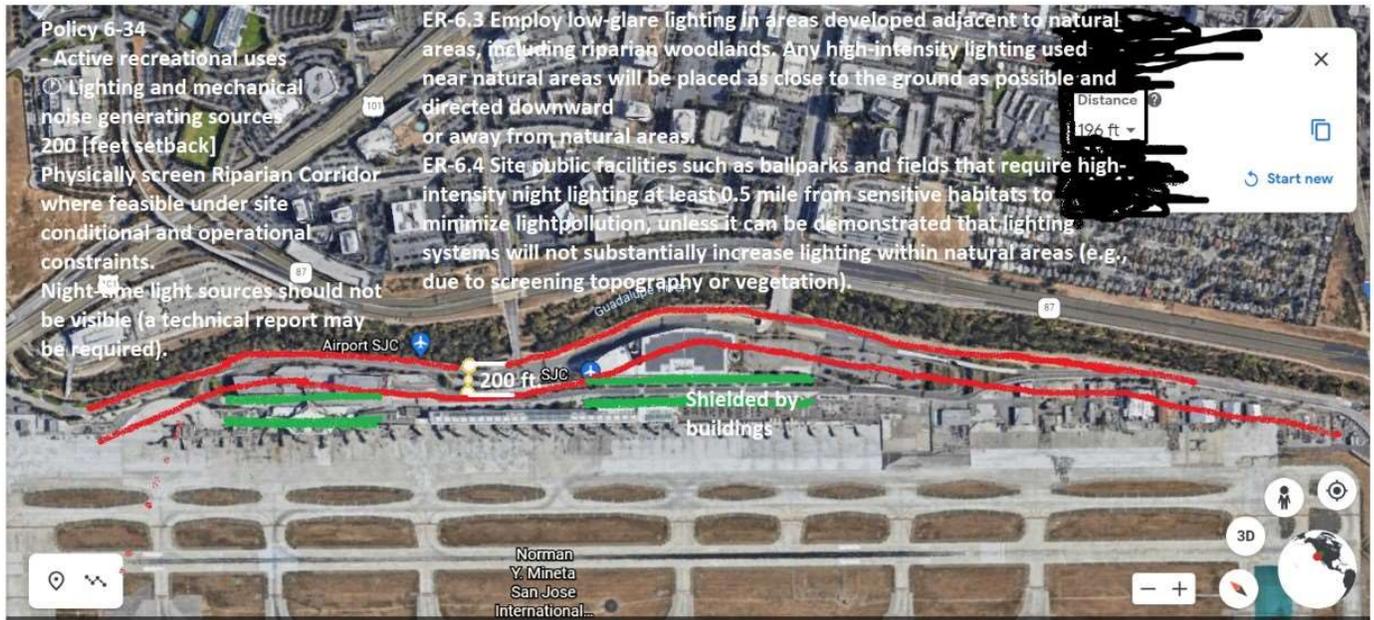
ER-6.4 Site public facilities such as ballparks and fields that require high-intensity night lighting at least 0.5 mile from sensitive habitats to minimize light pollution, unless it can be demonstrated that lighting systems will not substantially increase lighting within natural areas (e.g., due to screening topography or vegetation)."

Moreover, to comply with the spirit of Policy 6-34, a 200 foot setback from the Guadalupe River is required.

Therefore, the only appropriate locations -- with the river screened by buildings -- are depicted in green on the photo below.

Please follow the General Plan.

Sincerely,  
Dave Poeschel



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

# City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Doug Schenk <[REDACTED]>

Fri 11/26/2021 5:36 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

I am in agreement. aPlease vote no!

Dear City Council members,<BR><BR>I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.<BR><BR>Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards. <BR><BR>Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown. <BR><BR>Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.<BR><BR>Let’s not spoil the unique character of our City and turn San Jose into Anyplace USA.<BR><BR>Thank you.<BR>

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Krista Van Laan [REDACTED]

Sun 11/28/2021 10:00 PM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you,

Krista Van Laan  
[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Mtg on 11/30/21, Agenda #5.2- Digital Billboards

Sue Dileanis <[REDACTED]>

Sun 11/28/2021 10:08 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members:

I am writing to express my opposition to the installation of new electronic billboards in San Jose. As San Jose airport Commissioner Catherine Hendrix said, "this project needs to be put on the back burner and then never surface again". Please do not approve the Airport Billboard project.

San Jose's stated goal of being a climate change leader is at odds with brightly lit LED illuminated signs. It runs counter to the Green Vision Policy and Vision Zero Policy. These billboards are detrimental to the environment, especially migrating birds. Lick Observatory will be negatively impacted due to light pollution.

What I found particularly troubling in the electronic billboard article in the Thursday, November 11 issue of the Mercury News is the fact that the 2020 update in the airport master plan did not mention the digital billboard proposal. The airport also did not go through a typical bidding process for the project because it intends to tack it onto a contract it already had with Clear Channel. Airport chair Dan Connolly stated, "I have a real problem with transparency in the process as a whole".

These billboards will not benefit local businesses at all, and there's no significant public benefit either. The revenue the city gets will be a drop in the bucket. I would prefer that the City Council declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the city will be opening the floodgates for more billboards.

I would like to remind you that earlier this year the Planning Department surveyed San Jose residents regarding the billboards, and 93% opposed these illuminated billboards. More billboards are the last thing we need. I feel like special interests are trumping public interest. Remember that when originally enacting a ban on billboards in 1985, city officials called it a "very strong commitment on the part of the City Council to beautify the city". Please keep that commitment to its residents.

Thank you,

Sue Dileanis

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



**MILLER STARR  
REGALIA**

1331 N. California Blvd.  
Fifth Floor  
Walnut Creek, CA 94596

T 925 935 9400  
F 925 933 4126  
www.msrlgal.com

Anthony M. Leones  
Direct Dial: 925 941 3261  
anthony.leones@msrlgal.com

November 22, 2021

**VIA E-MAIL AND U.S. MAIL**

Honorable Mayor Liccardo,  
Vice Mayor Jones  
City Councilmembers  
Office of the City Clerk  
200 E. Santa Clara St.  
San José, CA 95113  
city.clerk@sanjoseca.gov

Re: US 101 Airport Electric Signs Project  
(City File No. ER 21-015): Agenda Item 5.2.

Honorable Mayor Liccardo, Vice Mayor Jones, and Councilmembers:

This office represents Outfront Media LLC ("Outfront") and submits this letter regarding the current proposal to allow Clear Channel Outdoor ("Clear Channel") to construct two v-shaped electronic displays adjacent to Highway 101 on portions of the Norman Y. Mineta San Jose International Airport ("Airport" and "Project" respectively). As described in the City's July 2021 Initial Study / Addendum ("Addendum") and the Director of Aviation's November 15, 2021 memorandum, Airport staff contemplate allowing Clear Channel to construct the Project without undergoing the competitive bid process required under City Council Policy 6-4 (adopted in 2018). In an attempt to avoid Policy 6-4's clear requirement that the City solicit new proposals and enter into a new agreement, Airport staff claim that the Project is authorized by the 2007 Advertising Concession Agreement between the City and Clear Channel ("Master Concession Agreement" or "Agreement"). However, as discussed in more detail below the clear terms of the Master Concession Agreement *expressly prohibit* the placement of "free standing billboards" on Airport property. Airport staff's position in support of the Project lacks merit and runs contrary to the clear language of Policy 6-4 and the Master Concession Agreement. With this in mind, it is not surprising that on November 8, 2021 - in part due to concerns regarding the procedure followed by Airport staff - the Airport Commission overwhelmingly rejected the Project by a vote of 7 to 2.

With this letter we respectfully request that the Council reject the resolution to adopt the Addendum, and direct City staff to halt any further processing of the Project until the City completes the clear procedures required by Policy 6-4. The first necessary step in this process is that the City *solicit proposals* to complete the Project.

OTAD-56265/2531357.1

We provide more detail below.

I. **Policy 6-4 Requires the City to Solicit Proposals for new Billboards at the Airport.**

From 1972 to 2018, City Council Policy 6-4 forbade the construction of any new billboards on City-owned land. More than ten years ago, the City began exploring opportunities to allow billboards on City property in an effort to generate additional revenue. On September 25, 2018, the Council took action in support of this effort by adopting Policy 6-4 in its current form which allows for "off-site advertising on City-owned sites... throughout the City." (Council Policy 6-4, at 1.)

Policy 6-4 is the City's *only* provision that authorizes the placement of new billboards on City-owned land and its procedural and substantive requirements unambiguously apply to the Project.<sup>1</sup> In other words:

[t]he City will only allow the future use of Billboards and Signs displaying Off-Site Commercial Speech on City-owned land, **as and where expressly allowed pursuant to this Policy 6-4.**

(Council Policy 6-4, at 2.)

Policy 6-4 includes six selection criteria that the City must use to determine whether a City-owned site is an eligible or potentially eligible location for the placement of a new billboard.<sup>2</sup> (Policy 6-4, at 4.) In 2018, based on these criteria, the City identified 17 eligible or potentially eligible City-owned sites. Policy 6-4 also allows the City Council to add new sites if such sites meet Policy 6-4's 17 site selection criteria.

Policy 6-4's procedural provisions require any newly proposed billboard on City-owned land to follow Policy 6-4's "Sign Approval Process." The first step in the Sign Approval Process is for the City to solicit *proposals* for new billboards:

---

<sup>1</sup> This is acknowledged by the City in the Addendum. (See Addendum, at p. 12.)

<sup>2</sup> For example, a prospective billboard site must have a General Plan land use designation other than Open Space; the site must be in a zoning district other than Open Space or Agricultural; the site must not violate the City's riparian corridor and bird protection policies; the site must comply with the City's historical preservation standards; the site must be "compatible with any existing use on the site or any potential use of the site"; and the City Finance Department must determine that the site can be used for a sign without violating bond covenants or other restrictions. (Policy 6-4 at 4, "Sign Location, Type, Size, Height and Number".)

1. The City ***will solicit proposals for [billboards] pursuant to this Policy.*** City Council direction will be obtained prior to the commencement of any solicitation process.

(Policy 6-4, at 7 (emphasis added).)<sup>3</sup>

Policy 6-4's Sign Approval Process then provides that the City may approve placement of a sign through "approval of a lease or other contractual agreement." While development specific environmental clearance under CEQA with a building permit is required, "no other regulatory permit issued by the City will be required, such as a Site Development Permit." (Policy 6-4, at 7.) Policy 6-4 then goes on to list the reasons why the City should solicit proposals for new signs, noting that the City may do so for "some or all" of "the following purposes pursuant to this policy":

- (a) To generate revenue for the City;
- (b) To generate revenue to support City-owned facilities, programs, or services;
- (c) To eliminate visual clutter and blight by reducing the overall number of existing Billboards City-wide or eliminating existing Billboards from locations where they are particularly unsightly or incompatible with surrounding land uses.

(Policy 6-4, at 8.)

The City has not completed Policy 6-4's Sign Approval Process for the Project.

**II. The Master Concession Agreement Cannot be Relied on to Avoid Policy 6-4's Bid Solicitation Requirement.**

Airport staff argue that the Project somehow retroactively complies with the procedural requirements of Policy 6-4 by way of the Master Concession Agreement, which was competitively bid with a Request for Proposals for Advertising Concessions in 2007 ("2007 RFP"). However, the 2007 RFP *did not* seek proposals for billboard advertising as would be required by Policy 6-4. In a reflection of the limited scope of the 2007 RFP, the Master Concession Agreement expressly

---

<sup>3</sup> Policy 6-4's requirement that the City solicit proposals for new billboards on city-owned land is entirely appropriate and similar to the Municipal Code's regulation of other commercial activity on Airport property. For example, unless certain narrow findings can be made, the City must generally seek a minimum of three competitive proposals, if practicable, "for the lease of land, structures, or other premises on the airport." (SJMC 25.08.1320 (A).) Such leases shall be awarded to the "responsible proposer" that submits the proposal determined by the City to be the most advantageous, considering but not limited to, such factors as "revenues to the airport, services to be provided by the proposer . . . , investment in facilities to be constructed on the land or other premises, etc. . . ." (Id. at subpart (B).)

prohibits freestanding outdoor billboards at identified *and* newly proposed advertising sites at the Airport.

**A. The City Did not Solicit Bids for Freestanding Billboards in the 2007 RFP for the Master Concession Agreement.**

When reviewing the 2007 RFP, it is clear that the City never solicited proposals for billboard advertising in connection with the Master Concession Agreement.

By way of brief background, the City awarded Clear Channel the Master Concession Agreement after issuing the 2007 RFP, for which proposals were due on March 20, 2007. The 2007 RFP included five separate proposal packages including specific advertising scopes of work that entities could respond to: Option I, Fixed Display Internal; Option II, Outdoor; Option III, Transit/Bus Shelter; and Option IV, Marketing Income. (See 2007 RFP, at pp. 8-12.) Under Option V, a responding entity could respond with a proposal for a comprehensive advertising program including and limited to the scopes of work in Options I through IV above.

None of the 2007 RFP's proposal packages contemplated billboard advertising at the airport.<sup>4</sup> For example, Option I related solely to interior advertising within terminals at the Airport. (2007 RFP, at pp 8-9.) Option II contemplated some outdoor advertising but only for an exterior wrap to the Terminal A parking garage, a "Welcome to SJC" monument sign located on the airport roadway system, and 23 light poles for two-sided banner displays (2007 RFP, at pp. 9-10.) Option III sought proposals for displays related to 27 exterior bus shelters and for the inside and exterior of the City's shuttle buses. (2007 RFP, at 10.) Option IV related solely to marketing income opportunities such as products rights sponsorships, events sponsorships, supplier sponsorships, naming rights, and airport brand licensing rights. (2007 RFP, at 11-12.) As noted above, Option V allowed bidders to submit a proposal for all of the advertising elements in Options I through V as part of a comprehensive advertising program.

On June 5, 2007, the City Council authorized the City Manager to negotiate and execute concession agreements with Clear Channel for Option V (comprehensive advertising program) and Option III (transit/bus shelter advertising). The 2007 Master Concession Agreement was the result these negotiations.

In summary, none of the proposal options included in the 2007 RFP solicited a proposal for billboard advertising as proposed by the Project. Airport staff is therefore mistaken when it claims that the Project - which involves placing two 60 foot tall freestanding v-shaped billboards on Airport property - was somehow competitively bid and awarded in 2007.

---

<sup>4</sup> This is not surprising when considering that in 2007, the City's Municipal Code and Policy 6-4 banned placement of *any new* freestanding billboards on City-owned land.

**B. The Master Concession Agreement Expressly Prohibits the Placement of Freestanding Billboards at the Airport.**

In a reflection of the fact that the 2007 RFP did not solicit any proposal for billboards, nothing in the Master Concession Agreement authorizes Clear Channel to construct or operate freestanding billboards. To the contrary, Section 4.7 of the 2007 Master Concession Agreement - which remains unchanged after six amendments - *expressly prohibits* Clear Channel from operating freestanding outdoor billboards anywhere at the Airport:

[b]ecause of the City's substantial interest in protecting the health and welfare of its Citizens, Concessionaire agrees that it will not allow free-standing, outdoor billboards in the Concession Areas which: ... (i) are free-standing, outdoor billboards...

(2007 Master Concession Agreement, at § 4.7 (emphasis added).)

As discussed below, nothing in the Master Concession Agreement allows the City or Clear Channel to avoid this prohibition.

**C. Nothing in the Master Concession Agreement Allows the City or Clear Channel to Avoid the Agreement's Prohibition Against Billboard Advertising.**

The Master Concession Agreement clearly delineates the scope of advertising it allows at the Airport. For example, Section 3.1 of the Agreement describes the scope of Clear Channel's "Permitted Use" of airport Concession Areas:

the non-exclusive right, privilege and obligation to finance, design, develop, install, maintain and operate advertising displays...for the purpose of establishing high quality, state of the art Advertising Sites, as approved by the City. [Clear Channel] **shall use the Concession Areas, including the Advertising Sites, for the Permitted Use and for no other purpose.**

(2007 Master Concession Agreement, at § 3.1.)

To summarize, with regard to advertising displays, the Agreement authorizes Clear Channel to install and operate advertising displays on "Advertising Sites" within "Concession Areas" that are approved by the City. The Agreement does not authorize any other method of installing advertising displays at the Airport.

The Agreement goes on to list specific "Concession Activities" in four categories that mirror the bid proposal Options I through IV from the 2007 RFP. Concession Activity Option I allows Clear Channel to install fixed-display advertising within airport terminals. (Master Agreement, at § 3.3.1.) Concession Activity Option II includes the Agreement's outdoor advertising component, including "Exterior wrap of the Parking Garages..." and "two-sided banners for light poles for banner

displays". (Master Agreement, at § 3.3.2.) Concession Activity Option III allows for advertising at bus shelters and inside of airport shuttle buses. (Master Agreement, at § 3.3.3.) Concession Activity Option IV allows for marketing activities that do not rely on physical advertising displays: (a) product rights sponsorships, (b) special events sponsorships, (c) supplier sponsorships, (d) naming rights, (e) airport brand licensing rights, (f) radio broadcasting, and (g) other marketing income opportunities. (Master Agreement, at § 3.3.4, as amended by the First Amendment to the Master Concession Agreement.)<sup>5</sup>

The Agreement allows for Clear Channel to engage in advertising activities in the four Concession Activity groups above at specific Advertising Sites that have already been approved by the City. The Agreement also allows Clear Channel to propose new Advertising Sites, or "Additional Advertising Sites" in a procedure that it clearly sets out.

Advertising Sites are defined in the Agreement as:

. . . the locations available for [Clear Channel's] use under the Agreement limited to those defined in Exhibit J, Exhibit K, and Exhibit M . . . .

(Master Concession Agreement at § 1, as amended by the Sixth Amendment to the Master Concession Agreement.)

Section 4.4.2 of the Agreement outlines the procedure for Clear Channel or the City to propose new or additional advertising sites not already identified on Exhibits J, K, or M. Under this procedure, the City or Clear Channel may provide written notice to the other party of a prospective Additional Advertising Site. After this notice is provided, the other party has thirty (30) calendar days to submit a written response either accepting or rejecting the proposed new site. If the other party accepts the proposed Additional Advertising Site, the other party must then mutually agree on a

---

<sup>5</sup> In the Director of Aviation's November 15 Memo, the Director claims that the Master Concession Agreement's reference in Concession Activity Option IV to "other marketing income opportunities" authorizes the installation of the Project billboard under the Agreement. (See the City's October 2021 Responses to Comments Regarding Final Initial Study / Addendum, at pp. 92-96.) However, this is simply not the case. Concession Activity Option IV incorporates marketing opportunities that do not involve the placement of physical advertising displays, but instead allow for other income marketing opportunities similar to brand, supplier, and event sponsor sponsorships, brand licensing, radio broadcasting, and airport licensing rights. If the parties intended to allow for billboard advertising under the Agreement, they would have added such language to Concession Option III which discusses the outdoor advertising authorized under the Agreement. Far from authorizing the placement of new billboards, the Agreement expressly forbids the placement of billboards at the Airport. Finally, even if the City and Clear Channel wanted to add billboard advertising to the Agreement, they could not do so until the City solicits proposals for billboard advertising at the Airport as required under Policy 6-4.

display type before final approval. The parties are then required to amend exhibit Exhibit J, K, or M to include the approved Additional Advertising Site as an Advertising Site. (See Master Concession Agreement, at § 4.4.2.)

Any newly proposed advertising sites proposed under the Agreement fall into the definition of an Additional Advertising Site under the agreement. Additional Advertising Sites are defined as:

[a]dvertising Sites other than those listed in [Exhibit J, K, or M] which: [Clear Channel] may propose and Director in his sole discretion may, but is not obliged to, approve; or (b) Director identifies at the Director's sole discretion at any time during the term of this Agreement . . . .

(Master Concession Agreement, at § 1.)

The Agreement goes on to classify both Additional Advertising Sites and existing Advertising Sites as "Concession Areas" where billboards are clearly and expressly prohibited by Section 4.7 of the Agreement. Under the agreement, "Concession Areas" are defined as:

. . . those areas designated as **Advertising Sites** on [Exhibit J ,K, or M], and any **Additional Advertising Sites**.

(Master Concession Agreement, at § 1 (emph. added).)

The Project proposes adding an Additional Advertising Site under the Agreement. Section 4.7 of the Agreement expressly prohibits new freestanding billboards at any Concession Area, which includes Additional Advertising Sites. In other words, the Project violates language in the Agreement where Clear Channel expressly "agree[d] that it will not allow free-standing, outdoor billboards in the Concession Areas which: . . . (i) are free-standing, outdoor billboards." (Master Concession Agreement, at § 4.7.)

### III. Conclusion.

To summarize, Policy 6-4 sets forth a clear procedure that the City must follow before it can approve billboards on City-owned sites like the Airport. The 2007 RFP and Master Concession Agreement cannot be relied on to demonstrate compliance with Policy 6-4 because both documents exclude billboards from their scope. As outlined clearly in the Master Concession Agreement, all existing, approved Advertising Sites, and all newly proposed Additional Advertising Sites (which would include the two displays proposed by the Project) fall within the definition of Concession Areas where new billboards are expressly prohibited in the Agreement.

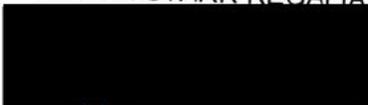
If the City wants to approve new billboards regulated by Policy 6-4, it must first solicit proposals, and can only approve billboards on sites that meet the selection

criteria outlined in Policy 6-4. After a suitable proposal is selected, the City must then approve a lease or other contractual agreement for the proposed billboard. It is this solicitation process and City Council approval of a lease or other contractual agreement that Policy 6-4 envisions as the discretionary approval process for new billboards on City-owned land. Policy 6-4 *does not* envision the City granting Clear Channel an approval for new billboards on City-owned land with no competitive bidding process and under an agreement that always excluded billboards from its scope.

For the foregoing reasons, Outfront respectfully requests that the City Council deny the proposed resolution to adopt the Addendum and direct City staff to suspend any further processing of the Project until the City completes the procedural requirements outlined in Policy 6-4. The first step in this process is for the City to solicit multiple proposals to complete the Project.

Very truly yours,

MILLER STARR REGALIA



Anthony M. Leones

AML/tzb

cc: Nora Frimann, City Attorney ([nora.friman@sanjoseca.gov](mailto:nora.friman@sanjoseca.gov))

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Elise <[REDACTED]>

Mon 11/29/2021 4:02 PM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Perez, Raul <Raul.Perez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]

[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

# City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Kate Steffens [Redacted]

Mon 11/29/2021 4:08 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; +David.Cohen@sanjoseca.gov <+David.Cohen@sanjoseca.gov>; +dev.davis@sanjoseca.gov <+dev.davis@sanjoseca.gov>; +Magdalena.Carrasco@sanjoseca.gov <+Magdalena.Carrasco@sanjoseca.gov>; +Matt.Mahan@sanjoseca.gov <+Matt.Mahan@sanjoseca.gov>; +Maya.Esparza@sanjoseca.gov <+Maya.Esparza@sanjoseca.gov>; +Pam.Foley@sanjoseca.gov <+Pam.Foley@sanjoseca.gov>; +Raul.Peralez@sanjoseca.gov <+Raul.Peralez@sanjoseca.gov>; +sam.liccardo@sanjoseca.gov <+sam.liccardo@sanjoseca.gov>; +sergio.jimenez@sanjoseca.gov <+sergio.jimenez@sanjoseca.gov>; +sylvia.arenas@sanjoseca.gov <+sylvia.arenas@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project. I can see the airport from my home and will be able to see the invasive, extreme lighting that comes off these digital billboards if they are installed. San Jose has done some wonderful things for the environment and reducing light pollution in the past, so why are you now ignoring the voices of the people that live in San Jose and our request to stop these unnecessary billboards? It seems that you care more about corporations and advertising than you do the wishes of your constituents.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

Kate Steffens

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Louise Leprohon [REDACTED]

Mon 11/29/2021 4:10 PM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Perez, Raul <Raul.Perez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]

[REDACTED]

[External Email]

Dear City Council members, <BR> <BR> I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project. <BR> <BR> Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards. <BR> <BR> Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown. <BR> <BR> Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today. <BR> <BR> Let's not spoil the unique character of our City and turn San Jose into Anyplace USA. <BR> <BR> Thank you. <BR>

Sent from my iPhone

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



### City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

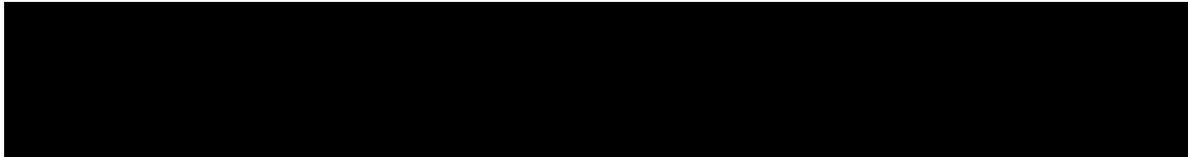
Randall Kirschman <[REDACTED]>

Mon 11/29/2021 4:13 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; +David.Cohen@sanjoseca.gov <+David.Cohen@sanjoseca.gov>; +dev.davis@sanjoseca.gov <+dev.davis@sanjoseca.gov>; +Magdalena.Carrasco@sanjoseca.gov <+Magdalena.Carrasco@sanjoseca.gov>; +Matt.Mahan@sanjoseca.gov <+Matt.Mahan@sanjoseca.gov>; +Maya.Esparza@sanjoseca.gov <+Maya.Esparza@sanjoseca.gov>; +Pam.Foley@sanjoseca.gov <+Pam.Foley@sanjoseca.gov>; +Raul.Peralez@sanjoseca.gov <+Raul.Peralez@sanjoseca.gov>; +sam.liccardo@sanjoseca.gov <+sam.liccardo@sanjoseca.gov>; +sergio.jimenez@sanjoseca.gov <+sergio.jimenez@sanjoseca.gov>; +sylvia.arenas@sanjoseca.gov <+sylvia.arenas@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

David Chai <[REDACTED]>

Mon 11/29/2021 4:14 PM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; +David.Cohen@sanjoseca.gov <+David.Cohen@sanjoseca.gov>; +dev.davis@sanjoseca.gov <+dev.davis@sanjoseca.gov>; +Magdalena.Carrasco@sanjoseca.gov <+Magdalena.Carrasco@sanjoseca.gov>; +Matt.Mahan@sanjoseca.gov <+Matt.Mahan@sanjoseca.gov>; +Maya.Esparza@sanjoseca.gov <+Maya.Esparza@sanjoseca.gov>; +Pam.Foley@sanjoseca.gov <+Pam.Foley@sanjoseca.gov>; +Raul.Peralez@sanjoseca.gov <+Raul.Peralez@sanjoseca.gov>; +sam.liccardo@sanjoseca.gov <+sam.liccardo@sanjoseca.gov>; +sergio.jimenez@sanjoseca.gov <+sergio.jimenez@sanjoseca.gov>; +sylvia.arenas@sanjoseca.gov <+sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]

[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Mike Enderby 

Mon 11/29/2021 4:14 PM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members, <BR> <BR>

I am a retired Senior Planner from the City of San Jose where I worked for 30 years. In the 1980's, our Department (and the City) fought hard to remove billboard blight including many installed without permits. This was no easy task, but the effort was successful and fully backed the City Council. The lesson learned was once they are installed it is next to impossible to remove them at a later date. Please respect history and don't undue our earlier effort. In this day and age of the internet, billboards are not essential for business visibility by consumers.

Thank you,  
Mike Enderby

Sent from my iPad

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

# City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Richard Brooker



Mon 11/29/2021 6:22 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; +David.Cohen@sanjoseca.gov <+David.Cohen@sanjoseca.gov>; +dev.davis@sanjoseca.gov <+dev.davis@sanjoseca.gov>; +Magdalena.Carrasco@sanjoseca.gov <+Magdalena.Carrasco@sanjoseca.gov>; +Matt.Mahan@sanjoseca.gov <+Matt.Mahan@sanjoseca.gov>; +Maya.Esparza@sanjoseca.gov <+Maya.Esparza@sanjoseca.gov>; +Pam.Foley@sanjoseca.gov <+Pam.Foley@sanjoseca.gov>; +Raul.Peralez@sanjoseca.gov <+Raul.Peralez@sanjoseca.gov>; +sam.liccardo@sanjoseca.gov <+sam.liccardo@sanjoseca.gov>; +sergio.jimenez@sanjoseca.gov <+sergio.jimenez@sanjoseca.gov>; +sylvia.arenas@sanjoseca.gov <+sylvia.arenas@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## November 30th Council Meeting - Agenda Item 5.2 Submission - A Wasteful Use of Energy

Ken Pyle [REDACTED]

Fri 11/26/2021 3:12 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[REDACTED]

[External Email]

[External Email]

Greetings,

Please include the attached as part of the public record for item 5.2 on the November 30th Council meeting agenda.

In Community,

Ken Pyle

[Twitter - @viodi](#)

[LinkedIn](#)

[youtube.com/viodi](https://www.youtube.com/viodi)

[Facebook](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.



City of San Jose  
200 East Santa Clara Street, 3rd Floor Tower  
San Jose, CA 95113-1905

via email  
November 26th, 2021

**From:** Airport Commission Vice-Chair Pyle

**Attention:** City of San Jose Council

**Subject:** Item 5.2 on the 11/30/21 City Council Agenda, Amendment to the Norman Y. Mineta San José International Airport Master Plan EIR for the Outdoor Advertising Digital Billboards.

**“For CEQA, how we evaluate the project is if it will result in a wasteful use of energy. If the design of the project is in such a way that it would result in a wasteful use of energy, then that would be a significant impact.”**

▶ San Jose Airport Commission Video Recording - Nov 9, 2021

The above statement by David Keyon, Principal Planner for the City of San Jose at the 11/8/21 Airport Commission meeting solidified my decision to reject the Environmental Impact Report and project plan recommending approval of digital billboards that would allow off-site advertising at SJC. As background, the locations of the proposed Clear Channel billboards would be on Airport property facing 101. Each location would contain two programmable electronic signs on V-shaped, [freestanding structures rising 60 feet above ground level](#).

Prior to and at that meeting, the Airport Commission heard from the group *No Digital Billboards in San Jose* as well as close to 150+ people in opposition to the billboards. No one from the public spoke in favor of placing digital billboards at SJC. In August, this commissioner, along with Chair Connolly and Commissioner Hendrix submitted over 40 questions in response to the Initial Study.<sup>1</sup> Many of these questions were outside the scope of the Initial Study, as they dealt with business case issues.

## **20 to 2,500 Houses of Energy Consumption Equivalent**

Let's focus on one of the submitted questions that was within the scope of the Initial Study. According to data on page 88 of the [Initial Study](#), 118 MegaWatts per year will be needed to power the proposed signs. Per San José Clean Energy, the average household's annual power consumption is 5.8 MWh per year. These two billboards would be similar to **adding approximately 20 houses to the grid**.

Is the addition of 20 houses worth of electricity significant in a city with 300k+ houses? At first glance, the answer would be no. With that said, one of the [city's priorities](#), as evidenced by recent council action, is to reduce carbon emissions and be carbon neutral by 2030<sup>2</sup>.

Paraphrasing power supply consultant and expert, Brain Zahnstecher Founder & Principal of

---

<sup>1</sup> See [210922-Airport Commission Meeting - Connolly-Hendrix-Pyle Submission with some Answer...](#)

<sup>2</sup> See the David Cohen memo adopted pledging San Jose to be carbon neutral by 2030  
<https://t.co/Ozk81Q1mj4?amp=1>

PowerRox, the best way to **reduce emissions is to not consume electricity**. With this framework, 20 houses of electricity seems significant.<sup>3</sup>

Finally, some fear that the City of San Jose's Phase 1 plan for putting digital billboards on select city properties would eventually extend to private properties.<sup>4</sup> Assuming a similar power consumption presented in the Initial Study, then the total power consumption would be similar to **adding 2,500+ homes**. This figure assumes a 4:1 reduction in billboards for every billboard placed on public property.<sup>5</sup> The addition of 2,500+ homes seems significant.

## **A Vast Wasteland**

This leads back to Mr. Keyon's statement that electricity use is only considered an impact if it is wasteful. To some extent, wasteful is a subjective term and depends upon one's perspective. Clearly, media companies and their advertisers would argue that advertising on electronic displays has value.

It is apparent that the public feels differently, as all of the approximately 150+ emails received on this topic were against this project. Further, almost 93% of the more than 2,000 respondents to the City of San Jose Planning Department Survey opposed digital billboards.<sup>6</sup>

It is not a stretch to think that those who responded and completed the survey would feel the implementation of digital billboards is wasteful. To paraphrase the former [FCC Chair Newton Minow](#), they might even view these as outdoor versions of large televisions and, as such, a vast wasteland.

## **Is It Worth It?**

From a gross margin perspective, the proposed deal looks very lucrative to SJC. With minimum guarantees of \$490k, a 55% minimum revenue share, 10% of ad slots reserved for the airport, and with apparently no direct expenses, there doesn't appear to be much of a downside to SJC. Still, there were questions that never were adequately answered in our 08/09/21 and 11/08/21 meetings.

---

<sup>3</sup> See this February 14th, 2020 interview where he talks about power efficiency <https://www.viodi.tv/2020/02/14/a-holistic-power-view-of-5g/>

<sup>4</sup> That is, how can there be one set of rules for the city, while private properties have a different set of rules?

<sup>5</sup> According to Response 3.AA, the city has 318 traditional billboards on private properties. There are potentially 22 city sites in phase 1 that could accommodate digital billboards. There is a potential reduction of a minimum of 4:1 private billboards for every one put placed on public property. Assuming a 4:1 reduction for the potential 22 digital billboards on public property, then there is the potential for 252 (318+22-88) digital billboards throughout the city. Assuming a similar power consumption presented in the Initial Study, then the total power consumption would be the **equivalent to adding 2,500+ homes**.

<sup>6</sup> See slide 6 on page 3

<https://www.sanjoseca.gov/home/showpublisheddocument/70836/637527140641700000>

- What are the indirect costs associated with the program (e.g. the overhead of having to manage the advertising awardee)?
- Although SJC will not pay any of the capital costs, it seems like a significant amount of time has gone into supporting the planning process (e.g. EIR development, commission, council meetings). At a minimum, this represents an opportunity cost; an opportunity cost that is significant, as it means extra work for Airport and City staff.
- What about potential risks and the associated financial impact from potential lawsuits?<sup>7</sup>

The digital billboard advertising revenue is not material as it amounts to approximately 0.3 % of the current projected revenue of \$149M. To paraphrase one of the other Airport Commissioners, are we really willing to sell the public space and increase the City's carbon footprint for such a relatively small revenue stream? Our answer to that question is no and that is our recommendation to the City Council when this item appears on its agenda.

---

<sup>7</sup> For instance, what if someone crashes while viewing the sign? The city claims they will have indemnification from Clear Channel, but will that be enough? Or, given the level of opposition from various groups, will the city find itself spending money to defend itself against lawsuits as they try to implement these digital billboards?

## November 30th Council Meeting - Agenda Item 5.2 Submission - 13+ Reasons We Voted No

Ken Pyle <[REDACTED]>

Fri 11/26/2021 3:11 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Hendrix, Catherine [REDACTED] Connolly, Dan [REDACTED]

[REDACTED]

[External Email]

[External Email]

Greetings,

On behalf of Aiport Commission Chair Dan Connolly and Commissioner Hendrix, please include the attached as part of the public record for item 5.2 on the November 30th Council meeting agenda.

In Community,

Ken Pyle

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

City of San Jose  
200 East Santa Clara Street, 3rd Floor Tower  
San Jose, CA 95113-1905

via email  
November 26th, 2021

**From:** Airport Commission Chair Connolly, Commissioner Hendrix, and Vice-Chair Pyle

**Attention:** City of San Jose Council

**Subject:** Item 5.2 on the 11/30/21 City Council Agenda, Amendment to the Norman Y. Mineta San José International Airport Master Plan EIR for the Outdoor Advertising Digital Billboards.

Greetings Honorable Mayor and Councilmembers,

Energy consumption equivalent to 2,500 houses, forty-three downed trees, light pollution, lack of transparency, and several missed opportunities are some of the reasons we recently voted to reject the Final Initial Study and project plan for digital billboards at Mineta San Jose International Airport (SJC). In short, the potential negative impacts outweigh the potential public benefits of this proposed project and we recommend the Council also votes no on this proposal.

## **Background**

As background, SJC is proposing four programmable electronic signs on two locations on airport property next to 101. In SJC's proposal, Clear Channel would install, maintain, and program these electronic signs in a revenue share deal.

Our reasons for rejecting this proposal revolve around the many unanswered questions at our November 8th, 2021, Airport Commission meeting. Our questions range from environmental to business to process and include:

1. Adding these two billboards would be like adding twenty homes to the electric grid. If the conversion to digital from analog is applied to the rest of the city, that would be like adding 2,500 to 3,000 homes of power. Isn't that a significant amount of additional power for a city that has pledged to be carbon neutral by 2030?
2. The removal of forty-three trees would result in a conservative estimate of an annual loss of CO2 sequestration of approximately 2,064 pounds, according to the city. Is this an insignificant amount in a city that has pledged 2030 carbon neutrality? What is the plan for replacing these trees?
3. With the removal of the trees and the addition of massive, 1,000 square foot lighted billboards what will be the real impact on wildlife?
4. Why didn't SJC explore different uses, such as the installation of solar panels, for these sites?
5. Why isn't the city requesting a reduction in billboards in other parts of the city, as allowed by policy 6-4, item 6?<sup>1</sup>
6. Only a portion of a business case (the revenue side and the capital side) were presented to the Airport Commission. As an example, overhead and indirect costs associated with negotiating this deal were not considered. What are the opportunity costs of city staff of

---

<sup>1</sup> See page 8 <https://www.sanjoseca.gov/home/showpublisheddocument/50829/637153744794670000>

having to respond to the hundreds of comments to the Initial Study and once launched, manage the program?<sup>2</sup>

7. What are the financial risks (e.g., lawsuits) to the city?
8. Is the revenue addition material (0.3% of total SJC revenue), especially as compared to the potential financial risks?
9. Why wasn't there an RFP issued for this project, instead of just extending an advertising agreement with Clear Channel?
10. Why wasn't the Airport Commission briefed on this project earlier than the August 9th, 2021, meeting? In its July 15th, 2019, memorandum, staff indicated that "No commission recommendation is associated with this action."<sup>3</sup> Further, a Notice of Proposed Construction submitted to the FAA by Clear Channel indicated that work would begin on this project on March 1st, 2021, a full five-months prior to the August 9th 2021, meeting.<sup>4</sup>
11. Why wasn't the billboard project included in the Airport Master Plan Environmental Impact Report (EIR) Amendment issued 12/18/18?<sup>5</sup> This was a full month after city policy 6-4 went into effect.<sup>6</sup> Policy 6-4 provides the locations for the proposed digital billboards, as well as the parameters such as maximum square footage, height, and operational characteristics. Policy 6-4 provides detail that is consistent with the other projects listed in the Airport Master Plan EIR Amendment.
12. With the signs actively trying to draw the driver's attention, how can this not hurt the City of San Jose's efforts to implement Vision Zero?<sup>7</sup>
13. What are the limits on speech and are the proposed limitations within the boundaries of the Constitution?<sup>8</sup> A July 15th, 2019, memo from then City Manager David Sikes suggests limiting content. That is, "*restrictions will be placed on proposed content that is ..., political, religious,...*"<sup>9</sup> This seems to conflict with policy 6-4, which is not as restrictive.<sup>10</sup>

Finally, as Airport Commissioners, we have never received so much public input on a topic as we did this one. None of the 150+ submissions or many speakers who spoke at the Airport Commission meetings were in favor of this project. That public input combined with the environmental impacts and the marginal business case is why we voted no and recommend the city council do the same.

---

<sup>2</sup> See page 16 <https://www.sanjoseca.gov/home/showpublisheddocument/79122/637719791686900000>

<sup>3</sup> See page 6 ■ July 15th 2019 Memorandum for 8-16-19 Council meeting.pdf

<sup>4</sup> See ■ FAA Notice of Proposed Construction.pdf

<sup>5</sup> See <https://winchesterurbanvillage.files.wordpress.com/2019/01/masterplan-eir-nop-12-18-18.pdf>

<sup>6</sup> See <https://www.sanjoseca.gov/home/showpublisheddocument/50829/637153744794670000>

<sup>7</sup> See <https://www.sanjoseca.gov/your-government/departments/transportation/safety/vision-zero>

<sup>8</sup> The U.S. Supreme Court is expected to render a decision in June 2022 regarding the question of what are the limitations that a local entity can place on off-site and on-site advertising content.

<https://thehill.com/regulation/court-battles/580986-supreme-court-wrestles-with-limits-on-digital-billboard-ads-free>

<sup>9</sup> See page 4 ■ July 15th 2019 Memorandum for 8-16-19 Council meeting.pdf

<sup>10</sup> See page 7, <https://www.sanjoseca.gov/home/showpublisheddocument/50829/637153744794670000>

**Fw: LED Billboards Are Discriminatory and Dangerous**

Gregory, Barbara &lt;Barbara.Gregory@sanjoseca.gov&gt;

Tue 11/30/2021 7:13 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thank You,

*Barb Gregory***Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: barbara.gregory@sanjoseca.gov****How is our service? [Please take our short survey.](#)**

---

**From:** Mark Baker <mbaker@softlights.org>**Sent:** Monday, November 29, 2021 9:44 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Fwd: LED Billboards Are Discriminatory and DangerousYou don't often get email from mbaker@softlights.org. [Learn why this is important](#)

[External Email]

Dear City Clerk, San Jose California,

Please include the email below and attached files for the November 30, 2021 City Council Meeting. It is very important that the council read our report on how LED billboards are discriminatory and that the Zeiger Engineering report is invalid, before voting on Tuesday.

Thank you.

Mark Baker

President

Soft Lights Foundation

----- Forwarded message -----

From: **Mark Baker** <[mbaker@softlights.org](mailto:mbaker@softlights.org)>

Date: Mon, Nov 29, 2021 at 9:25 PM

Subject: LED Billboards Are Discriminatory and Dangerous

To: <[chris.burton@sanjoseca.gov](mailto:chris.burton@sanjoseca.gov)>, CAO Main <[cao.main@sanjoseca.gov](mailto:cao.main@sanjoseca.gov)>

Cc: <[nanci.klein@sanjoseca.gov](mailto:nanci.klein@sanjoseca.gov)>, <[Economic.development@sanjoseca.gov](mailto:Economic.development@sanjoseca.gov)>, plynam <[plynam@ucolick.org](mailto:plynam@ucolick.org)>, [REDACTED] Cheng Qian

[REDACTED], Desiree DeiRossi [REDACTED], John Miller [REDACTED], Little, Adam <[REDACTED]>, [REDACTED], Qualls, Bruce [REDACTED]

<[david.keyon@sanjoseca.gov](mailto:david.keyon@sanjoseca.gov)>, <[adam.petersen@sanjoseca.gov](mailto:adam.petersen@sanjoseca.gov)>, <[REDACTED]> Ron Zeiger <[REDACTED]> <[mayoremail@sanjoseca.gov](mailto:mayoremail@sanjoseca.gov)>, <[District1@sanjoseca.gov](mailto:District1@sanjoseca.gov)>, <[District2@sanjoseca.gov](mailto:District2@sanjoseca.gov)>, <[District3@sanjoseca.gov](mailto:District3@sanjoseca.gov)>, <[District4@sanjoseca.gov](mailto:District4@sanjoseca.gov)>, <[District5@sanjoseca.gov](mailto:District5@sanjoseca.gov)>, <[district6@sanjoseca.gov](mailto:district6@sanjoseca.gov)>, <[District7@sanjoseca.gov](mailto:District7@sanjoseca.gov)>, <[district8@sanjoseca.gov](mailto:district8@sanjoseca.gov)>, <[District9@sanjoseca.gov](mailto:District9@sanjoseca.gov)>, <[District10@sanjoseca.gov](mailto:District10@sanjoseca.gov)>, <[REDACTED]> <[info@billboardsno.org](mailto:info@billboardsno.org)>

Dear Chris Burton and City Attorney, San Jose, California.

We were sent a copy of your response to our rebuttal of the Zeiger Engineering report. Many of the responses were inaccurate, and we are especially concerned about the incorrect use of mathematics, the lack of physics knowledge, and the lack of effort by the city to ensure the safety of LED-reactive persons and those with disabilities.

Our response is attached. A copy of our letter is posted on our website for access by the public, the media, and law firms.

Sincerely,

Mark Baker  
President  
Soft Lights Foundation  
[www.softlights.org](http://www.softlights.org)  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

November 29, 2021

**BY EMAIL**

Christopher Burton, Director  
Planning, Building and Code Enforcement  
San Jose, California  
chris.burton@sanjoseca.gov

**Re: Rebuttal to Supplemental for LED Billboards**

Dear Christopher Burton,

The Soft Lights Foundation hereby responds to the numerous incorrect and invalid statements made in the city's response to our analysis of the Zeiger Engineering report and proposed LED Billboard project. Fundamentally, the response shows a lack of understanding of the physics of radiation emitted by a flat surface. In this document, we will explain in detail how LED radiation is not spatially isotropic, and is therefore toxic, hazardous, and discriminatory.

**Response A.1:** Quote: "Spatially anisotropic radiation as it pertains to light means the light is highly focused and is directed in a single direction, similar to a laser. Conversely, isotropic radiation radiates at the same intensity in all directions. LED light emissions from the proposed signs would be fractionally more narrow than completely isotropic."

Spatially anisotropic radiation means that the light has different energies at different points in space. This does not necessarily mean that the light is highly focused, although it could be. It just means that the light energy is not uniform. In the case of LEDs it is true that the visual radiation emitted by the flat chip source is highly directional. This is widely known throughout the LED engineering community and is not disputed. Therefore, the statement that LED emissions from an LED billboard are fractionally more narrow than isotropic radiation not supported by any science, mathematics, or research.

Each LED is created on flat surface, with numerous holes to allow photons to exit. As shown in Figure 1, the photons escape in a cone shape. This occurs because of the physical properties of the chip. Some photons emit perpendicular, others emit at an angle, all randomly.

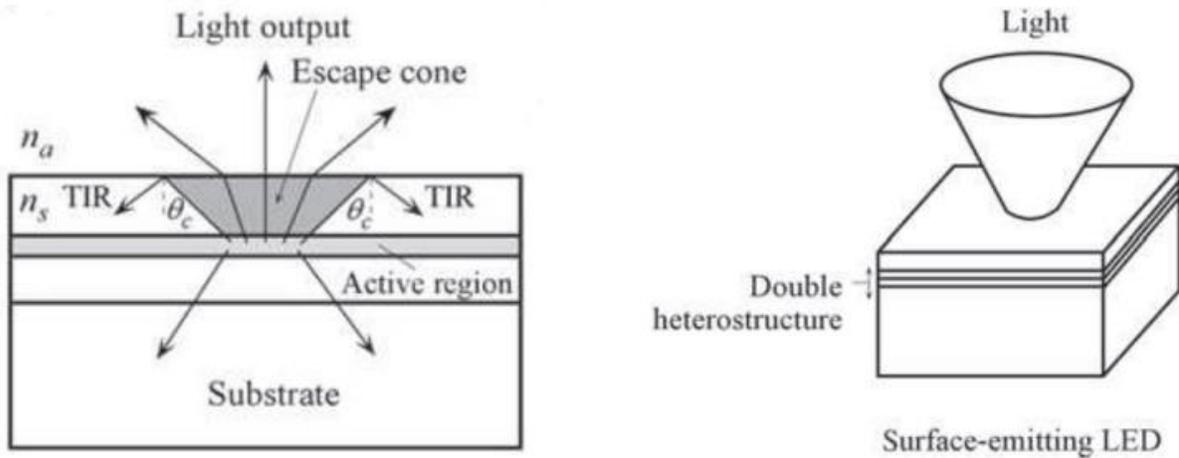


Figure 1 - Photon Escape Angle<sup>1</sup>

As shown on the left side of Figure 2, there is not just one cone. There are many, many cones, and these cones overlap. The most overlap occurs in the middle of the chip area. The least overlap occurs on the edges of the chip.

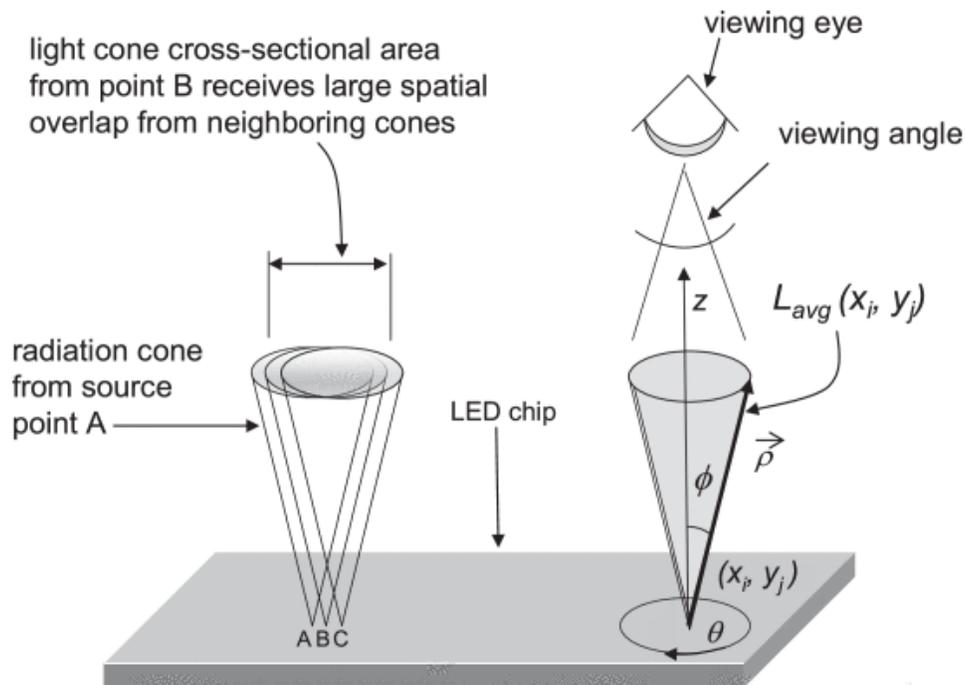


Figure 2 - Overlapping Cones<sup>2</sup>

<sup>1</sup> <http://www.zjuisee.zju.edu.cn/weisha/Lectures/Files/Light%20Emitting%20Diodes.pdf>

<sup>2</sup> <https://ieeexplore.ieee.org/document/8879542>

Figure 3 shows the resulting shape of the overlapping cones known as a Lambertian ball. The false colors show the density of the spatially anisotropic radiation. This diagram matches the idea that LED radiation is highly focused, like a laser. In fact, nearly all lasers today are initiated from radiation emitted by an LED, then further focused to make the radiation coherent. As is clear from this diagram, LED radiation is spatially anisotropic.

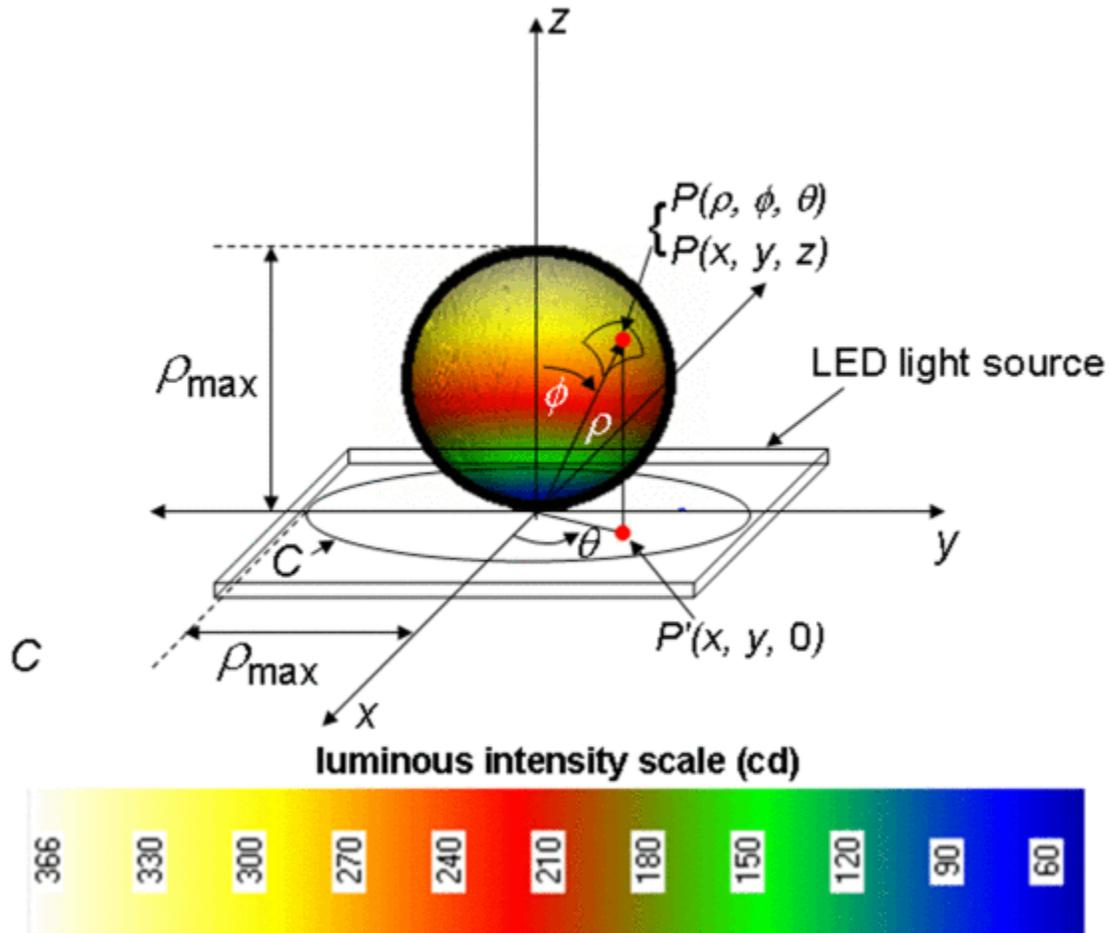


Figure 3 - Lambertian Ball<sup>3</sup>

Given this proof that LED radiation is highly focused and spatially anisotropic, it is not possible to then claim that an entire LED billboard somehow magically becomes spatially isotropic. There is no LED radiation directed in the reverse direction of the billboard, and the light cones from each individual LED, continue to overlap each other even more. LED radiation is spatially anisotropic, period.

The LED billboard industry measures the light output from LED billboards using luminance, measured in candela per meter squared, typically called nits. The maximum of 9,000 nits for the proposed LED billboard means the maximum density of the LED radiation. Even at the proposed typical

<sup>3</sup> <https://ieeexplore.ieee.org/document/8879542>

luminance of 5,000 nits, the density of the radiation is very tight, very dense and will cause pain, eye damage, loss of vision, epileptic seizures, migraines, and thoughts of suicide. Human beings, especially those with excellent sensitivity, are overwhelmed both by the excessive peak luminance, and the fact that the radiation is non-uniform across the eye.

Notice in Figure 4 how the light rays emanate uniformly in all 4pi steradians. This is spatially isotropic radiation. Simple mathematical formulas can be used to calculate luminous intensity and illuminance. The Zeiger Engineering report invalidly attempts to use these same simple formulas for spatially anisotropic LED radiation, which is not possible. The only way to calculate the luminous intensity for LEDs is using integral calculus and showing a graph of all points in space because each point in space carries a different energy. This is one reason why the LED billboard industry does not measure luminous intensity from LED billboards and instead measures luminance (density).

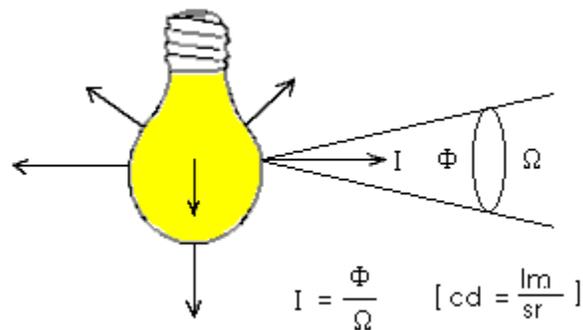


Figure 4 - Spatially Isotropic Radiation

**Response A.2:** This response attempts to pretend that the photo of a typical LED billboard shown in Figure 5 cannot apply to the LED billboard proposed by the city. Why? The LED billboards for San Jose are proposed to be even larger, creating even more glare. The Zeiger Engineering report admits that there will be special shields just to funnel this radiation even more directly into the eyes of drivers on the freeway. What reasoning is the city using to justify that one LED billboard is not like another?



*Figure 5 - Typical LED Billboard*

Even the Zeiger Engineering report includes a photo of the excessively intense LED billboard light contrasted with the dark night, as shown in Figure 6. This contrast causes the pupil to constrict, thus reducing vision and the 5,000-nit luminance overwhelms the eye and nervous system. For safe driving, there should be very little contrast between the ambient dark night and any artificial light. This will allow the pupil to open and allow the highly efficient rod cells to function.



*Figure 6 - LED Billboard at Night*

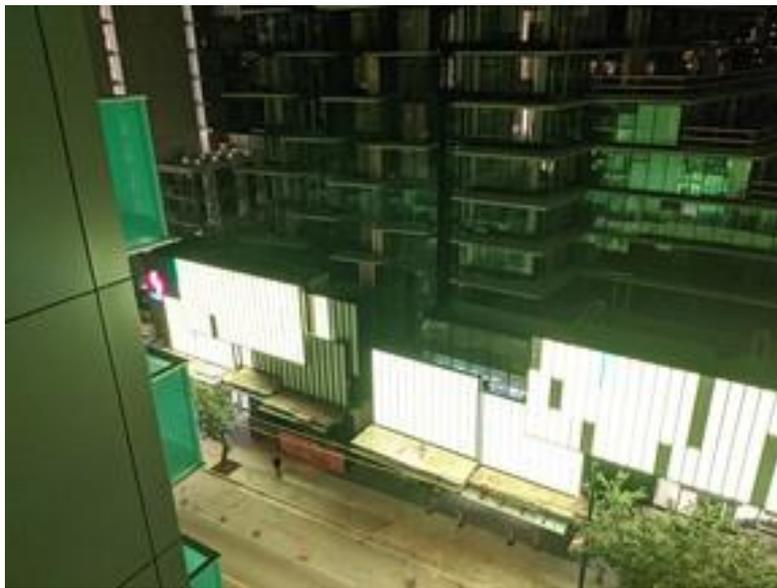
**Response A.3:** Quote: “In practice, the proposed signs would never operate under these conditions [9,000 nit all white]”. This is a false statement. We routinely see news reports of LED billboards being accidentally set to all white through operator error. Figure 7, Figure 8, and Figure 9 are all examples of

the LED billboards having an error. The statement that this will never happen is false. It is highly probable that such an error will occur, and when it does, the glare may dazzle or distract a driver or pilot, which may result in death.



*Figure 7 - Billboard Technical Issue*

Quote: The firm behind the billboard said there had been a technical issue which had now been fixed.<sup>4</sup>



*Figure 8 - Billboard Glitch*

Quote: The construction company responsible for the project said Thursday afternoon that there was a glitch in programming the shut off timer for the lights.<sup>5</sup>

<sup>4</sup> <https://www.bbc.com/news/uk-england-leeds-57825510>

<sup>5</sup> <https://vancouver.sun.com/news/local-news/its-utter-hell-west-end-residents-decry-new-safeways-green-glow>



Figure 9 - Billboard Crash

**Response A.4:** The city does not assert that the diagram, which was created by Mark Baker, who holds a degree in Electrical Engineering and is the founder of the Soft Lights Foundation, is invalid. The response only states that the reader didn't know who drew the diagram. The diagram is, in fact, correct and valid. The response also falsely claims that LED radiation is isotropic, which it is not.

**Response A.5:** The city somehow attempts to claim that the study on LED radiation doesn't prove anything. The city should be aware that it is unethical to endanger the life of a human to perform a study. Therefore, most researchers use other animals that have similar characteristics to humans. The city seems to be suggesting that the city should first install the LED billboards, then study to see what happens to people's eyes, and then decide as to whether the eye damage that occurred warrants removal of the LED billboards. We object to that type of dangerous and irresponsible logic. Since the city desires additional research, we shall provide it here.

**1) Light pollution: the possible consequences of excessive illumination on retina<sup>6</sup>**

---

<sup>6</sup> <https://www.nature.com/articles/eye2015221>

Quote: *“Constant exposure to different wavelengths and intensities of light promoted by light pollution may produce retinal degeneration as a consequence of photoreceptor or retinal pigment epithelium cells death.”* – The city wishes us to believe that somehow an LED electronic sign does not contribute to retinal degeneration. Cellular death in the eye is cumulative, so vehicle headlights, streetlights and floodlights are already contributing to retinal damage. Adding unnecessary high-luminance light further increases retinal damage.

Quote: *“In morphological studies, Ham et al demonstrated that the action spectrum for retinal damage near-ultraviolet spectrum (405, 380, 350, and 320 nm wavelengths) produced irreparable damage to rod and cone photoreceptor cells...”* – Notice the words “irreparable damage”. This means that the damage to the eye cannot be undone. The cells will not regenerate like skin cells. The artificial light, especially 5,000 nit LED radiation that far exceeds human comfort levels, will damage the eye, even with brief exposures.

Quote: *“for example, Shear et al showed that in albino rats the retinal stimulation in continuous low white light ( $\approx 750$  lux) causes a progressive deterioration of photoreceptor cells.”* – Notice this time the words “progressive deterioration”. The eye cells will slowly die when exposed to artificial light. For the safety of the public, artificial light must be severely limited, which certainly means prohibiting LED electronic billboards that provide no public benefit.

## 2) Light-Induced Retinal Ganglion Cell Damage and the Relevant Mechanisms<sup>7</sup>

Quote: *“excessive light has been reported to have a negative effect on the survival of various types of retinal cells. Among them photoreceptors and retinal pigment epithelial (RPE) cells degeneration after light exposure is widely observed...”* – Unnecessary artificial light must be avoided to protect public health.

Quote: *“So RGCs can certainly be injured by excessive light, ...”* RGCs are retinal ganglion cells which control human circadian rhythms. The use of LED electronic billboards has a significant negative impact on RGC's, which can delay sleep by several hours, which in turn can lead to diseases such as breast cancer and mood disorders.

There are 26 research articles listed referenced in this article. The city health specialists must evaluate all research articles and apply the information to the proposal to installed LED billboards.

The city made little or no effort to evaluate the health effects of LED visible radiation on the eyes. As shown above, the injury to eye cells from artificial light is substantial, cumulative, and permanent.

**Response A.6:** Quote: *“The comment does not provide substantial evidence that the project would result in a significant impact with regard to Airport operations or drivers on U.S. 101.”* - The comment stated that the proposal for the LED billboard is to direct the radiation away from the eyes of any pilots and into the eyes of drivers on the freeway. Why? Do pilots have special eyes that cannot tolerate LED radiation? Are driver's eyes expendable? If the LED billboard has no significant impact on drivers, then why is the LED billboard being installed? Clear Channel must certainly disagree the city that their proposed billboards have no impact on the buying habits of the people who view their billboards, and if

---

<sup>7</sup> <https://link.springer.com/article/10.1007/s10571-020-00819-0>

the visible radiation is so safe, then why is the city putting so much effort into keeping this visible radiation out of the eyes of pilots?

The billboard industry believes that advertising is very powerful. According to the article *The Psychological Impact of Billboard Advertising*<sup>8</sup>, “...it’s clear that customers are susceptible to messaging delivered through this channel whether they’re aware of it or not.” Another quote from the article is “While there are psychological connotations associated with every type of advertising, few mediums are as impactful on the human mind as billboards” - The statement by the city that LED advertising billboards have no significant impact is in direct contrast to the claims by the billboard industry and the city’s claim that LED billboards have no significant impact on drivers must be eliminated as false.

**Response A.7:** The response ignores the fact that 93% of San Jose residents do not want their eyes damaged and do not want their minds captured by LED billboards and do not want to die on the freeway because of an LED billboard. When or where has the city ever seen such a near-universal hatred of something?

**Response A.8:** The response states that the all-white scenario would be extremely rare, and yet we already showed above that this scenario occurs frequently. When the all-white situation does occur and people die, will city officials still claim that the deaths were worth it?

**Response A.9:** Quote: “The comment does not provide substantial evidence that the project would result in a significant impact with regard to Airport operations.” – Our comment is that Zeiger Engineers used incorrect math. Mr. Zeiger wrote, ““Due to the upper shielding on the LED modules providing an 18 degree cutoff, planes within 1-mile of the billboards would need to be below 1,700 feet altitude to first observe the display, and at that distance the illumination would be less than 0.0012 footcandle (0.012lux).” – Mr. Zeiger’s calculations are wrong and we strenuously object to the city allowing these calculations to go unquestioned. As used by the nearly the entire LED industry, the measurement for LEDs is candela per square meter, or nits. The radiation, as already noted by the city, is tightly focused and non-uniform. Therefore, the proper measurement is density, not illuminance as Mr. Zeiger erringly attempts to show. The full 5,000 nits will be directed either into the eyes of a driver or a pilot, neither of which is safe. The light will not be 0.012 lux of illumination. The LED radiation does not spread out.

To illustrate the fact that Mr. Zeiger’s calculations are wrong, we offer this screenshot of Dr. M. Nisa Khan’s derivation of the formula for the distribution of light from an LED.<sup>9</sup>

---

<sup>8</sup> <https://75media.co.uk/blog/psychological-billboard-advertising/>

<sup>9</sup> <https://ieeexplore.ieee.org/document/8879542>

We can now write the generalized function of luminous intensity for  $dA$  as

$$I = (V)(dA)(L) \tag{2}$$

▶ [View Source](#) ⓘ

where  $V$  is the integral of  $d\Omega$ . It is best to carry out the integral of  $d\Omega$  in spherical coordinates as one would use such to calculate the volume of a sphere. For the generalized cone represented by  $d\Omega$  in Fig. 2, we note that the length of  $\rho$  is arbitrary as is  $\phi$  because we wish to generalize  $d\Omega$  as a function of  $\phi$ , but that  $\theta$  must make a full revolution going from 0 to  $2\pi$  to form the conical volume. This is a classical problem in advanced calculus that use analytic geometry and utilizing such, we can write the integral of  $d\Omega$  as an indefinite volume integral for the  $\rho$  and  $\phi$  variables, and a definite integral for the  $\theta$  variable in  $(\rho, \phi, \theta)$  spherical coordinates [13],

$$V = \int_0^{2\pi} \int \int \rho^2 \sin(\phi) d\rho d\phi d\theta. \tag{3}$$

▶ [View Source](#) ⓘ

Solving the integral in Eq. (3) leads to

$$V = \frac{2\pi|\rho|^3}{3} \cos(\phi). \tag{4}$$

*Figure 10 - Portion of Derivation of LED Light Distribution*

Dr. Khan has been providing guidance to the Soft Lights Foundation. She is the author of the peer-reviewed paper cited above, and the book Understanding LED Illumination, 2014, CRC Press. Dr. Khan's profile states:

M. Nisa Khan received her bachelor's degree in physics and mathematics from Macalester College in St. Paul, Minnesota, and her master's and Ph.D. degrees in electrical engineering from the University of Minnesota, Minneapolis, USA. During her studies, she worked at Honeywell Solid State Research Center in Bloomington, Minnesota. After completing her doctorate, she was at AT&T Bell Laboratories' (now Alcatel Lucent) Photonics Research Laboratory at Crawford Hill doing pioneering work on 40-Gb/s optoelectronic and integrated photonic devices, and in 2006 started an independent research and engineering company on LED lighting which performs feasibility studies for LED lighting used in entertainment and signage industries and offers platform design and development solutions for general lighting applications.

Mr. Zeiger's invalid calculations cannot be used by the city to support the authorization of an LED billboard. If the city wishes, the Soft Lights Foundation can arrange a meeting with Dr. Khan (pending her approval) to meet with Mr. Zeiger and city officials to explain the proper mathematics for calculating light distribution from LEDs.

**Response A.10:** The response from the city is that the reaction of a single individual to an LED billboard is irrelevant. It seems likely that if we had presented 10, or 100, or 1,000 similar experiences, the city still would ignore their suffering. We find this reaction to be unacceptable. 93% of residents do not want this harm, individuals from other cities are sharing their painful stories, and yet the city

chooses to close their minds to the injuries. We find this response by the city to be a highly risky strategy in regards to liability issues.

Below are additional quotes members of the Soft Lights Foundation and similar groups. Names are removed to protect privacy.

*“...in the brief moment before my brain reacts, the worst LEDs look like a spray of strobing needles”*

*“When exposed to LED light sources I experience nausea, vertigo, anomia and sometimes migraine-like, pounding headaches combined with a feeling of reality loss...certain street lights or LED panels induce very fierce symptoms after only a short exposure.”*

*“ Yes they (LEDS) do and they cause migraines! They are horrible! “*

*“ Yes, they (LEDs) do (cause problems) for my kid. (they are seizure triggers.)“*

*“Within seconds of being exposed to LED lights, even if I cannot see the actual light source, I begin to feel the effects. My symptoms are typical auric sensations before a seizure and migraine. I feel dizzy, cranky, shaky, I get heartburn, I am drawn to the source of the light. After a few minutes, I'll usually sit down (assuming I'm alone, which doesn't happen much) and either vomit or cry, or both.*

The city cannot ignore these reactions to LEDs out of hand. The city must perform due diligence and investigate how LED radiation impacts the nervous system. Several members of our group cannot use a computer because the LED screen will cause a severe reaction. The city has no justification or authority to impose a giant LED screen on the public, knowing that a portion of that public will be injured by the LED radiation device.

**Response A.11:** The city’s response that LED radiation is not spatially anisotropic is false. The claim that LED billboard radiation is nearly isotropic contradicts the research from the LED billboard industry.

**Response A.12:** Again, the city falsely claims that LED radiation is essentially isotropic. As we explained above, the LED billboard industry measures LED radiation in terms of luminance, which is density. The full 5,000 candela per square meter does not substantially change over distance, even at one mile, so the impact on the eye is severe.

**Response A.13:** The city references no standards for LED billboards. The city claims that other cities have ordinances for signs, which are “the norm”. This is a false claim. The norm is certainly trending away from LED billboards due to their toxicity and hatred by the public. For example, the states of Alaska, Vermont, Hawaii, and Maine have banned either all billboards or electronic billboards specifically. The cities of Reno, Nevada, Charleston, South Carolina, and 700+ other communities have similar bans. To claim that LED billboards are the norm is false.

**Response A.14:** The city offers no response to our claim that 300 nits is the maximum level of comfort. In addition, these 300 nits are for uniform radiation. For radiation from LEDs that is highly focused and in a Lambertian-ball shape, the maximum level of comfort is less than 300 nits. The 5,000 average nits from the LED billboard will be at 10-20 times greater than comfort level.

**Response A.15:** Quote: “This technique properly measures the illumination for LED signs.” We have stated this multiple times above but measuring illumination from a spatially anisotropic LED billboard with a handheld meter produces invalid results. The hardware and software in the meter are designed for spatially isotropic radiation only and cannot be used to measure the illuminance from an LED radiation device. In addition, the main issue with LEDs is the luminance/radiance and the Lambertian shape that interferes with the nervous system. Attempting to measure the illuminance of an LED digital billboard is an exercise in futility and produces unusable results.

**Response A.16:** Quote: “*Note that while the comment asserts that ‘LED billboards also violate the ADA because they put persons with autism at high risk of injury or death,’ no evidence is provided to support that conclusion for this specific project.*” – These comments by the city warrant extra attention.

The Americans with Disabilities Act is a federal law, originally signed in 1990, and then further clarified in 2008 with the Americans with Disabilities Act Amendment Act. Congress passed this second law to make it exceedingly clear that persons with disabilities were to be given full consideration during the design or implementation of any project. People with disabilities are not to be an afterthought and it is not the public’s job to prove that they will a given project will not harm them. It is the legal requirement of the city to show why a person with a disability won’t be harmed by the proposed project.

The city must understand that we are notifying the city **prior** to the installation of the LED billboards. The city has shown no effort to comply with the ADA by holding meetings with those with disabilities who might be affected by LED radiation devices such as those with epilepsy, autism, migraines, bipolar disorder, PTSD, photophobia, or any of the dozens of other conditions that might make a person sick or become injured from LED radiation. The city will not be able to claim an undue burden or fundamental change to the nature of services when the city fails to consult with the disability community prior to the project. Any ADA lawsuit that occurs after installation of the LED billboards based on discrimination will likely be successful simply because the city made no effort to ensure the protection of those with disabilities. The city’s ADA Coordinator must be a main component of this project.

The City of San Jose was required by federal law to have created an ADA self-evaluation plan.<sup>10</sup> We were unable to locate the plan on the city’s website, showing a lack of good faith by the city to meet the needs of the disability community.

As a person with autism and in a protected class under the ADA, I wish to alert the city to my own personal experiences with LED billboards. It is not safe for me to be around them. I have been subjected to their radiation in Sacramento, California. Because of my autism, the LED radiation captures my attention. I am unable to pull my thoughts away because the LED visible radiation overloads my nervous system with information, forcing out other information such as awareness of other vehicles on the road. I am fully aware that my attention is captured, so I attempt to look away, but my thoughts remain with the billboard. My life is in danger each time I am subjected to the energies of an LED billboard. The city of San Jose has no right to discriminate against me in such a way. Without an LED

---

<sup>10</sup> <https://adata.org/faq/what-self-evaluation>

billboard distracting me, I am a very capable driver with excellent attention and awareness of my surroundings. An LED billboard is an illegal barrier to my safe access to the public roadways in San Jose.

For purposes of the ADA, major life activities include seeing, thinking, concentrating, and communicating. An LED billboard impairs every single one of these major life functions for me. There is no pill that I can take, and no safe alternative to avoiding the LED billboard on a freeway. The size is massive and its impact on my life in the vicinity of the LED billboard is huge. Since these LED billboards are proposed to be near the San Jose airport, it means that I would be unable to safely approach the airport.

For a person with epilepsy, the situation is even more dire. Members of our group report immediate epileptic seizures in the presence of LED radiation for even a fraction of a second. One of our members has suffered hundreds of seizures since the large-scale release of LED radiation devices which has resulted in broken bones and lost teeth. Other members with epilepsy report feeling an aura or queasiness around LED radiation devices. As mentioned earlier, some of our members cannot even use an LED computer screen. While many people with epilepsy are not allowed to drive, that does not give the city of San Jose the right to inflict a seizure on them as a passenger in a vehicle or as a pedestrian.

The Enforcement Act of 1871 is available to force governments to stop subjecting citizens to injurious LED radiation. By installing LED billboards that direct LED radiation directly into the eyes, skin and skulls of persons, the city will be depriving them of their rights to live a life without being subject to such toxic, hazardous, and discriminatory radiation.

#### Enforcement Act of 1871 **Sec. 1**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who, under color of any law, statute, ordinance, regulation, custom or usage of any State, shall subject, or cause to be subjected, any person within the jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall, any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the act of the ninth of April, eighteen hundred and sixty-six, entitled "An act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication"; and the other remedial laws of the United States which are in their nature applicable in such cases.<sup>11</sup>*

---

<sup>11</sup> <http://www.antibiaslaw.com/list/enforcement-act-of-1871#n2953>

San Jose is a supporter of the Vision Zero program and adopted this program in 2020.<sup>12</sup> The idea of using distracting LED billboards is directly in opposition to the goals of Vision Zero such as safety and reduction in crashes and death. A quote in the article *Are Digital Billboards Dangerously Distracting* states, “...they analyzed how long participants spent looking on and off the road before, during, and after the approach, and found that participants overall spent significantly less time visually oriented on the road while approaching the billboard.” It is inexplicable that the city would simultaneously adopt the Vision Zero program and then allow dangerous, distracting, discriminatory digital billboards at the same time.

The Soft Lights Foundation recently initiated our first lawsuit related to LED radiation. The Foundation is also engaged in several other legal actions across the USA and United Kingdom, and although we are still in the early stages of developing our legal strategy, it should be clear to the city of San Jose that the city has multiple liability exposures if the city proceeds with the installation of LED billboards, including failure to ensure the protection of those with disabilities, the reliance on the invalid Zeiger engineering report, and the failure to act within the goals of the Vision Zero program. The city would be liable for any roadway injuries that occur near the digital billboards as well.

The City of San Jose must abandon the idea of authorizing dangerous and discriminatory digital billboards and protect the public’s right to health, safety and liberty.

Sincerely,



Mark Baker  
President  
Soft Lights Foundation  
[www.softlights.org](http://www.softlights.org)  
[mbaker@softlights.org](mailto:mbaker@softlights.org)

---

<sup>12</sup> <https://www.sanjoseca.gov/home/showpublisheddocument?id=51859>

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

William Benson [REDACTED]

Mon 11/29/2021 7:04 PM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Perez, Raul <Raul.Perez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members,

I write to request that you vote against the Airport Billboard project. There are multiple reasons to oppose the measure:

- It goes against the city's climate goals, destroying existing trees and wasting electricity. The billboards will be disruptive to wildlife in the area.
- By their nature, billboards are designed to attract attention and thus dangerously distract passing drivers.
- The billboards will be a new blight and nuisance in the area. Their approval will set a precedent and provide legal arguments for a much larger expansion across the city.
- Lastly, the proposal bypasses any competitive process, rushing to give benefits to one company in exchange for minimal revenues to the city.

Please reject this and any similar project. Give city residents outdoors a small respite from the barrage of advertising we experience in so many other places.

Thank you.

- William Benson  
San Jose resident and voter

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

james rogers <[REDACTED]>

Mon 11/29/2021 7:21 PM

To: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Perez, Raul <Raul.Perez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]

[External Email]

Dear City Council members,

We often fly out of San Jose Airport and are opposed to the installation of new digital billboards in San Jose. We urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

Jim and Connie Rogers  
[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Susan Neva [REDACTED]

Mon 11/29/2021 7:32 PM

**To:** Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

Warmly,

Susan Neva

San Jose, CA 95126

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Michael Kevane [REDACTED]

Mon 11/29/2021 8:42 PM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; +David.Cohen@sanjoseca.gov <+David.Cohen@sanjoseca.gov>; +dev.davis@sanjoseca.gov <+dev.davis@sanjoseca.gov>; +Magdalena.Carrasco@sanjoseca.gov <+Magdalena.Carrasco@sanjoseca.gov>; +Matt.Mahan@sanjoseca.gov <+Matt.Mahan@sanjoseca.gov>; +Maya.Esparza@sanjoseca.gov <+Maya.Esparza@sanjoseca.gov>; +Pam.Foley@sanjoseca.gov <+Pam.Foley@sanjoseca.gov>; +Raul.Peralez@sanjoseca.gov <+Raul.Peralez@sanjoseca.gov>; +sam.liccardo@sanjoseca.gov <+sam.liccardo@sanjoseca.gov>; +sergio.jimenez@sanjoseca.gov <+sergio.jimenez@sanjoseca.gov>; +sylvia.arenas@sanjoseca.gov <+sylvia.arenas@sanjoseca.gov>  
**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]

[REDACTED]

[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Written Public Comment, City Council Meeting, 30 Nov 2021, Agenda Item 5.2:  
Amendment to the Norman Y. Mineta San José International Airport Master Plan EIR for  
the Outdoor Advertising Digital Billboards.**

plynam <plynam@ucolick.org>

Mon 11/29/2021 9:26 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

[You don't often get email from plynam@ucolick.org. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification.>]

[External Email]

Honorable Mayor and City Council,

Agenda Item 5.2: Amendment to the Norman Y. Mineta San José International Airport Master Plan EIR for the Outdoor Advertising Digital Billboards.

On 12 March 2021, on the subject of "Sign Ordinance Update Phase II: Billboards and Off-site Advertising on Private Property", letters were posted to each of the then San Jose City Council members outlining how, for the most part, the needs of the University of California's Lick Observatory are well-aligned with the surveyed majority public opposition to the proposed introduction of electronic billboards. Specifically, Council member Peralez's interest in receiving a contribution from Lick Observatory (voiced during the 23 November 2020 Community and Economic Development Committee meeting) was addressed, the drawbacks of LEDs were explained and it was stated that proliferation of electronic billboards would render a deleterious impact on Lick Observatory. In a similar vein, on 24 August 2021, a written submission on the topic "101 Airport Electronic Signs Addendum - City of San Jose File No: ER21-015" was submitted to the Mineta San Jose International Airport commissioners. Therein, concern was expressed that the faces of two proposed electronic billboards were to be oriented such that they project almost directly in the direction of Mount Hamilton, with Lick Observatory at its summit.

The deployment of ever more (and more efficient) sources of artificial light, regardless of the technology (e.g. LED vs chemical discharge vs

incandescent) and regardless of the originating fixture (e.g. electronic billboards vs luminaires) is concerning: all contribute - although some, like electronic billboards, disproportionately so - to the phenomenon of Anthropogenic Light At Night, ALAN. In large part, ALAN is a consequence of the physics of ever-present aerosols (e.g. water vapor, particles, etc.), which scatter light. Billboards intentionally project light laterally. Thus, electronic billboards compound ALAN via a number of mechanisms. First, they add to intensity: the efficiency of electronic illumination represents a many-fold increase in wasted light, compared with vintage illumination methods. Second, the nature of LED technology (i.e. combining emission from multiple intensity peaks) contaminates the entire visible spectrum, whereas incandescent or discharge (e.g. sodium) lighting consists of isolated spectral peaks, with adjacent spectral regions free from contamination. Additionally, the distance light travels from its source plays a role, such that billboards mounted higher above the ground are more contaminating.

ALAN has well-established, negative consequences on flora, fauna, human well-being and culture. 99% of people in the United States no longer experience a truly dark night. 37% of people in the United States no longer use their natural night vision. Tragically, 80% of children born in the western world today may never know a night dark enough that they can see the Milky Way (e.g. "The End of Night" by Paul Brogard, 2013 and references, including scholarly studies, therein). Residents of the conurbations in the San Francisco Bay Area are no exception. As more light fixtures are added to these conurbations, so the scattered light increases. Certainly, this has worsened with time. In October 2021, during the international conference "Dark & Quiet Skies for Science and Society II" (co-sponsored by the United Nations) an acceleration in ALAN of between 49% and 270% was reported over the past 25 years. In specific areas (e.g. rapidly developing conurbations in the industrialized world) this figure could be as high as 400% (Sanchez et al.). Perhaps the most compelling (admittedly non-astronomical) argument is when ALAN is considered as a public health issue. Humans are highly sensitive to ALAN, which has the power to dramatically, negatively, affect circadian rhythms. Circadian rhythms control aspects of physiology, behavior, metabolism, hormone (e.g. melatonin) secretion, body temperature and blood pressure. Every major disease is associated to some extent with short sleep/long light. Sleep disorders are now arguably the most prevalent health concern in the industrialized world. Furthermore, an increasing number of studies have made a case for a link between ALAN and cancer, for example colorectal and hormone-influenced cancers such as breast and prostate (Brogard, *ibid.*).

Should electronic billboards be introduced as proposed on Mineta San Jose International Airport property, they shall contribute an unwelcome addition to ALAN. Introduction would set a precedent contravening the laudable, existing, decades-long moratorium on the introduction of new billboards in Santa Clara County. In a 24 November 2021 memorandum,

Mayor Liccardo and Council members Jones, Peralez, Cohen and Foley remark "Digital signage is not new in San José" - an observation which suggests that the spirit of existing ordinances may not have been fully complied with. It is feared that addition of electronic billboards would subsequently lead to the proliferation of such fixtures, further threatening Lick Observatory, jeopardizing the University of California's educational, research and public outreach mission in the physical sciences and eroding Santa Clara's astronomical heritage and future. As you are surely aware, many consider that the addition of electronic billboards shall also degrade the quality of life of the people of Santa Clara.

As attentive and responsible stewards, is incumbent upon us all to reflect: by our actions today, is something (in the form of unpolluted vistas of the night sky) gradually being taken away from us and future generations? Appealing to the more compelling human health argument: are we today sowing the seeds of ill-health that will become manifest among the populace only in future years?

We wish you every success as you weigh the above considerations in your deliberations. Lick Observatory remains available to advise on these matters, while continuing to foster the fruitful relationship between the people of the Valley of the Heart's Delight and the University of California that has persisted since the 1870's.

Yours sincerely,

Dr Paul D. Lynam FRAS

Astronomer

University of California Observatories/Lick Observatory

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## City Council meeting, item 5.2 on Nov. 30

hbluhmsi [REDACTED]

Mon 11/29/2021 9:27 PM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

[External Email]

Dear City Clerk,

I am very concerned about adding electronic billboards to our city, since they are very distracting. E.g. when driving up 101 towards SFO, I often see them. Since they are so bright one wants to read what they say and then might not pay enough attention to traffic. This can be really dangerous.

Therefore, I do not want more billboards in San Jose. We already have quite a few traditional billboards along our freeways. In addition I am concerned about more light pollution. Please reconsider this.

Sincerely yours,  
Hella Bluhm-Stieber  
San Jose, CA 95129

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Electric Billboards**

Gregory, Barbara &lt;Barbara.Gregory@sanjoseca.gov&gt;

Tue 11/30/2021 7:01 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thank You,

*Barb Gregory***Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)****How is our service? [Please take our short survey.](#)**

---

**From:** Carmel D Forte [REDACTED]**Sent:** Tuesday, November 30, 2021 6:49 AM**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>**Subject:** Electric Billboards

[External Email]

These billboards are not right for our beautiful valley, our environment, and wildlife. This is not the way to go!!

Sent from my iPhone

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

### Fw: Stop Electronic Billboards

Gregory, Barbara <Barbara.Gregory@sanjoseca.gov>

Tue 11/30/2021 7:04 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

*Barb Gregory*



**Analyst II**

**Office of the City Clerk**

**200 E Santa Clara St FL T-14**

**San Jose, C-A 95112**

**408-535-1272 Fax: 408-292-6207**

**e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)**

**How is our service? [Please take our short survey.](#)**

**From:** Michael Cox <[REDACTED]>

**Sent:** Tuesday, November 30, 2021 3:05 AM

**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>

**Subject:** Stop Electronic Billboards



[External Email]

Hello City Clerk,

I'll keep this brief. Electronic billboards have negative impacts on human health, public safety, wildlife, energy and aesthetics. I can't attend the meeting to speak on item 5.2, but I want to be heard: please don't allow this.

Best Regards,  
Michael Cox  
(95116)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Opposing electronic billboards in San Jose**

Gregory, Barbara &lt;Barbara.Gregory@sanjoseca.gov&gt;

Tue 11/30/2021 7:06 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thank You,

*Barb Gregory***Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)****[How is our service? Please take our short survey.](#)**

---

**From:** E. L. Moreno [REDACTED]**Sent:** Tuesday, November 30, 2021 12:47 AM**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>**Subject:** Opposing electronic billboards in San Jose

[External Email]

There are so many reasons to abandon any plans for electronic billboards in San Jose, reasons more important than their undeniably negative aesthetics. A cursory internet search reveals many citations of research from reputable sources, federal, university, and other organizations. Their conclusions are not favorable.

- If you want to approach it from the viewpoint of human safety, studies have shown that they are even greater distractions to drivers than the static variety, and correlate to increased traffic accidents. As a result several states and municipalities have regulated or prohibited electronic billboards.
- Approached from the energy conservation standpoint, once again they are shown to be a liability. I have seen studies stating that one electronic billboard consumes anywhere from 10 - 30 times the electricity of an average household. This is not compatible with our city's commitment to mitigating the climate crisis.

- Electronic billboards also negatively impact the environment in other ways, not the least of which is its effect on bird navigation and reptilian nesting. This is a particular concern given San Jose is considering allowing installation of this type of billboard along route 87 which, importantly, follows the Guadalupe River, a rare urban corridor for wildlife.

The above sketches out only a few of the reasons to abandon ideas of allowing electronic billboards in our city.

This voter thanks you for the opportunity to express the reasons for my opposition to electronic billboards in San Jose. I urge you to give serious consideration to these liabilities.

Sincerely,  
Elizabeth Moreno



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Electronic Bollboards**

Gregory, Barbara <Barbara.Gregory@sanjoseca.gov>

Tue 11/30/2021 7:10 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

*Barb Gregory*



**Analyst II**

**Office of the City Clerk**

**200 E Santa Clara St FL T-14**

**San Jose, C-A 95112**

**408-535-1272 Fax: 408-292-6207**

**e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)**

**How is our service? [Please take our short survey.](#)**

---

**From:** Richard Nieset [REDACTED]

**Sent:** Tuesday, November 30, 2021 6:55 AM

**To:** City Clerk <city.clerk@sanjoseca.gov>

**Subject:** Electronic Bollboards



[External Email]

Food Morning,

I am writing to urge the council to vote against allowing electronic bill boards. They will be dangerous distractions for motorists and a threat to public safety and wildlife. The risks are far higher than the rewards. We cannot allow these in our City.

Cheers,  
Richard



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Electronic billboards have negative impacts on human health, public safety, wildlife, energy and aesthetics.**

Gregory, Barbara <Barbara.Gregory@sanjoseca.gov>

Tue 11/30/2021 7:13 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

*Barb Gregory*



**Analyst II**

**Office of the City Clerk**

**200 E Santa Clara St FL T-14**

**San Jose, C-A 95112**

**408-535-1272 Fax: 408-292-6207**

**e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)**

**How is our service? [Please take our short survey.](#)**

---

**From:** Ralph Hipps [REDACTED]

**Sent:** Monday, November 29, 2021 9:22 PM

**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>

**Subject:** Electronic billboards have negative impacts on human health, public safety, wildlife, energy and aesthetics.

[REDACTED]

[External Email]

Electronic billboards have negative impacts on human health, public safety, wildlife, energy and aesthetics.

these billboards are not the right future for San Jose!

Sent with [ProtonMail](#) Secure Email.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Unacceptable light pollution**

Gregory, Barbara &lt;Barbara.Gregory@sanjoseca.gov&gt;

Tue 11/30/2021 7:14 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thank You,

*Barb Gregory***Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)****How is our service? [Please take our short survey.](#)**

---

**From:** J'Carlin [REDACTED]**Sent:** Monday, November 29, 2021 9:00 PM**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>**Subject:** Unacceptable light pollution

[External Email]

Greetings Mayor Liccardo and Council Members.

Electronic billboards are totally unacceptable for many reasons:

- \*Light pollution creates extreme danger for wildlife of many species that are a major attraction for use of trails along the Guadalupe river and along the bay wetlands.

- \*Light pollution and constantly changing billboard messages cause impaired driving on a par with cell phone use.

- \*Light pollution interferes with the enjoyment of the night sky for residents as well as the renowned Lick observatory.

Please permanently ban all electronic billboards and indeed all billboards from San Jose.

Carlin Black

District 1

San Jose.

--

## Fw: public comment on the Norman Y. Mineta San José International Airport Master Plan EIR for the Outdoor Advertising Digital Billboards

Gregory, Barbara <Barbara.Gregory@sanjoseca.gov>

Tue 11/30/2021 7:14 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

*Barb Gregory*



**Analyst II**

**Office of the City Clerk**

**200 E Santa Clara St FL T-14**

**San Jose, C-A 95112**

**408-535-1272 Fax: 408-292-6207**

**e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)**

**How is our service? [Please take our short survey.](#)**

---

**From:** Carrick Bartle <[REDACTED]>

**Sent:** Monday, November 29, 2021 8:54 PM

**To:** City Clerk <[city.clerk@sanjoseca.gov](mailto:city.clerk@sanjoseca.gov)>

**Subject:** public comment on the Norman Y. Mineta San José International Airport Master Plan EIR for the Outdoor Advertising Digital Billboards

[External Email]

Hello,

I am a resident of San Jose, in District 1. I can't make it to tomorrow's council meeting to voice my concerns about the billboards, so I'm submitting them here for your consideration.

Mayor, Councilmembers: whom do you represent? The overwhelming majority of San Joseans (91% of them) don't want billboards (<https://sanjosespotlight.com/survey-shows-san-jose-residents-oppose-billboards-amid-city-led-plans/>). Yet you apparently intend to go ahead with an RFP for billboards at the airport. I am forced to come to the conclusion that you represent lobbyists--not your constituents.

Have you seriously convinced yourselves that the billboards would be good for San Jose or the airport? Not even the Airport Commission wants them. Commissioner Lisa Marie Smith really said it

best: "this is... really a sad state of affairs if this is what we've come down to to get some money" (<https://www.mercurynews.com/2021/11/09/sad-state-of-affairs-san-jose-commission-blasts-citys-plan-to-ok-new-electronic-billboards/>). San Jose is part of the metropolitan area with the highest concentration of millionaires and billionaires in the country ([https://web.archive.org/web/20170729210441/https://www.forbes.com/2007/11/30/greediest-cities-billionaires-forbeslife-cx\\_ee\\_1203greed.html](https://web.archive.org/web/20170729210441/https://www.forbes.com/2007/11/30/greediest-cities-billionaires-forbeslife-cx_ee_1203greed.html)). Do we really have to stoop to the level of obnoxious billboards to balance the books?

The airport property director's assertion that the billboards will draw people to the airport is delusional. I have literally gone miles out of my way to take 280 instead of 101 because 101 is littered with disgusting, distracting billboards. I will do the same if San Jose Airport likewise starts resembling Las Vegas.

Perhaps you're hoping these billboards will fund some city beautification project? Consider denying the billboards a city beautification project. It would certainly be worth the paltry amount the city would get from them.

Please reconsider your position and finally come down on the side of the people and your city. Do not allow these billboards to happen.

Thank you,  
Carrick Bartle

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Billboards**

Gregory, Barbara <Barbara.Gregory@sanjoseca.gov>

Tue 11/30/2021 7:15 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,



  
**Analyst II**  
**Office of the City Clerk**  
**200 E Santa Clara St FL T-14**  
**San Jose, C-A 95112**  
**408-535-1272 Fax: 408-292-6207**  
**e-mail: barbara.gregory@sanjoseca.gov**

**How is our service? [Please take our short survey.](#)**

---

**From:** Janet Darrow [REDACTED]  
**Sent:** Monday, November 29, 2021 8:50 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Billboards



[External Email]

To the City Council (Pam Foley is my representative),  
 Please do not approve any new billboards in San Jose. They are distracting to drivers, harmful to wildlife, and do not fit in our beautiful city. There is no support for billboards among the City's voters.  
 Thank you for voting NO.

Janet Darrow  
95136

Sent from my iPhone

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Please vote NO on Digital Billboards**

Gregory, Barbara &lt;Barbara.Gregory@sanjoseca.gov&gt;

Tue 11/30/2021 7:15 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thank You,

*Barb Gregory***Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: barbara.gregory@sanjoseca.gov****How is our service? [Please take our short survey.](#)****From:** Kathy Kleinsteiber [REDACTED]**Sent:** Monday, November 29, 2021 8:49 PM**To:** The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>**Subject:** Please vote NO on Digital Billboards

[External Email]

Dear Mayor Liccardo and City Council Members,

I am a longtime resident of San Jose and I strongly oppose building digital billboards in our city. Digital billboards are a dangerous distraction for drivers, contribute to light pollution, waste energy, confuse and disorient birds at night and are hideously ugly. For the health of our environment and our community members, please say NO to the proposed digital billboards.

Thank you,

Katherine Kleinsteiber

**Fw: No for electric billboards in San Jose**

Gregory, Barbara &lt;Barbara.Gregory@sanjoseca.gov&gt;

Tue 11/30/2021 7:15 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thank You,

*Barb Gregory***Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: [barbara.gregory@sanjoseca.gov](mailto:barbara.gregory@sanjoseca.gov)****How is our service? [Please take our short survey.](#)**

---

**From:** Ashton Galloway [REDACTED]  
**Sent:** Monday, November 29, 2021 8:39 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** No for electric billboards in San Jose

[External Email]

To whom it may concern,

Regarding permitting electronic billboards in San Jose, please vote NO.

Thanks,  
Ashton Galloway  
San Jose homeowner

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: billboards in San Jose**

Gregory, Barbara <Barbara.Gregory@sanjoseca.gov>

Tue 11/30/2021 7:16 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,



  
**Analyst II**  
**Office of the City Clerk**  
**200 E Santa Clara St FL T-14**  
**San Jose, C-A 95112**  
**408-535-1272 Fax: 408-292-6207**  
**e-mail: barbara.gregory@sanjoseca.gov**

**How is our service? [Please take our short survey.](#)**

---

**From:** Annabel Boissevain [REDACTED]  
**Sent:** Monday, November 29, 2021 8:35 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** billboards in San Jose



[External Email]

As San Jose is closing in on improvements in good taste and wise developments, the proposal for these 2, would create light pollution now known to be harmful to humans and all the other animals and birds who would suffer greatly. Please do not introduce a fallback failure to what is becoming an insightful city these days.

Sincerely  
Annabel Boissevain  
95125

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Electronic/digital billboards**

Gregory, Barbara <Barbara.Gregory@sanjoseca.gov>

Tue 11/30/2021 7:16 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,



  
**Analyst II**  
**Office of the City Clerk**  
**200 E Santa Clara St FL T-14**  
**San Jose, C-A 95112**  
**408-535-1272 Fax: 408-292-6207**  
**e-mail: barbara.gregory@sanjoseca.gov**

**How is our service? [Please take our short survey.](#)**

---

**From:** james rogers [REDACTED]  
**Sent:** Monday, November 29, 2021 7:20 PM  
**To:** City Clerk <city.clerk@sanjoseca.gov>  
**Subject:** Electronic/digital billboards

[REDACTED]

[External Email]

I urge the San Jose City Council to cancel their plans to have electronic billboards at the San Jose Airport. This type of billboard has no redeeming qualities in my experience. They distract drivers, cause glare, waste electricity and are ugly. Please vote NO on them. We are often passengers at San Jose Airport and believe they will detract, not add anything to SJC. Jim and Connie Rogers

[REDACTED]

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**Fw: Digital Billboards**

Gregory, Barbara &lt;Barbara.Gregory@sanjoseca.gov&gt;

Tue 11/30/2021 7:21 AM

To: Agendadesk &lt;Agendadesk@sanjoseca.gov&gt;

Thank You,

*Barb Gregory***Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: barbara.gregory@sanjoseca.gov****How is our service? [Please take our short survey.](#)****From:** Menne Becky [REDACTED]**Sent:** Monday, November 29, 2021 5:28 PM

**To:** +David.Cohen@sanjoseca.gov <+David.Cohen@sanjoseca.gov>; +Magdalena.Carrasco@sanjoseca.gov <+Magdalena.Carrasco@sanjoseca.gov>; +Matt.Mahan@sanjoseca.gov <+Matt.Mahan@sanjoseca.gov>; +Maya.Esparza@sanjoseca.gov <+Maya.Esparza@sanjoseca.gov>; +Pam.Foley@sanjoseca.gov <+Pam.Foley@sanjoseca.gov>; +Raul.Peralez@sanjoseca.gov <+Raul.Peralez@sanjoseca.gov>; +dev.davis@sanjoseca.gov <+dev.davis@sanjoseca.gov>; +sam.liccardo@sanjoseca.gov <+sam.liccardo@sanjoseca.gov>; +sergio.jimenez@sanjoseca.gov <+sergio.jimenez@sanjoseca.gov>; +sylvia.arenas@sanjoseca.gov <+sylvia.arenas@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>**Subject:** Digital Billboards

[External Email]

I think our billboards are great! They showcase our unique and quirky Silicon Valley culture.

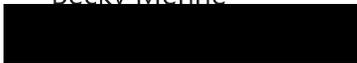
Of course, I don't want to look at ads from cigarette companies or another pot dispenser, but the rest are worth the sacrifice.

Our city's lack signage of all kinds has made us a generic skyline.

Rebecca Menne

--

Becky Menne



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

## Public Comment on City Council Meeting 11/30/21, Agenda Item 5.2, Digital Billboards

Lisa Charpontier [REDACTED]

Tue 11/30/2021 7:53 AM

To: City Clerk <city.clerk@sanjoseca.gov>

[External Email]

[External Email]

## City Council Meeting 11/30/21, Agenda Item 5.2, Digital Billboards

Dear Mayor Sam Liccardo and City Council Members--

I am a constituent living in downtown San Jose, and I am writing to urge you to vote to not approve the airport billboard project, to oppose new digital billboards in San Jose and to preserve the 1985 ban on new billboards.

I oppose digital billboards for the following reasons:

- We need less advertising in our daily lives, not more
- Digital billboards detract from our peace
- Billboards, especially digital billboards, are unsightly and will increase light pollution in our city
- Digital billboards disrupt the darkness cycle that humans and other animals need to be healthy
- Digital billboards will clash with our historic architecture and will detract from our sense of place
- Digital billboards are distracting, and therefore dangerous

It is exhausting to constantly be battered by advertising. It is everywhere, and we need less of this, not more. It is a type of assault. Everyone has a right to peace, and our leaders should strive to increase our feelings of serenity; the flashing bright lights of digital billboards steal one's peace. Not only are billboards ugly to see, they waste energy and would further pollute our nights with bright light. And for what goal, to try to sell something? All animals need darkness as part of a light and dark cycle to rest and remain healthy. We, as a community, are responsible to keep ourselves healthy as well as our other animal relations by maintaining this darkness to allow rest.

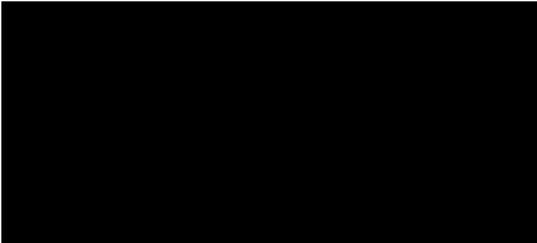
It has been urged by the executive director of the San Jose Downtown Association, that billboards would add a "sense of excitement" in San Jose; and the planning department has suggested that digital billboards would create a "sense of place." What is exciting about lights flashing to urge us to spend money? Do we really want our sense of place to be founded on such a shallow and weak foundation as commercialism? This is a lazy and hollow attempt to excite, and would only give the message that we value commercial interests above truly creative endeavors to ornament our city; and this new digital billboard "sense of place" and "excitement" would then fit right in with our amassing trash heaps, screaming car engines, and poor who we do not even care to house properly. This is not exciting. And this sense of place is truly miserable. We write our own story as a society, and we must be conscious authors, for we are living this story.

Finally, distraction has become our favorite pastime. Our modern society discourages focus; yet the ability to focus preserves safety and improves our ability to achieve our goals. Walk out on our streets and you'll dodge racing cars with screaming engines. Drive on our streets and you are challenged with numerous distractions vying for your attention, all while you try to preserve your focus to maintain the safety of pedestrians, other drivers, and yourself.

In a 12.29.19 Santa Cruz Sentinel article about traffic fatalities in San Jose, Sgt. John Carr, who supervises the SJPD traffic investigations unit, said life and death is often a matter of a few seconds of distraction. Last year, the distraction continued with at least 49 traffic fatalities in our city. Our city's Vision Zero traffic safety initiative states, "One traffic death is one too many... and that is why we are committed to safer streets for San Jose. *Vision Zero San Jose* is our City's commitment to prioritize street safety and ensure all road users—whether you walk, bike, drive, or ride transit—are safe." Adding yet another distraction in the form of digital billboards breaks the city's commitment to making our streets safer, and will ultimately add to the death toll.

The airport has suggested that the proposed billboards would bring in revenue; there are more creative and less detrimental ways to bring in revenue. Considering reversing the 1985 ban on new billboards in San Jose is a distraction from more important work, and should be opposed.

Lisa Charpontier  
Botany of Design &  
Gallery of the Senses  
Landscape Design &  
Mindfulness Coaching



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

### City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards

Ann Murphy · [Redacted]

Tue 11/30/2021 8:30 AM

**To:** Jones, Chappie <Chappie.Jones@sanjoseca.gov>; +David.Cohen@sanjoseca.gov <+David.Cohen@sanjoseca.gov>; +dev.davis@sanjoseca.gov <+dev.davis@sanjoseca.gov>; +Magdalena.Carrasco@sanjoseca.gov <+Magdalena.Carrasco@sanjoseca.gov>; +Matt.Mahan@sanjoseca.gov <+Matt.Mahan@sanjoseca.gov>; +Maya.Esparza@sanjoseca.gov <+Maya.Esparza@sanjoseca.gov>; +Pam.Foley@sanjoseca.gov <+Pam.Foley@sanjoseca.gov>; +Raul.Peralez@sanjoseca.gov <+Raul.Peralez@sanjoseca.gov>; +sam.liccardo@sanjoseca.gov <+sam.liccardo@sanjoseca.gov>; +sergio.jimenez@sanjoseca.gov <+sergio.jimenez@sanjoseca.gov>; +sylvia.arenas@sanjoseca.gov <+sylvia.arenas@sanjoseca.gov>

**Cc:** City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>

[External Email]



[External Email]

Dear City Council members,

I am opposed to the installation of new digital billboards in San Jose and I urge you to vote to not approve the Airport Billboard project.

My opposition is aligned with the 7-2 vote against the proposal by the Airport Commission, with the objections stated in the Letter to the Editor authored by 3 of those commissioners that was published in today's San Jose Mercury News.

Additionally, the City Council should declare a moratorium on new billboards and revisit Council Policy 6-4. By allowing these initial digital billboards in San Jose, (the first new billboards of any type since they were banned in 1985) the City will be opening the floodgates up to 22 or more billboards.

Earlier this year, more than 2,000 San Jose residents participated in a Planning Department survey regarding attitudes toward new billboards. Of those surveyed, 93% opposed billboards on freeway facing property and 80% opposed billboards on buildings downtown.

Thirty-six years ago, the City Council enacted a ban on new billboards. The ban was established based on the belief that beautification was the best way to encourage economic development. That is still true today.

Let's not spoil the unique character of our City and turn San Jose into Anyplace USA.

Thank you.

Ann Murphy



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.