
FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:35 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Julie Nano [REDACTED]
Sent: Wednesday, November 13, 2024 7:31 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

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[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

- The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.
- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away.
- Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.
- Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive Levi's stadium Jumbotrons.
- Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient

light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club.

Please vote against any new proposals.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
Julie Nano



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FW: Nov 19 Item 5.1 - I oppose digital billboards at the airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:36 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Wscholten <[REDACTED]>
Sent: Wednesday, November 13, 2024 7:35 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards at the airport

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I object to installing any and all digital billboards in and around San Jose.

Willa Scholten
Naglee Park.

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FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:36 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: ochavez [REDACTED]
Sent: Wednesday, November 13, 2024 7:52 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

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Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

The public opposes new billboard

Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.

Lawsuits, more to come

The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money. Just search "Los Angeles billboards lawsuits" on the Internet to see how out of control it is there.

Insignificant revenue

City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life?

- Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!

- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away.

- Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.
- Driver distraction - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities.
- Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive Levi's stadium Jumbotron.
- Local businesses do not benefit - Digital billboards typically advertise national consumer products and services.
- Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club
- Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected. Please vote against any new proposals. Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,

Ofelia Smith
Willow Glenn Resident

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FW: Nov 19 Item 5.1 - I oppose digital billboards at the airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:36 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Doris Tuck <[REDACTED]>
Sent: Wednesday, November 13, 2024 8:09 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: No Digital Billboards In San Jose <info@billboardsno.org>
Subject: Nov 19 Item 5.1 - I oppose digital billboards at the airport

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[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Please consider this city, the residents of this city, and also the safety of both drivers and the rest of the living beings in this valley and say no to the horrible, dangerous, energy wasting, and just very ugly abomination of the billboards the city is considering for the airport area.

Approving these unsightly and dangerous signs cannot possibly be as valuable as the safety of our citizens and what's left of the dignity of the city of San Jose.

Please vote no.

Doris Tuck
[REDACTED]

--

Doris Tuck
[REDACTED]

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FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:36 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Sandi Strouse [REDACTED]
Sent: Wednesday, November 13, 2024 8:15 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

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Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

[Select from one or more talking points below to copy/paste into your message]

- The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.
- Lawsuits, more to come - The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money. Just search "Los Angeles billboards lawsuits" on the Internet to see how out of control it is there.
- Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life?
- Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take

down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!

- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away.
- Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.
- Driver distraction - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities.
- Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive Levi's stadium Jumbotrons.
- Local businesses do not benefit - Digital billboards typically advertise national consumer products and services.
- Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club.
- Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected.

Please vote against any new proposals.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
[Sandi Strouse
Dev Davis' district]

Sent from my iPad

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FW: Nov 19 Item 5.1 - I oppose digital billboards at the airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:36 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: William Benson [REDACTED]
Sent: Wednesday, November 13, 2024 9:33 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards at the airport

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I am writing to express my opposition to installing new digital billboards around the San Jose airport. These billboards provide no benefit to the residents of San Jose, and would bring negligible revenues to the city. They will cause significant light pollution, and harm the nearby wildlife. And they waste a lot of power, when supposedly the city is committed to fighting climate change. There are more important uses for the electricity.

Do we really need yet another venue for advertising? I think there are plenty already.

- William Benson
[REDACTED]

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FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:36 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Lisa Bedard [REDACTED]
Sent: Wednesday, November 13, 2024 10:35 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

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Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

- The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.
- Lawsuits, more to come - The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money. Just search "Los Angeles billboards lawsuits" on the Internet to see how out of control it is there.
- Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life?
- Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting

up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!

- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away.
- Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.
- Driver distraction - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities.
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- Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected.

Please vote against any new proposals.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
Lisa Bedard
District 9

Sent from my iPhone

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FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 7:37 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Mallory von Kugelgen <[REDACTED]>
Sent: Thursday, November 14, 2024 6:33 AM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

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Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

- The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.
- Lawsuits, more to come - The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money.
- Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is a tiny fraction of 1% of the City's annual revenue.
- The major argument at the Feb 2022 City Council meeting was the takedown of blighted conventional billboards. City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Please don't buy the idea that putting up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!
- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen.
- Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.
- Driver distraction - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities.

- Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive Levi's stadium Jumbotron.
- Local businesses do not benefit - Digital billboards typically advertise national consumer products and services.
- Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club.
- Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected.

Please vote against any new proposals.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
Mallory and Evan von Kugelgen
District 3

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FW: Nov 19 Item 5.1 - I oppose digital billboards at the airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 10:49 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: rose.steele [REDACTED]
Sent: Thursday, November 14, 2024 10:23 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards at the airport

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Like many in the San Jose community I oppose digital billboards, including the current proposal for digital billboards at the airport. While I understand the City's desire for revenue, blighting the landscape with these hideous signs is not the way. And I don't think it's safe to feature these flashing distractions in a place where many out-of-town drivers are already busy scanning the signs to insure they are in the right lane for their purpose, folks are slowing down, speeding up, etc. The billboards will increase accidents at the airport and on its surrounding roads.

[REDACTED]
Rose Steele
[REDACTED]

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FW: Nov 19 Item 5.1 - I oppose digital billboards at the airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 10:50 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Daniel Kikuchi [REDACTED]
Sent: Thursday, November 14, 2024 10:40 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards at the airport

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Hello

As a concerned resident, I am writing this email, voicing my concern to strongly oppose the Digital Billboards at the Airport

Daniel Kikuchi
District 3 San Jose

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FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 11:03 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: David Chai [REDACTED]
Sent: Thursday, November 14, 2024 11:02 AM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
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Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose. • Lawsuits, more to come - The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money. Just search "Los Angeles billboards lawsuits" on the Internet to see how out of control it is there.

Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life?

Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!

Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away. • Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.

Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities. • Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive

Levi's stadium Jumbotron.

Local businesses do not benefit - Digital billboards typically advertise national consumer products and services.

Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club.

Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected. Please vote against any new proposals.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
David Chai
District 10

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FW: Nov 19 Item 5.1 - I oppose digital billboards at the airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 11:43 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Michael Kutilek [REDACTED]
Sent: Thursday, November 14, 2024 11:41 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards at the airport

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I oppose all electronic billboards.
Michael Kutilek
[REDACTED]

Sent from my iPhone

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FW: Nov 19 Item 5.1 - I oppose digital billboards at the airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 1:09 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Judith Wells-Walberg [REDACTED]
Sent: Thursday, November 14, 2024 12:11 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards at the airport

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NO, NO, NO, NO....Absolutely NO Digital billboards in SJ nor along the freeways...They are a disgrace for the downtown. The attract attention away from driving which is extremely dangerous.... Please END this discussion...NO DIGITAL BILLBOARDS ON OUR FREEWAYS OR IN OUR DOWNTOWN!! Judith Wells-Walberg

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From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 1:13 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Janet Russell [REDACTED]
Sent: Thursday, November 14, 2024 12:22 PM
To: Mahan, Matt <Matt.Mahan@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>
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Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community, particularly the billboards at the Airport. I oppose these new billboards for the following reasons:

1) There are already way too many driver distractions on our freeways; I see freeway accidents and subsequent traffic jams nearly every day. We do not need more large, digital billboards providing even more distractions, leading to even more accidents and traffic jams.

2) The Guadalupe Parkway area is already hazardous to wildlife of all kinds, due to the trash and human waste in the area. Adding light pollution at night would put additional strain on the few animals and birds that are still living in the area. It's bad enough to have the Columbus Park homeless area in the Guadalupe Parkway. Illuminated billboards will push an already stressed area to the brink. Why are you even considering degrading a once-beautiful area even further?

I am asking that you would please vote against any new billboard proposals near the Airport.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Sincerely yours,

Janet Russell
D3

FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 3:04 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: TINA GUEST [REDACTED]
Sent: Thursday, November 14, 2024 2:27 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

[External Email. Do not open links or attachments from untrusted sources. Learn more<<https://aka.ms/LearnAboutSenderIdentification>>]

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community for all the following reasons:-

- The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.
- Lawsuits, more to come - The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money. Just search "Los Angeles billboards lawsuits" on the Internet to see how out of control it is there.
- Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life?
- Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting

up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!

- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away.
- Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.
- Driver distraction - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities.
- Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive Levi's stadium Jumbotrons.
- Local businesses do not benefit - Digital billboards typically advertise national consumer products and services.
- Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club.
- Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected.

I vote against any new proposals to have these. Florida has them and they are a blight on the area and quite frankly make it look cheap and tacky.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
Tina Guest - District 10

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FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Thu 11/14/2024 3:37 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Meredith Muller [REDACTED]
Sent: Thursday, November 14, 2024 3:36 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

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Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)
Dear Mayor Mahan and San Jose City Council Members,

I would like to urge you to oppose any new billboard proposals in our community.

I do not believe digital billboards (or static billboards) are a benefit to our community in any way. As a former resident of Vermont, I have first-hand experience of living in a society that declines to sell off its public viewscape to advertisers and the immense benefits to community health therein. My fellow San Jose residents are opposed to more billboards as well, 90% of us responded no to the city's own survey on this topic.

Having just been sandwiched on 101 last month by an uninsured teenage driver, I can say for certain that the distraction that digital billboards bring - especially at night - is not in alignment with the city's Vision Zero traffic fatality goal. We are not in need of increased distractions on our roadways of any sort.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
Meredith Muller
District 6

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

FW: Comment on ER23-034 Electronic Signs downtown

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 10:06 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Patricia Curia [REDACTED]
Sent: Thursday, November 14, 2024 9:15 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Subject: Comment on ER23-034 Electronic Signs downtown

[**External Email.** Do not open links or attachments from untrusted sources. [Learn more](#)]

You don't often get email from [REDACTED] [Learn why this is important](#)
Dear Cort Hitchens, Environmental Project Manager,

I am writing to comment on the Draft MND/Initial Study for the proposed digital billboards downtown. I'm concerned that these billboards will forever change the aesthetic quality of downtown San Jose. It will be hard to miss as these 60ft tall illuminated signs cover most of the wall on each building they will be mounted on such as the Tech museum, or dominate street corners in front of the Center for Performing Arts. Billboards all over downtown will drive people away.

These buildings were all designed by world renown architects. By attaching huge billboards/ digital signage, the City is defacing these beautiful buildings for ever. And for what reason? What is the actual benefit to the citizens of San Jose? We are very lucky that such a citizen watch dog organization exists (No Digital Billboards) but we shouldn't have to fight our paid experts who should be protecting us against improper and actions and illegal actions.

Regards, Patricia Curia [REDACTED]

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FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 10:08 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Joanne Dorgan <[REDACTED]>
Sent: Thursday, November 14, 2024 6:56 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

[**External Email.** Do not open links or attachments from untrusted sources. [Learn more](#)]

Some people who received this message don't often get email from [REDACTED] [learn why this is important](#)
Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

[Select from one or more talking points below to copy/paste into your message]

- The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.
- Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life?
- Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!
- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away.
- **Driver distraction - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities.**
- **Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive Levi's stadium Jumbotrons.**

- **Local businesses do not benefit - Digital billboards typically advertise national consumer products and services.**
- **Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club.**
- **Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected.**

Please vote against any new proposals.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
Michael & Joanne Dorgan
District 3

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FW: No Digital Billboards In San Jose Public Comment for 11/19/24 Council Agenda Item 5.1 24-2213

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 10:09 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (1 MB)

NDBSJ City Council Agenda 11-19-24 Item 5.1 24-2213 Comments Rev F.pdf;

From: Leslie Levitt [REDACTED]
Sent: Thursday, November 14, 2024 6:10 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: The Office of Mayor Matt Mahan <mayor@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>; Lomio, Michael <Michael.Lomio@sanjoseca.gov>; Rocha, Vincent <Vincent.Rocha@sanjoseca.gov>; Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>; No Digital Billboards In San Jose <steering.committee@billboardsno.org>; Frimann, Nora <Nora.Frimann@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; Davis, Martina <Martina.Davis@sanjoseca.gov>
Subject: No Digital Billboards In San Jose Public Comment for 11/19/24 Council Agenda Item 5.1 24-2213

[External Email. Do not open links or attachments from untrusted sources. [Learn more](#)]

Please include the attached memo in the public comment for Council Agenda Item 5.1 24-2213
The table of contents and NDBSJ recommendations are noted in this email introduction.
We urge Council members and staff to read the full memo ASAP because this agenda item is not as routine or simple as it may appear.
We are happy to discuss this with Council members and policy staff prior to the meeting.

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- 5.0 Council Policy 6-4
- 6.0 Take Down Requirements
- 7.0 RFP

8.0 Community Input

9.0 Energy

10.0 Other Reasons to Oppose Digital Billboards

11.0 Op-Eds

12.0 Articles

Recommendations

1. NDBSJ urges the Council to not approve the proposed amendments to Council Policy 6-4
2. NDBSJ urges the Council to table this item and call for a comprehensive review of Policy 6-4 with broad stakeholder input.
3. NDBSJ urges the Council to not approve the proposed amendments to Council Policy 6-4 and to instead deliberately re-visit and re-write the rules related to take down requirement. Much more detail is needed rather than a feel-good Policy revision.
4. NDBSJ urges the Council to not approve Airport staff request to proceed with the RFP as currently structured. The RFP should be much more broadly defined with community benefit and San Jose image in mind. An on-premise sign should be an option. Let's not become Anyplace USA welcoming visitors to San Jose with national ads for fast food, cars, and out of town destinations.

Les Levitt

No Digital Billboards in San Jose Steering Committee

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**City of San Jose
Council Agenda Item 5.1 24-2213
11/19/2024**



Comments from: No Digital Billboards in San Jose

Contact: info@billboardsno.org

Facebook: <https://www.facebook.com/NoBillboardsSJ>

Instagram: [@nobillboardssj](https://www.instagram.com/nobillboardssj)

Video: <https://www.youtube.com/watch?v=dhWYWzj2bjc>

Website: <https://www.billboardsno.org/>

X: [@BillboardsNo](https://twitter.com/BillboardsNo)

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1.0 Recommendations

- NDBSJ urges the Council to not approve the proposed amendments to Council Policy 6-4
- NDBSJ urges the Council to table this item and call for a comprehensive review of Policy 6-4 with broad stakeholder input.
- NDBSJ urges the Council to not approve the proposed amendments to Council Policy 6-4 and to instead deliberately re-visit and re-write the rules related to take down requirement. Much more detail is needed rather than a feel-good Policy revision.
- NDBSJ urges the Council to not approve Airport staff request to proceed with the RFP as currently structured. The RFP should be much more broadly defined with community benefit and San Jose image in mind. An on-premise sign should be an option. Let's not become Anyplace USA welcoming visitors to San Jose with national ads for fast food, cars, and out of town destinations.

2.0 Introduction

This document is submitted to the City Council for consideration with City Council Agenda 11-19-24 Item 5.1 24-2213 .

Definition: Off-premise digital billboards advertise products and services not available at that location, and are not to be confused with signs (digital or not) identifying retailers, offices or event venues.

- NDBSJ is a coalition of over 900 individuals plus neighborhood associations and environmental and historic preservation organizations, all of whom oppose allowing digital billboards to change the historic character, architectural integrity & natural environment of San José.
- 1972 – San Jose banned new billboards on public property
- 1985 – Billboard ban expanded to private property citing economic and beautification benefits.

(1985) "At that time the planning commission did a three year study and determined that an abundance of billboards is "visual blight." City officials said, reducing this kind of conspicuous advertising will improve the overall appearance of the city, and this in turn will encourage economic development." – Mercury News article 1985

(1985) "Planning department officials say the ordinance is designed to encourage the revitalization of downtown and major thoroughfares." – Mercury News article 1985

(1985) "The ban is an expression of a very strong commitment on the part of the city council to beautify the city" – Gary Schoennauer Director of Planning History

- 2018 – City of San Jose repealed the billboard sign ban.
- 2018 to 2024 – City of San Jose promotes the installation of digital billboards on public property despite overwhelming public opposition and litigation risk from private property owners.

3.0 Background

This agenda item comes before the City Council from City Staff with two objectives:

- Clean up a previously poorly defined Council Policy 6-4

The repeal of the billboard ban that had been in place for forty years was initiated by special interests. Lobbyists for billboard companies visited City Hall more than sixty times before the public was aware of what was happening.

After convincing some decision makers at City Hall that new billboards would be good for the City, Council Policy 6-4 emerged as a poorly written then hastily modified in real time (live at a Council meeting) policy.

Now, City Staff are attempting to take a poorly written policy and insert revisions that sound good, but when considered in more detail or when assessed more compressively, are really just sound-good talking points vs. substantive or analytically derived good governance initiatives.

Notes below explain why Council Policy 6-4 should not be amended at this time, and instead should be re-visited from the ground up with much more detail and input from a broader range of stakeholders.

- Re-do a failed process

Despite the Airport Commission twice recommending against approving the previous Phase 1 contract for billboards at the Airport with Clear Channel and NDBSJ and others calling out the problems with the process, the City Council voted to approve the contract in 2022.

[Op-ed - Why we voted against San Jose airport digital billboard plans - MercNews - Nov29,2021.pdf - Google Drive](#)

As predicted, the City was sued by Outfront Media and the City lost the case. The City was rebuked for not following the most basic tenets of good government. See the NDBSJ Op-Ed here:

Op-ed: Judge voids airport billboard contract after San Jose failed to follow its own rules, Jan. 9, 2024

<https://sanjoespotlight.com/op-ed-judge-voids-airport-billboard-contract-after-san-jose-failed-to-follow-its-own-rules/>

Now, Airport staff are back for a second time with a new RFP.

NDBSJ asserts that many of the same reasons raised two years ago cautioning why this project should not move forward should again be considered here in round two. We explain more below.

4.0 Risks Should be Assessed

- The City Council should understand the risks and long term implications of a decision to allow the first new billboards in San Jose in forty years.
- We can not stress enough how this project should not be considered in isolation. This is not just about two billboards at the airport.
- Do not brush aside warnings that the City will be sued if they allow new billboards on public property but not on private property. This risk is outlined in a billboard industry publication:

Op-Ed: The San Jose Problem, *Billboard Insider*, Oct. 5, 2018

<https://billboardinsider.com/the-san-jose-problem>

- If the City proceeds with implementing Phase 1 billboards on public property, common sense, as well as Federal case law, suggests that private property owners should have the same right to install billboards. Why should the City have the right at site A, when private property at site B across the street is prohibited from installing a billboard?

The implication is the city would be in the awkward position of having to take down the newly permitted digitals and pay the billboard company for lost future earnings or revoke the existing ban on new billboards on private property and open up all of San Jose.

- Don't think it can't happen. A naive position that the a few billboards at the airport is not so bad, can easily and rapidly result in billboards lining freeways and others places all across the City in few years. In other words this decision can open up the floodgates for new billboards. The original proposal the City designated Phase 2, called for allowing one hundred digital billboards along freeways.
- Note that a billboard installed in 2023 on an art museum in Miami Florida by Orange Barrel Media immediately created controversy and the City is engaged in a costly and distracting legal quagmire.
- Another risk is contention and disputes about content control. It appears that the City thinks it will have more content control than it may ultimately have. Today the billboard company is the City's "friend". Tomorrow they may be the City's adversary in litigation. And who will monitor and negotiate content for these off-premise signs, especially for constantly changing content?
- The answer here is that all of the risk and unintended consequences can be avoided by the City simply not getting into the billboard business.
- SJC staff should be happy with advertising inside Airport buildings without jeopardizing the environment of the entire City by insisting on installing giant digital billboards around the perimeter of the Airport.

Litigation

The San Jose Problem

October 5, 2018 12:05 am

By Jennifer Sloane, Esq.

As an attorney for the OOH industry, I love to see comments by local governmental officials such as those pointed out in the article [New Digital Signs Headed For San Jose, CA](#). In that article, the city councilperson stated, in summary, that they wanted to allow billboards on city land but not on private land because if they allowed billboards on private land "...it makes it more competitive and it makes it more difficult for the city to get the ad revenue." These comments are setting the City up for a potential suit challenging the law that would preclude advertising on private property so that the City can get their hands on all of the ad revenue spent within their City limits. This, my unsuspecting city councilmember, constitutes a violation of the Sherman Act that precludes anticompetitive legislation.



Most governments think they are immune from anticompetitive lawsuits. But that is not the case. The courts have held that local governments act for the benefit of their constituents. And since local governments are independent economic actors, they pose the same threats to the national economy that private corporations do. Thus, local governments do not get to share in the state immunity from anticompetitive lawsuits. When a municipality is acting in its financial self-interest, its motives and conduct are that of a private party and, thus, there is municipal antitrust exposure.

In the case of San Jose, the comments of the city councilmember will make it difficult for the local government to show a non-anticompetitive

goal behind the legislation because its motive will have been to improve its market position rather than to remedy a local problem.

Obviously, it comes down to what the local government cites as the basis for their denial of the commercial advertising on private property at the time the legislation is adopted, and not what a council member said at a preliminary hearing. However, if the basis behind the legislation precluding signs on private property is ambiguous (i.e. they did not cite aesthetics, safety, etc.), then those wonderful comments made on record at a preliminary hearing will not only make for a great argument that there are antitrust violations behind the legislation, but it will also make for a tantalizing headline... "City Precludes Residents From Earning Income To Hoard All The Money For Themselves."

While representing the OOH for 20 years I have turned down many potential cases that operators have wanted to file against local governments that lack merit. However, I would gladly take the call of any OOH operator that wants to challenge a San Jose law that allows the City to have billboards on their land, but not grant the same rights to the citizens of San Jose. It's a no-brainer!

Law Office of Jennifer Sloane, Esq.

JSloane@Sloanelawoffice.com

5.0 Council Policy 6-4

The first question all Council members should ask is: Why do we have Council Policy 6-4 at all?

NDBSJ asserts that that any rules that relate to digital billboards should not be carved out by Council Policy 6-4 but should be codified into Municipal Code, which has extensive definitions of all aspects of sign rules.

Furthermore, we contend that Council Policy 6-4 has fundamental flaws that can not be mitigated by the simplified high level revisions proposed by this agenda item.

[NDBSJ urges the Council to not approve the proposed amendments to Council Policy 6-4](#)

[NDBSJ urges the Council to table this item and call for a comprehensive review of Policy 6-4 with broad stakeholder input.](#)

6.0 Take Down Requirements

Council Policy 6-4 includes a provision that for every new digital billboard installed a number of existing static billboards would be removed. This is not a benevolent gesture from billboard companies acting as community partners. It is all about billboard companies willing to trade away low revenue billboards for higher profit digital billboards.

Simply increasing the "take-down ratio" sounds good but it is a greatly over simplified approach to removing existing static billboards.

- See this NDBSJ Op-Ed showing how the existing simplified take down rules are a sham.

Op-ed: Taking down billboards in San Jose—who benefits?, *San Jose Spotlight*, Oct. 11, 2022
<https://sanjoespotlight.com/op-ed-taking-down-billboards-in-san-jose-who-benefits/>

- The Phase 1 contract with Clear Channel proceeded to the point of producing a take down list showing which billboards would be removed if the new billboards were constructed.
- The take down list was designated as the "Clear Channel" list in City documentation. Clear Channel, rather than community or City staff, chose billboards in don't care places for removal. There was no community benefit. Only lop-side benefit to the billboard companies who were allowed to use already blighted or neglected billboards to satisfy the take down requirement, while reaping the benefit of being able to install new highly profitable digital billboards.
- The City of San Jose does not even know how many static billboards are in the City. That data should be known before any policy on billboards is undertaken. NDBSJ estimates there are more than 700 static billboards in the City.
- NDBSJ has pointed out that instead of focusing on new and highly controversial digital billboards as a source of revenue, the City could generate significant revenue by initiating a renewable annual permit processing fee for existing static billboards - as almost all other cities do.
- Even if all Phase 1 digital billboards are installed at downtown and Airport sites, there will still be hundreds of existing billboards in place. It is rich for proponents to act as if taking down a handful of billboard is doing significant public good. It is all performative.
- Each billboard should be scored including parameters like neighborhood negative impact, size, lighting, etc. vs. considering all billboards equal.
- It is inexcusable for the City to reward billboard companies with new opportunities while there are billboards all across the City in blighted condition or constantly covered in graffiti. How about starting with Code Enforcement and taking down billboards that are known problems?

- Staff should make it crystal clear to Council members that Council Policy 6-4 does not apply to the billboards proposed for installation Downtown because an exemption was granted to the applicant Orange Barrel Media. In other words, this is a make policy then ignore the policy situation, and a deceitful bait and switch move.

The reason why there is no-takedown requirement associated with the Downtown billboard project should be explained and questioned. Orange Barrel Media as the applicant bidding on the proposed downtown billboards received an exemption from the take-down requirement even though competitive applicants bidding on the project owned conventional billboards that could have been taken down had not preferential treatment been extended to Orange Barrel.

NDBSJ urges the Council to not approve the proposed amendments to Council Policy 6-4 and to instead deliberately re-visit and re-write the rules related to take down requirement. Much more detail is needed rather than a feel-good Policy revision.

7.0 RFP

NDBSJ urges the Council to not approve Airport staff request to proceed with the RFP as currently structured. Our position is summarized in the graphic below. The RFP should be much more broadly defined with community benefit and San Jose image in mind. An on-premise sign should be an option. Let's not become Anyplace USA welcoming visitors to San Jose with national ads for fast food, cars, and out of town destinations.

Better Ideas → New RFP Concept

Re-imagine this important Gateway to San Jose

The City created an ugly garage, then did the worst possible signage, and now they want to make it worse by putting gigantic digital billboards with advertising in front of it. Let's re-imagine this gateway...

Marketing [#SJC](#). A little creativity please...

How about an RFP to LOCAL artists and creators instead of national billboard companies? Imagine the faces of this (ugly) structure with an improved ON-PREMISE sign, murals, & public art as an iconic welcome to [#SanJose](#).



On-Premise Sign

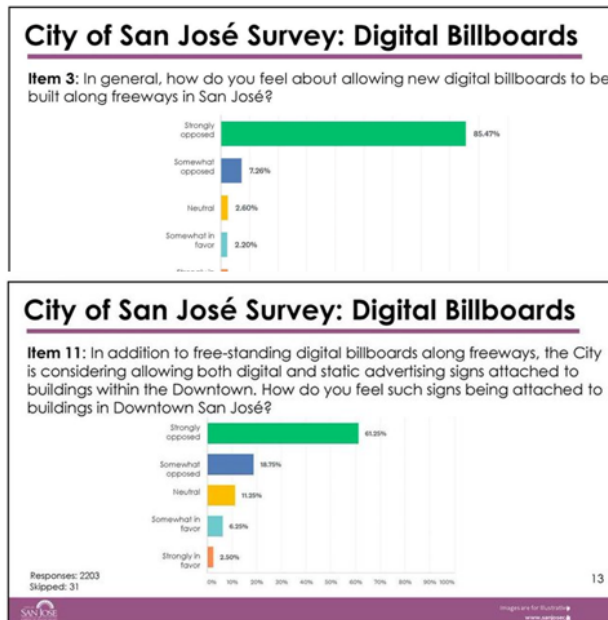
- 100% SJC & San Jose Content
- Compliant with existing sign code
- No risk of **association** with advertising and unknown content

8.0 Community Input

A reminder to all decision makers is that this is a special interest vs. public interest topic. Residents are not asking Council members for more billboards in San Jose. To the contrary, the Planning Department's survey with more than two thousand respondents showed overwhelming opposition to new digital billboards.

A Public Consensus Issue

- Over 2,000 respondents to a San Jose Planning Department survey oppose digital billboards. Almost 93% oppose them on freeway facing property. 80% oppose them on buildings in Downtown San Jose.



9.0 Energy

Including a provision that power for the digital billboards should be provided by San Jose Clean Energy is another feel-good / sound good addition to a policy, but it misses the fundamental problems.

- Giant power hungry billboards, each consuming energy equivalent to about eleven homes would be symbols of the City's disregard for climate change and counter to environmental stewardship policies.
- Electronic billboards are by definition a waste of energy, consuming power just for the sake of advertising

Environment: Climate Change

NoDigitalBillboardsSanJose @BillboardsNo · Feb 19, 2022

LEED certified. #ClimateSmart. #CarbonNeutral 2030. Important City of #SanJose policies. Sure, until the billboard lobby comes along and the City Council votes "don't care" about the #environmental impact of giant screens each drawing an estimated 46,000 kW-h/year from the grid.

NoDigitalBillboardsSanJose @BillboardsNo

"Digital advertising screens are consuming huge amounts of power for little social value & active environmental harm. No wonder these screens were the first things to be switched off when countries in Europe needed to save energy this year." #billboards



LEED Silver

On June 30, 2010 SJC's terminal B opened. In accordance with San Jose's Green Vision, the terminal was built to achieve the standards of **LEED Leadership in Energy and Environmental Design (certified)** by the US Green Building Council (USGBC). LEED certification is an internationally recognized building standard which demonstrates a building's performance across the metrics that matter most.

- Energy savings
- Water efficiency
- CO2 emissions reduction
- Improved indoor environmental quality, and
- Stewardship of resources and sensitivity to their impacts.

The Terminal B received a LEED certification Silver to help the Airport greatly reduce its environmental impact.

IGNORE

DON'T CARE

The Nine Strategies of Climate Smart **SAN JOSE**

EXCEPT FOR BILLBOARDS

thedrum.com

OOH is growing, but is it a good thing for the planet? As part of The Drum's Deep Dive into all things out-of-home, industry leaders and activists weigh in on the sustainable capabilities of the medium.

10.0 Other Reasons to Oppose Digital Billboards

- Insignificant Revenue to the City vs. Negative Impacts
- Light and Sight Pollution
- Driver Distraction Safety Hazard
- Wildlife Disruption (proposed billboards site are right next to the Guadalupe River Trail)
- Local Business Does Not Benefit as a majority of digital billboard ads are for national products and services and not for local or small business.
- Billboards are unsolicited commercial messages for which there is no off switch.

11.0 Op-Eds

1. The Last Thing San Jose Needs is More Billboards, *Mercury News*, August 12, 2020
<https://www.mercurynews.com/2020/08/12/opinion-the-last-thing-san-jose-needs-is-more-billboards/>
2. Op-Ed: Is San Jose Ready for as Many as 112 Digital Billboards?, *San Jose Inside*, Jan. 6, 2021
<https://www.sanjoseinside.com/opinion/op-ed-is-san-jose-ready-for-as-many-as-112-digital-billboards/>
3. Levitt: Electronic billboards may work for Denver but they should not define San Jose, *San Jose Spotlight*, February 16, 2021
<https://sanjoespotlight.com/levitt-electronic-billboards-may-work-for-denver-but-they-should-not-define-san-jose/>
4. Op-ed: San Jose allowing 22 digital billboards without environmental review, *San Jose Spotlight*, June 26, 2021
<https://sanjoespotlight.com/op-ed-san-jose-allowing-22-digital-billboards-without-environmental-review/>
5. Digital Billboards in San Jose? It's Worse Than You Think, *Mercury News*, July 9, 2021/
<https://www.mercurynews.com/2021/07/09/opinion-digital-billboards-in-san-jose-its-worse-than-you-think/>
6. Should a 'Vibrant Downtown' San Jose Include Gawdy Digital Billboards?, *San Jose Inside*, July 26, 2021
<https://www.sanjoseinside.com/opinion/should-a-vibrant-downtown-san-jose-include-gawdy-digital-billboards/>
7. Op-ed: Airport Commission should not rubber stamp digital billboards at SJC, *San Jose Spotlight*, Sept. 28, 2021
<https://sanjoespotlight.com/op-ed-airport-commission-should-not-rubber-stamp-digital-billboards-at-sjc/>
8. Op-ed: Airport Violates City Rules When It Comes to Digital Billboards, *San Jose Inside*, Oct. 14, 2021
<https://www.sanjoseinside.com/opinion/airport-violates-city-rules-when-it-comes-to-digital-billboards/>
9. Op-ed: San Jose Airport Commission to City Council—say no to digital billboards, *San Jose Spotlight*, Nov. 26, 2021
<https://sanjoespotlight.com/op-ed-san-jose-airport-commission-to-city-council-say-no-to-digital-billboards/>
10. Op-ed: City staff should not be in service to the billboard lobby, *San Jose Spotlight*, Dec. 31, 2021
<https://sanjoespotlight.com/op-ed-city-staff-should-not-be-in-service-to-the-billboard-lobby/>
11. Op-ed: Litigation will be common if San Jose allows digital billboards on public property, *San Jose Spotlight*, February 11, 2022
<https://sanjoespotlight.com/op-ed-litigation-will-be-common-if-san-jose-allows-digital-billboards-on-public-property/>

12. Op-ed: Bring San Jose’s billboard ban back with a ballot measure, *San Jose Spotlight*, June 6, 2022,
<https://sanjoespotlight.com/op-ed-bring-san-joses-billboard-ban-back-with-a-ballot-measure/>
13. Op-ed: Taking down billboards in San Jose—who benefits?, *San Jose Spotlight*, Oct. 11, 2022
<https://sanjoespotlight.com/op-ed-taking-down-billboards-in-san-jose-who-benefits/>
14. Op-ed: The Billboard Issue Is About A Lot More Than Billboards, *San Jose Inside*, Oct. 28, 2022
<https://www.sanjoseinside.com/opinion/the-billboard-issue-is-about-a-lot-more-than-billboards/>
15. Op-ed: Public Records Act enforcement needed more than ever, *San Jose Spotlight*, Jan. 31, 2023
<https://sanjoespotlight.com/op-ed-public-records-act-enforcement-needed-more-than-ever/>
16. Op-ed: Judge voids airport billboard contract after San Jose failed to follow its own rules, Jan. 9, 2024
<https://sanjoespotlight.com/op-ed-judge-voids-airport-billboard-contract-after-san-jose-failed-to-follow-its-own-rules/>
17. Op-ed: San Jose reveals revenue estimates for digital billboards — and it’s not much, June 14, 2024
<https://sanjoespotlight.com/op-ed-san-jose-reveals-revenue-estimates-for-digital-billboards-and-its-not-much/>
18. Op-ed: Billboard environmental impact reports are a sham, November 12, 2024
[Op-ed: Billboard environmental impact reports are a sham - San José Spotlight \(sanjoespotlight.com\)](https://sanjoespotlight.com/op-ed-billboard-environmental-impact-reports-are-a-sham)

12.0 Articles

San Jose gets sued for ignoring its billboard rules, *San Jose Spotlight*, Aug. 12, 2022, <https://sanjoespotlight.com/san-jose-gets-sued-for-ignoring-its-billboard-rules/>

San Jose officials squash airport billboard proposal, *San Jose Spotlight*, June 14, 2022 <https://sanjoespotlight.com/san-jose-officials-squash-mineta-international-airport-digital-billboard-sign-proposal-sjc/>

San Jose should nix plan to build 2 new billboards, Editorial, *Mercury News*, Feb. 15, 2022 <https://www.mercurynews.com/2022/02/15/editorial-keep-san-jose-billboard-ban-in-place/>

San Jose may end ban on billboards, *Mercury News*, Jan., 29, 2022 <https://www.mercurynews.com/2022/01/29/this-bay-area-city-is-poised-to-end-a-decades-old-billboard-ban-despite-widespread-objection/>

South Bay astronomers fear proposed airport billboards would threaten night viewing, *Mercury News*, Jan., 25, 2022 <https://www.mercurynews.com/2022/01/25/south-bay-astronomers-fear-proposed-airport-billboards-would-threaten-night-viewing/>

Opinion: Why we voted against San Jose airport digital billboard plans, (Airport Commissioners), *Mercury News*, Nov. 29, 2021 <https://www.mercurynews.com/2021/11/29/opinion-why-we-voted-against-san-jose-airport-digital-billboard-plans/>

Survey shows San Jose residents oppose billboards amid city-led plans, *San Jose Spotlight*, April 13, 2021 <https://sanjoespotlight.com/survey-shows-san-jose-residents-oppose-billboards-amid-city-led-plans/>

Billboard industry takes on public in digital-sign wars, *Mercury News*, Feb. 15, 2021 <https://www.mercurynews.com/2021/02/15/billboard-industry-vs-public-will-who-will-win-the-battle-over-digital-signs-in-san-jose/>

The San Jose Problem, *Billboard Insider*, Oct. 5, 2018 <https://billboardinsider.com/the-san-jose-problem>

Fw: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 1:14 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

From: Mal Murphy <[REDACTED]>
Sent: Friday, November 15, 2024 12:55 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org <info@billboardsno.org>
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

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Dear Mayor Mahan and San Jose City Council Members,

I am writing to urge you to oppose any new billboard proposals in our community.

- The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose.
- Lawsuits, more to come - The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money. Just search "Los Angeles billboards lawsuits" on the Internet to see how out of control it is there.
- Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life?

- Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement!
- Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away.
- Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news.
- Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected.

Please vote against any new proposals.

Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,
Mal Murphy
District 3

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Fw: Vote NO on digital billboards

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 1:14 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

Sorry! Accidentally sent to Rules 1st.

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

From: Pat Blevins <[REDACTED]>
Sent: Friday, November 15, 2024 11:12 AM
To: 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>; District10@sanjoseca.gov <district10@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>
Subject: Vote NO on digital billboards

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- **Driver distraction** - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities.
- **Energy hogs** - Although LEDs by themselves may be energy efficient, these energy intensive billboards are massive (1000 sq ft per display), require constant cooling and computer systems to operate continuously, and would be giant symbols of disregard for the City's Climate Smart and Carbon Neutral 2030 policies.
- **Tree removal** - Over 43 mature, healthy trees are to be razed for a clear view of these billboards from the freeway. These trees currently act as a buffer between the freeway, Guadalupe River Trail, and the airport.

- **Wildlife disruption** - The airport billboards proposed adjacent to the Guadalupe River will negatively impact wildlife and the ecosystem, and are opposed by the Audubon Society and the Sierra Club.
- **Light pollution** - Lick Observatory would be negatively impacted due to light pollution, similar to the Levi's stadium Jumbotron.
- **Local businesses do not benefit** - Billboards typically advertise national consumer products, and only 10% of screen time may be devoted to airport services.
- **Insignificant revenue** - Any proceeds from these billboards would be a tiny fraction of 1% of the Airport's annual budget; is it worth the trade-off for more visual blight and an assault on our quality of life?
- **Litigation threats** - Billboard companies are already threatening to sue the City and each other over these billboards. This risk of endless litigation does not appear to be factored into the cost/benefit here.
- **Overwhelming public opposition** - There are many contentious issues but billboards are clearly a public consensus issue and people from every Council district responded in opposition.

Please vote against all Digital Billboards for the City of San Jose. You were elected by the resident/taxpayers of San Jose and you are in office to serve those very residents and we do NOT want digital billboards at SJ Mineta Airport or in ANY part of San Jose.

Patricia Blevins

San Jose

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Fw: City Council November 19 Agenda Item 5.1 - Amendments to City Council Policy 6-4 and Authorization to Proceed with Request for Proposal for Large Format Signage/Billboards at the San José Mineta International Airport

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 3:44 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

How is our service? Your [feedback](#) is appreciated!

From: Ann Murphy [REDACTED]
Sent: Friday, November 15, 2024 2:27 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Mahan, Matt <Matt.Mahan@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>; info@billboardsno.org <info@billboardsno.org>
Subject: City Council November 19 Agenda Item 5.1 - Amendments to City Council Policy 6-4 and Authorization to Proceed with Request for Proposal for Large Format Signage/Billboards at the San José Mineta International Airport

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I am writing to once again register my strenuous opposition to the proposed digital billboards both near Mineta Airport and downtown.

Ever since the 1985 policy against new billboards was reopened in 2017 to reopen the issue to consider electronic billboards the various proposals have been vigorously opposed by residents and mired in lawsuits.

These billboards will be more of a blight on our urban landscape than any legacy billboard. In the digital age, we are relentlessly bombarded by advertising from all sides, whether or not we choose to be. Implementation of these billboards cannot and should not be justified by the meager revenue stream they propose to promise the city and the airport.

Further, despite claims that these billboards use clean energy and are energy-efficient, they fly in the face of the City's Climate Smart and Carbon Neutral 2030 policies, and set a very bad example for residents and visitors about responsible energy consumption.

Thank you.

Ann Murphy
San Jose District 3 Resident

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Fw: Nov 19 Item 5.1 Billboards

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 3:44 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor
San Jose, CA 95113
Main: 408-535-1260
Fax: 408-292-6207

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From: Sue Dileanis [REDACTED]
Sent: Friday, November 15, 2024 2:48 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Mahan, Matt <Matt.Mahan@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: Nov 19 Item 5.1 Billboards

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Dear City Clerk, Mayor and Council Members:

I am contacting you regarding my opposition to the proposed digital billboards. I would like to remind you that the city conducted a survey of over 2000 residents, which showed 90% were opposed to billboards. Please remember the public does not want these billboards. I'd also like to remind you the city has already lost a lawsuit regarding these, and there will likely be more to come. Are you aware of the lawsuits in Los Angeles?

I recall a major argument in February 2022 was that blighted conventional billboards would be taken down. However, that only happened in industrial areas instead of in neighborhoods where the majority of the public would see them. And apparently the downtown digital sites are exempt from the takedown requirement. Billboards do not create urban vibrancy, and they certainly won't attract people downtown. Personally, they are a big turnoff to me and most people. The revenue that will be generated from these is a tiny fraction of the budget.

We have many accidents on our city streets and freeways and these billboards will be another distraction to drivers. Digital billboards are designed to attract your attention and threaten driver safety. They conflict with the city's Vision Zero policy to eliminate traffic fatalities. I know when I'm driving at night and see a bright light it can be difficult to transition back to the dark. This is not uncommon. Bright lights can also have an effect on human health for people living nearby. For example, student housing in the Paseo Plaza tower across from the Tech museum.

San Jose's stated goal of being a climate change leader is at odds with brightly lit LED illuminated signs. It runs counter to San Jose's Climate Smart and Vision Zero Policies. How much power will these billboards use? One study measured a single digital billboard consumes as much energy that would power 11 single-family households. This project has 7 displays planned. Electricity-hungry digital billboards are a bad idea and would be giant symbols of disregard for the City's Climate Smart and Carbon Neutral 2030 policies.

These billboards are detrimental to the environment, especially migrating birds. These billboards will particularly affect the riparian corridor. Has any thought been given to the significant impact on wildlife?

Has anyone consulted with a biologist expert familiar with the specific affected habitat? There are studies out there indicating even a modest increase in ambient light at night significantly impacts wildlife. Digital billboards are opposed by the Audubon Society, the Sierra Club, and other environmental groups.

Lick Observatory will be negatively impacted due to light pollution. They are quite concerned and adamantly opposed to these billboards. Lick Observatory is an important facility in our community. Has anyone consulted with them? They have certainly made their voice and opposition known during meetings.

The city is proposing at least 12 digital billboards be erected. Please vote against any new proposals, and please include this comment in the public record for the November 19, 2024 City Council meeting.

Please do not allow this project to go forward.

Thank you,

Sue Dileanis

District 10 resident

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FW: PAC*SJ Comments re: IS/MND Electronic Signs on City-Owned Property Project October 2024 File Number ER23-034

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 11/15/2024 4:47 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Mike Sodergren [REDACTED]
Sent: Friday, November 15, 2024 4:44 PM
To: Burton, Chris <Christopher.Burton@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; The Office of Mayor Matt Mahan <mayor@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>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: Ben Leech <ben@preservation.org>
Subject: PAC*SJ Comments re: IS/MND Electronic Signs on City-Owned Property Project October 2024 File Number ER23-034

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To whom it concerns,

Thank you for the opportunity to comment on this matter. As you know, PAC*SJ's members seek to speak for the cause of preserving San Jose's historic fabric so as to ensure that it retains a unique sense of place for those who live, work, play and visit here. Having reviewed the document that was prepared by David Powers for the City of San Jose, PAC*SJ believes that the conclusion of Director of Planning, Building and Code Enforcement that the project would not have a significant effect on the environment if certain mitigation measures are incorporated into the project, is not based on solid ground relative to its cultural impact to at least two of the six structures identified, The Tech Museum and the Center for Performing Arts, and the impact to the historic James Lick Observatory.

THE TECH MUSEUM:

1a) The IS/MND fails to identify The Tech Museum of Innovation as a Candidate City Landmark under **Criterion 6** (as an embodiment of distinguishing characteristics of Postmodernism) and **Criterion 7** (as the work of internationally-significant master architect [Ricardo Legoretta](#), an architect whose individual work has influenced the development of the

City of San Jose). We would reiterate that there is no defined age threshold for Candidate City Landmark status and could identify buildings of similar age (~25 years old) at the time they were formally identified as CCLs (Bank of California etc etc).

1b) The location of the proposed sign at the building's primary corner, its direct physical attachment to the structure, and the visual and physical interference with the building's character-defining architectural features (clearly-defined cubist volumes, unadorned wall planes, and uniform color palette) represent clear adverse impacts to a Candidate City Landmark.

THE CENTER FOR PERFORMING ARTS (CPA)

1a) The IS/MND fails to identify the CPA Plaza itself as a character-defining feature of the resource and the location, scale, and visual character of the two proposed sign installations in the Plaza, while not physically attached to the main structure, still in fact constitute adverse impacts to a Candidate City Landmark. The report noted that sign 3A fronting the intersection of S. Almaden Boulevard and Park Avenue would be "22 feet tall at the highest point and would be installed at grade. The sign display would be approximately 60 feet wide by 15 feet tall, with a message surface area of approximately 900 square feet. The sign display would be enclosed within an architectural feature with a curved footprint bound within an approximately 73-foot-wide by 50-foot-tall rectangular area. The architectural feature would be clad architectural panels (concrete or wood finish) with low intensity accent lighting pointed at the architectural surface." There is no reference to how the sign would interact or compliment with the Frank Lloyd Wright inspired CPA's design. It will in fact substantially block the public's primary view of the front of the CPA.

1b) The report notes that CPA Sign 3B would be installed within an existing landscaped area at the Center of Performing Arts property at the intersection of S. Almaden Boulevard and W. San Carlos Street and that "the existing freestanding, dual-sided sign would be removed." How is it possible that the historic report missed that the existing sign is a contributing element of the Landmark CPA that should not be blocked from public view, let alone demolished. Also, as Sign 3B would also be 22 feet tall at the highest point and would be installed at grade and the sign display would be approximately 60 feet wide by 15 feet tall, with a message surface of approximately 900 square feet and the sign display would be enclosed within an architectural feature with a curved footprint

bound by a 73-foot-wide by 50-foot-tall rectangular area, the report fails to describe the view of CPA's form from public view as well.

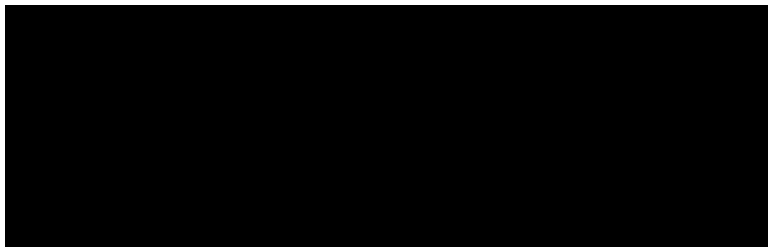
JAMES LICK OBSERVATORY

Although no sign is planned to be attached to this facility, the impact of these six signs and all those that will inevitably follow from this opening of the door to future signs, I would strongly encourage the City to reconsider the Scientific and Cultural Impact of this project and in the future on perhaps one of the region's most significant built marvels of the tech revolution of Silicon Valley that was to come. History has been made every day at the top of Mt. Hamilton for a very long time 1888 - present. ANY action that the City may take that ignores the comments of UC's astronomers and astrophysicists as to the impact to the ability for ongoing work at the world's first full time mountain top observatory is foolishness.

PAC*SJ remains sympathetic to the ongoing challenge the City faces raising revenues in order to provide the services required by the public, but this project seems like an exploitation of the environment that will, in the end, not benefit the public as much as it will cause harm. How will we defend private property owner's claims to the same right that we are taking for ourselves? Will we end up arguing that some pollution is okay, but there's a line somewhere that doesn't include individual property rights?

Please proceed no further with this project that is highly likely to draw a challenge from many perspectives.

Mike Sodergren
President



FW: City Council Agenda item 5.1 (11/19/24) - Billboards

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/18/2024 7:58 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Tod [REDACTED]
Sent: Saturday, November 16, 2024 12:57 PM
To: The Office of Mayor Matt Mahan <mayor@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>
Subject: City Council Agenda item 5.1 (11/19/24) - Billboards

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Dear Mayor and Councilmembers,

While I realize this policy pertains to billboards at the airport, downtown billboards were discussed at the 03/26/24 Community & Economic Development meeting and it raised questions about this entire proposal and motives. Approval of any billboards would imply acceptance of additional downtown billboards and the whole process is connected. The billboards are being sold as creating vibrancy downtown including increased lighting, emergency/disaster communications and art. A same day memorandum (blue memo regarding earmarks) was introduced by former Councilmember Torres at this meeting. (side note: these last minute memorandums should not be allowed).

On the dais, billboards and this memo were explored. Councilmember Batra brought up his concern about earmarks for downtown in the memo saying that he wanted any funds generated to go to the general fund. In Torres' reply he later stated that *"I need to stand up to my district because my district is **suffering the brunt of many of these digital billboards**" (Councilmember Ortiz is seen shaking his head in support)*. Councilmember Batra countered that the electronic billboards have been presented as a positive for downtown so there should be no earmarks. Councilmember Ortiz interjected *"I don't accept that, I don't accept that. This is going, the residents are upset about these billboards therefore there needs to be an offset to activate downtown. **It's impacting Omar's district, the resources should go to Omar's district**". In the discussion with Batra, Torres further commented *"we make sure that my downtown is **protected from these downtown billboards**"*.*

Councilmember Foley did her best to curtail the discussion with these truths coming to light, but the Freudian statements *"suffering the brunt", "residents are upset about these billboards", "It's impacting Omar's district"* and that downtown needs to be *"protected from these downtown billboards"* is telling.

Vice-mayor Kamei also noted that the revenue generated was ambiguous and questioned the take down ratio of static billboards. It was also noted that the billboards on downtown buildings will be exempt from this condition. Councilmember Foley also questioned the takedown ratio which was somewhat breezed over that it is not currently set and would only be required in conjunction with three freestanding electronic billboards.

We were also reminded of the halting of analysis of electronic billboards on private property which seems strange and raises further questions including potential legal issues.

We all have nostalgia for old school Coppertone signs or Coca-Cola advertisements (often used in renderings) but it is more certain (and ironic) that we will be bombarded with accident injury attorney pitches and the like on these new billboards. Furthermore, using billboards for downtown lighting is far-fetched and it is questionable that they will be used for emergency alerts especially in the day of cell phone alerts (cell phones also make directional use improbable). While art is subjective, billboards as an art venue is a stretch.

It is easy to vote for money with no consequence to your district but this is unfair (Can you imagine the uproar if there was a plan to erect these billboards only on the East-Side or targeting another specific district?). We currently do not even have council representation for the most affected district (D3). These billboards will have impacts on San Jose long after we are gone. We call on you all to do the right thing for the greater good (as we often hear) and the best outcome of everyone in San Jose. Please follow the will of the residents by scrapping this plan and reinstating the wise decades old billboard ban.

Thank you for doing the right thing,

Tod Williams
Downtown San Jose Resident

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FW: Nov 19 Item 5.1 Billboards - No!

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/18/2024 7:58 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Bill H [REDACTED]
Sent: Saturday, November 16, 2024 3:55 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Nov 19 Item 5.1 Billboards - No!

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Please accept my strong discouragement to having any billboards – electronic or not – anywhere in San Jose. Specifically please do not allow the electronic billboards at the airport. Why should we even consider it won't cause a distraction to drivers.

IT'S VERY PURPOSE IS TO DISTRACT DRIVERS. If it wasn't a distraction, no one would bother advertising on it. How can further distracted drivers be anything but less safe to everyone on the road.

As a long time resident, it pains me to think this blight would spread anywhere in the city. Either visually or safety-wise.

Regards,
Bill Herndon

[REDACTED]
District 10

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FW: Agenda 11/19 5.1 Billboards

From Taber, Toni <toni.taber@sanjoseca.gov>
Date Mon 11/18/2024 12:26 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Irene <[REDACTED]>
Sent: Friday, November 15, 2024 6:40 PM
To: Taber, Toni <toni.taber@sanjoseca.gov>
Cc: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Subject: Agenda 11/19 5.1 Billboards

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Dear City Clerk,

Please include the following for the public comment section on the agenda.

Downtown San Jose cannot afford to make any more mistakes. Particularly, one that is financially costly without any defined revenue stream, which creates 13,036 square feet of clamoring distraction, and has a negative environmental impact. 13 e-boards equivalent to about four and a half tennis courts' size of constant marketing might be great for NYC and Vegas, but not for DTSJ.

[Know the way to San Jose but can't see the Milky Way](#)





**Know the way to San Jose but can't see the
Milky Way**

By Irene Smith, JD, PhD

The latest Bad Idea making the rounds includes a vision of downtown that looks more like Vegas than NYC. But San Jose is neither. This is...

Thank you,

Irene

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FW: No Digital Billboards In San Jose Public Comment for Electronic Signs on City-Owned Property Project City of San Jose File No: ER23-024

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/18/2024 12:24 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachment (2 MB)
NDBSJ FILE NO ER23-034 Comments Rev G.pdf;

From: Lomio, Michael <Michael.Lomio@sanjoseca.gov>
Sent: Monday, November 18, 2024 12:05 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Fw: No Digital Billboards In San Jose Public Comment for Electronic Signs on City-Owned Property Project City of San Jose File No: ER23-024

FYI



Michael Lomio (he/him)

Sr. Land Use & Economic Development Policy Advisor

Office of Mayor Matt Mahan

██████████ e: Michael.Lomio@sanjoseca.gov

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From: Leslie Levitt <██████████>
Sent: Thursday, November 14, 2024 10:38 PM
To: Hitchens, Cort <Cort.Hitchens@sanjoseca.gov>
Cc: The Office of Mayor Matt Mahan <mayor@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>; Lomio, Michael <Michael.Lomio@sanjoseca.gov>; Rocha, Vincent <Vincent.Rocha@sanjoseca.gov>; Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>; No Digital Billboards In San Jose <steering_committee@billboardsno.org>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Burton, Chris <Christopher.Burton@sanjoseca.gov>; Davis, Martina

<Martina.Davis@sanjoseca.gov>; Frimann, Nora <Nora.Frimann@sanjoseca.gov>

Subject: No Digital Billboards In San Jose Public Comment for Electronic Signs on City-Owned Property Project City of San Jose File No: ER23-024

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Please include the attached memo in the public comment associated with City of San Jose File No: ER23-024: Electronic Signs on City-Owned Property

Les Levitt
No Digital Billboards in San Jose Steering Committee

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Electronic Signs on City-Owned Property Project

City of San Jose File No: ER23-034



11/14/2024

Comments from: No Digital Billboards in San Jose

Contact: info@billboardsno.org

Facebook: <https://www.facebook.com/NoBillboardsSJ>

Instagram: [@nobillboardsj](https://www.instagram.com/nobillboardsj)

Video: <https://www.youtube.com/watch?v=dhWYWzj2bjc>

Website: <https://www.billboardsno.org/>

X: [@BillboardsNo](https://twitter.com/BillboardsNo)

No Digital Billboards in San José

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1.0 Introduction

This document is submitted in response to Initial Study/Mitigated Negative Declaration City of San Jose File No: ER23-034 in accordance with the circulation comment period 10/25/2024 to 11/15/2024.

Definition: Off-premise digital billboards advertise products and services not available at that location, and are not to be confused with signs (digital or not) identifying retailers, offices or event venues.

- NDBSJ is a coalition of over 900 individuals plus neighborhood associations and environmental and historic preservation organizations, all of whom oppose allowing digital billboards to change the historic character, architectural integrity & natural environment of San José.
- 1972 – San Jose banned new billboards on public property
- 1985 – Billboard ban expanded to private property citing economic and beautification benefits.

(1985) "At that time the planning commission did a three year study and determined that an abundance of billboards is "visual blight." City officials said, reducing this kind of conspicuous advertising will improve the overall appearance of the city, and this in turn will encourage economic development." – Mercury News article 1985

(1985) "Planning department officials say the ordinance is designed to encourage the revitalization of downtown and major thoroughfares." – Mercury News article 1985

(1985) "The ban is an expression of a very strong commitment on the part of the city council to beautify the city" – Gary Schoennauer Director of Planning History

- 2018 – City of San Jose repealed the billboard sign ban.
- 2018 to 2024 – City of San Jose promotes the installation of digital billboards on public property despite overwhelming public opposition and litigation risk from private property owners.

2.0 Project Description and Background

The title of the Initial Study/Mitigated Negative Declaration is misleading. Municipal Code and Council Policy 6-4 distinguishes on-premise signs, off-premise signs, and billboards.

The IS/MND uses the words “electronic sign” 326 times

The IS/MND uses the word “billboard” only 23 times

The IS/MND does not define on-premise vs. off-premise vs. billboard in the body of the document and never uses the words “off-premise”

By any common sense definition, and also within the context of Municipal Code and Council policy definitions, this project is about “billboards” = “off premise signs”.

The IS/MND should be revised to replace all instances of “electronic sign” with “electronic off-premise sign” or “electronic billboard” to clearly differentiate the category of sign under consideration and to not mislead the public.

The IS/MND background information should be revised to clarify that the take-down requirement in Council Policy 6-4 does not apply to the billboards associated with this IS/MND. An exception to Council Policy 6-4 would allow the new billboards to be constructed without removal of any existing billboards.

The reason why there is no-takedown requirement associated with this project should be explained. Orange Barrel Media as the applicant bidding on the proposed downtown billboards received an exemption from the take-down requirement even though competitive applicants bidding on the project owned conventional billboards that could have been taken down had not preferential treatment been extended to Orange Barrel.

We request the City to determine how this would have otherwise impacted the aesthetics and reduced visual blight in other parts of the City.

3.0 Project Comment Period

The comment period was erroneously set to 20 days and should be re-set and extended.

The public should have the maximum time to respond, not the bare minimum - especially considering the time the City has had leading up to this stage of the project has been years. What's the rush now?

The City's position that a 20 day comment period is appropriate based on the project not having an area or citywide affect is incorrect.

Unlike a single site development project, this project DOES have an area/ citywide affect.

Installation of billboards at sites downtown across several square miles, will have an area-wide effect and significantly change the greater downtown environment. It has long been recognized that billboards dramatically change the character of the environment in which they are placed.

It is also incongruous for the billboards associated with this IS/MND (ER23-034) to be considered with a 20 day public comment period, while a previous billboard project at the Airport (ER21-015) also shepherded by the same City Staff, and under the same umbrella of what the City has designated as "Phase 1 Billboards on Public Property" had a 30 day public comment period.

The area/citywide impact of this project can not be understated. If these billboards are approved, they would be the first new billboards allowed in San Jose in nearly four decades, essentially opening the floodgate for more new billboards on both public and private property all across San Jose. Any project with an area/citywide impact, as is the case here, should have the maximum comment period.

4.0 Flawed Approval Process

The City released the IS/MND prematurely before clearly defining the approval process.

The project should be stopped until the City spells out the approval process for the IS/MND and Contract approval processes.

This is in accord with the most fundamental tenets of City Council Policy 0-1:

- Transparency and accessibility
- Clarity in policies, practices and procedures
- Detailed accountability

The IS/MND states "Following the conclusion of the public review period, the City of San José will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. " This only generally refers to the "the City of San Jose".

NDBSJ inquired with Planning and Office of Economic Development staff asking specifically which body or individual would approve the IS/MND and contract. However, no definitive answer was provided. In fact, staff from different departments were asking each other for answers to questions that should have been answered *before* releasing the IS/MND, not after.

For example we received this email response from City Planning Staff with respect to the CEQA approval process:

"The CEQA document does need to be certified by a hearing body, but the CEQA team does not schedule hearings and I am not sure which body this will ultimately go to for consideration. I believe that the Planning Director, Planning Commission and City Council all have authority to consider and approve certain CEQA documents, but since there is no associated planning permit I am not sure which body will hear this one."

At minimum, this project should be subject to hearing and review by the Planning Commission. City Charter Section 1000 states the role of the Planning Commission includes:

- Advisory body to the City Council on land use and development issues
- Empowered by the San José Municipal Code to grant certain permits, such as Conditional Use Permits;
- Acts as an appellate body on certain Planning Director decisions; and
- Certifies Environmental Impact Reports.

Given that this project will affect civic assets at publicly owned sites, any attempt to not include the Planning Commission can only be seen as a tactic to limit public review and feedback. If anything, a project like this, fully in the public domain, should carry an enhanced level of public review and public engagement.

It should also be noted that until mid 2024, only the addresses and APNs for the sites was public information and the project was shrouded in secrecy. The City, only recently released information about the exact installation locations and renderings for the proposed billboards. Now should be the time to start a deliberate public engagement and review process instead of prematurely jumping to a rushed approval process favoring the billboard company applicant over the public interest.

Beyond the scope of the IS/MND, the process for contract approval also appears to be undefined. Who will have administrative approval for a contract that could span decades (we've heard terms are 20 years) and have significant impact to the downtown environment? What if the applicant becomes a poor steward and neglects maintenance or upkeep on these billboards after a few years, what is the City's recourse?

Will the IS/MND decision and contract approval decision be appealable and to which body or individual?

One final process issue we raise is that the City's filing to the State Clearinghouse associated with the IS/MND is flawed. The form (shown below) is clearly designed for one location = one APN. Each of (6) billboards at (5) locations should be described on separate forms not only to comply with State process, but because each billboard has unique environmental characteristics.

The City submitted a form lumping all APNs into a single form. If a private developer had two sites a mile apart could they lump them into one form? We doubt it. It appears that the City is attempting to downplay the true nature of the project.

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
 For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Electronic Signs on City-Owned Property Project		
Lead Agency: City of San Jose	Contact Person: Cort Hitchens	
Mailing Address: 200 E. Santa Clara Street, 3rd Floor	Phone: (408) 794-7386	
City: San Jose	Zip: 95113	County: San Clara

Project Location: County: San Clara		City/Nearest Community: San Jose	
Cross Streets: Multiple			Zip Code: 95113
Longitude/Latitude (degrees, minutes and seconds): 37 ° 20 ' 11.04 " N / 121 ° 53 ' 22.12 " W Total Acres:			
Assessor's Parcel No.: 259-34-039, 259-42-087, 259-43-064, 264-29-113, 467-46-097	Section:	Twp.:	Range: Base:
Within 2 Miles: State Hwy #: SR 87	Waterways: Guadalupe River		
Airports: Norman Y. Mineta San José International Airport	Railways:	Schools:	

In conclusion, there are too many unknowns and a flawed process associated with this project. The project should be stopped until the review and approval process is defined and includes adequate public engagement and review.

5.0 Aesthetics - General

The IS/MND conclusion that the project "would not have a significant impact on aesthetics, therefore no mitigation is required" is seriously flawed.

- All of the sites designated for digital billboards would be significantly altered by giant digital screens. Look at the renderings. Any conclusion that the aesthetics of these sites would not be significantly impacted defies common sense.
- The IS/MND did not adequately include objective opinions from a range of stakeholders or experts with respect to the aesthetic impacts of the project.
- The IS/MND did not identify any one either at David J. Powers Associates, the firm preparing the document, or within a relevant City agency who possess expertise in aesthetics. Given the number of practicing architects, urban design specialists and academics knowledgeable about art and aesthetics available to comment on the proposed billboards why were such experts not consulted?
- The IS/MND did not investigate the impact on the specific building architectures. There is no evidence of consultation with the original architects for the buildings, who no doubt never envisioned adding billboards to their designs.
- The Center for Performing Arts is a mid-century architecturally significant building whose architecture will be disrespected by distracting digital billboards. There is no discussion of this specific impact or analysis by architectural experts in the IS/MND. The IS/MND statement "while the installation of the free-standing signs would alter the street view, the historic character of the building would remain" is a highly controversial conclusion without basis.
- The IS/MND states that new digital billboards "would not adversely affect any of the Center for Performing Arts' character defining features, and would include information designed to promote Center for Performing Arts' programming. Therefore, the proposed signs would be compatible with the Center for Performing Arts building."

Is the IS/MND propaganda for the billboard industry or an assessment of environmental impact? We all know the purported purpose of installing the billboards is to generate revenue from advertising and that ads would be shown most of the time on the displays. Referencing CPA programming is inappropriate spin for an environmental review document and should be struck from the IS/MND.

- The IS/MND states "The addition of the proposed attached electronic sign on The Tech Interactive building would constitute a minor change consistent with a contemporary museum and would not further disrupt the existing historic context." This is a highly controversial conclusion without basis.

The Tech museum, designed by a world renowned architect, has a structure and color palate that is iconic. Adding a 50 foot tall digital billboard at a prominent corner of the building will obviously change the aesthetic. It is our understanding that The Tech would be the only science museum in the United States with a billboard. Other science museums reject billboards out of principle.

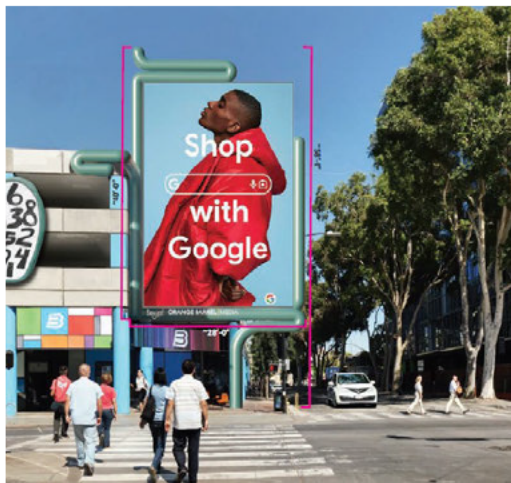
- The IS/MND states that "no major alterations would occur to any of the existing structures as a result of the project construction". This is patently false.
- The IS/MND conclusion that a 1000 square foot digital billboard on the Market and San Pedro garage "represents a minor feature in comparison to the overall massing of the garage itself" entirely misses the essence of the aesthetic impact. First, comparing the size of the billboard to the size of the entire garage is laughable. This is evidence that the IS/MND is not objectively examining the truly significant aesthetic impacts or the project impact vs. the existing or no-build option. The IS/MND should be re-written to provide much more comprehensive assessment of aesthetic impacts.
- There is no reference in the IS/MND to the City of San Jose survey with more than two thousand respondents, which showed overwhelming opposition to new digital billboards downtown and along freeways. Despite this project wholly within the public domain and affecting civic assets on public property, there is no evidence that any public input was considered when assessing aesthetic impact.
- The IS/MND does not include any input from venue operators or their Boards of Directors whose buildings would be significantly impacted by new digital billboards.
- The aesthetic impact analysis is not specific enough to digital billboards, treating them as if they are a physical static addition to the sites. The fact is that digital billboards are dynamic, so by definition, their aesthetic is constantly changing. Ads can change color, and rotate as frequently as every eight seconds. None of the dynamic nature of digital billboards was considered in the aesthetic analysis. This omission disqualifies the IS/MND.
- The aesthetics projected in the renderings associated with the IS/MND are misleading. The overwhelming majority of the display time will be devoted to "off-premise" advertising such as for fast food, travel destinations outside San Jose, cars, or TV shows. The IS/MND should be revised to specifically state the amount of time billboards would display off-premise ads vs. local venue content. Renderings should be revised to honestly convey the aesthetic billboards will actually project vs. the spin billboard companies and City decision maker want the public to think they will project.
- The original proposal by the applicant claimed that *"OBM will provide the City with 5% of the annual display time on the sign for the display of general City messaging and public art"* and that *"OBM will also provide the City with up to 10% of annual display time for on-site advertising of select events, and additional display time for any required Black Out Periods"*

as specified in Section 4 of the RFP (Scope of Work)." Were these statements factored into the IS/MND?

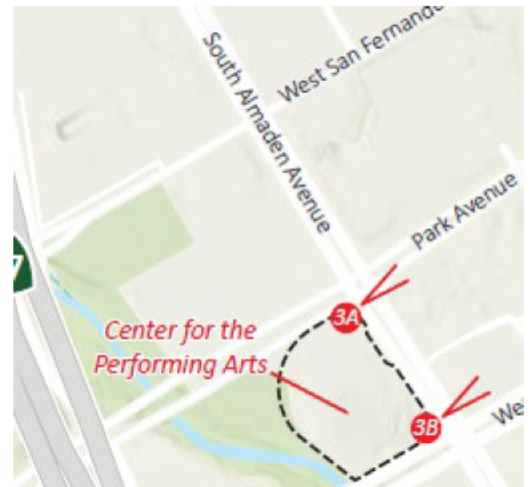
6.0 Aesthetics - Light and Glare

The cursory light and glare analysis lumped into the IS/MND aesthetics category is inadequate for assessing impacts at the seven specific sites proposed for billboards.

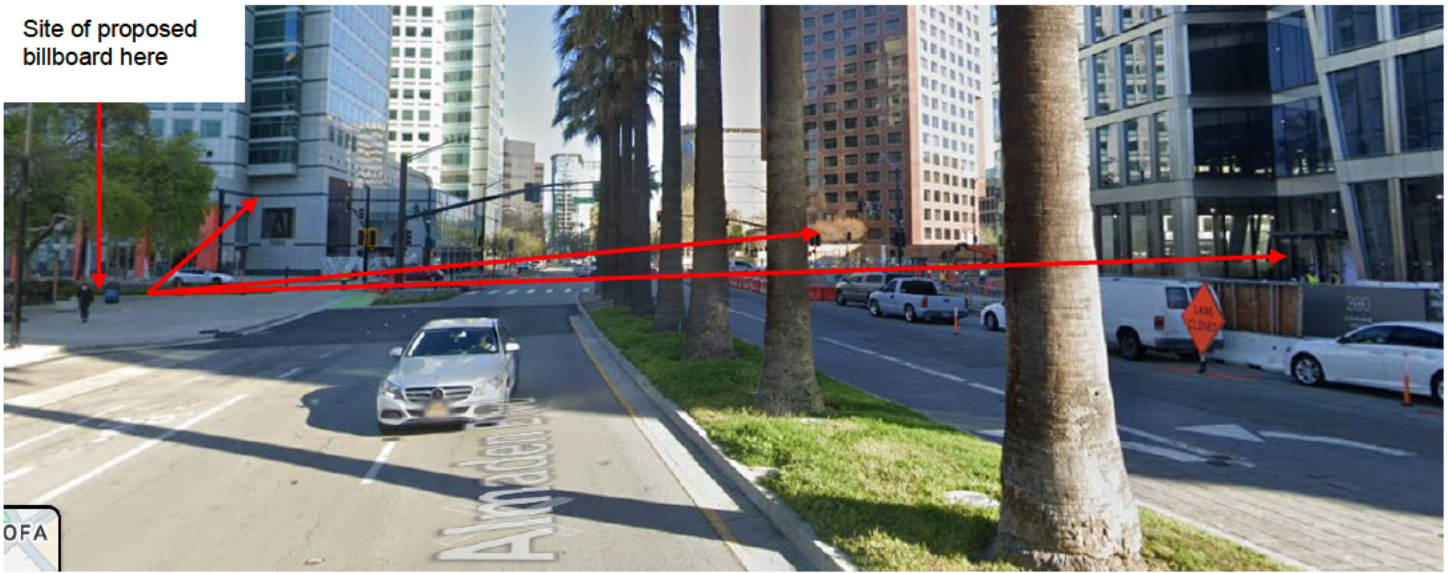
- The IS/MND is too generalized and does not examine the specific effects to occupants of existing buildings or future developments adjacent to the proposed digital billboards.
- The IS/MND did not examine the impact to occupants at The Grad apartment building which is directly across the street from one proposed billboard. The light and glare from a sixty foot tall digital billboard directly across from your home will certainly affect your environment.



- The IS/MND did not examine the impact to occupants of buildings on three corners adjacent to the proposed billboard at the Center for Performing Arts.



Site of proposed billboard here



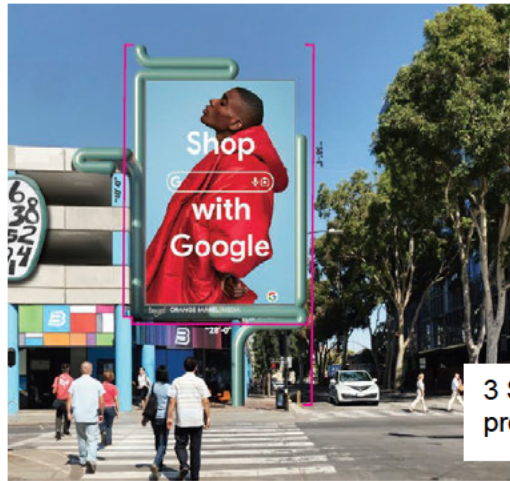
- The IS/MND did not examine the impact of light or glare to the Hilton directly across from the proposed site of the second street-level digital billboards at the corner of Almaden & San Carlos St.



View from corner where billboard 3B is planned, directly facing Hilton:



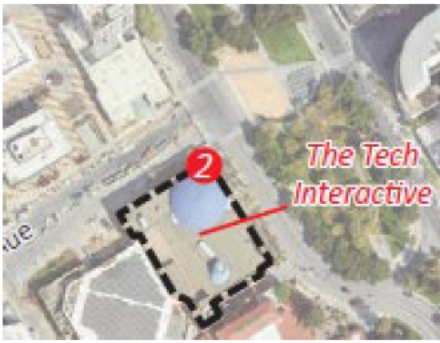
Other development sites noted below are adjacent to proposed billboards. The IS/MND should include an analysis of the light and glare that would impinge upon these sites above ground level, if buildings are constructed at these sites in the future.



3 Story Billboard proposed here

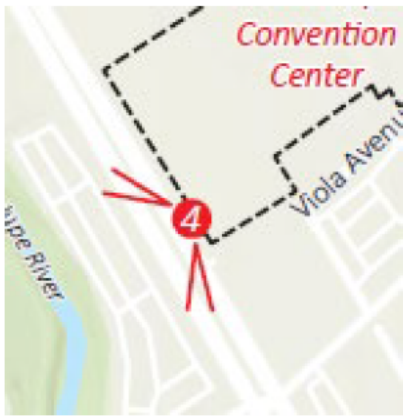


Future Development Site Diagonally Across the Street

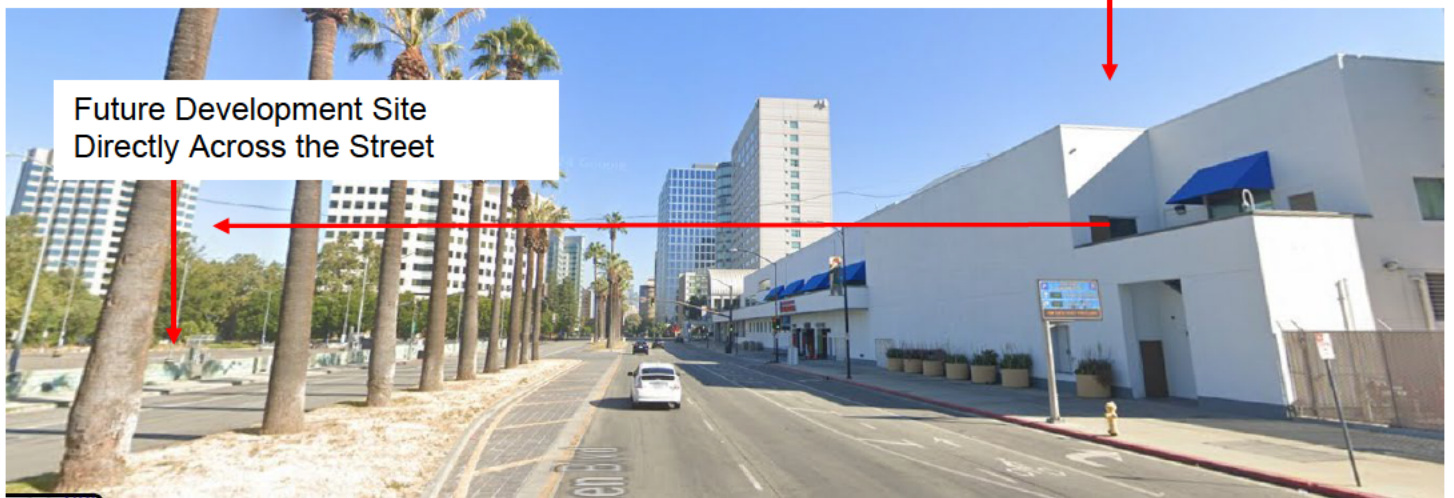


55 foot tall
Billboard Proposed
for Here





(2) proposed 1000 square foot billboards 60 feet above ground



- The IS/MND does not examine the impact of light or glare from the proposed Tech museum billboard affecting the Hilton hotel rooms or the recently converted Hilton tower to student housing across Cesar Chavez plaza, called the Spartan Village on the Paseo.



Street view from the corner of the Tech museum facing the Hilton and Spartan Village on the Paseo.



- For many years Lick Observatory collaborated with the City of San Jose as experts with respect to light pollution. But it is our understanding that Lick Observatory input has not been sought and the IS/MND makes the unilateral declaration that the "project would have negligible contribution to light levels at Lick Observatory." This comment totally ignores the many presentations before City decision makers made by representatives of Lick Observatory categorically to the contrary. These Lick Observatory inputs should have been specifically gathered and included in the IS/MND.
- The IS/MND does not even mention the Dark Skies initiative, a well known global effort to curtail light pollution. <https://darksky.org>. The IS/MND should assess the project relative to Dark Skies standards. Other cities in Santa Clara County are developing dark-sky ordinances not only to reduce blue-heavy LEDs, but to mitigate harm to birds. Refer to this January 5, 2024 article for more details: <https://www.mercurynews.com/2023/12/26/collisions-with-buildings-are-killing-millions-of-birds-nationwide-a-dark-sky-movement-to-save-them-is-sweeping-the-bay-area/>

7.0 Aesthetics - Cumulative Impact

The IS/MND fails to assess the cumulative impact of billboards spread across downtown. Unlike a single site building development project, the San Jose billboard project with seven digital billboards sites downtown and several more freeway facing billboards in the pipeline, will certainly have a significant cumulative impact. When you're done seeing an ad for a national brand at one location, you'll walk a block and see another billboard with more ads, and then more, and more. This is cumulative impact. It totally changes an area and will surely compromise the historic character, architectural integrity, and environmental quality of downtown San Jose.

Proponents of digital billboards do not hesitate to contend that multiple billboards downtown will have a positive cumulative impact on what they call urban vibrancy but via the IS/MND have claimed there is no negative cumulative impact thereby negating the necessity to evaluate that cumulative impact as would be the case in a comprehensive Environmental Impact Report.

Given the fact cumulative impact is a real thing, NDBSJ contents that the existing IS/MND should be scrapped and a comprehensive EIR be conducted in its place.

Below are some (but by no means all of) the studies conducted regarding the aesthetic impact of billboards.

Impact of Advertisements on Public Spaces and Environmental Aesthetics: Insights from Indonesia

Widyo Harsanto, Prayanto and Raras Satuti, Kinanthi (2023) *Impact of Advertisements on Public Spaces and Environmental Aesthetics: Insights from Indonesia*. Journal of the International Society for the Study of Vernacular Settlements, 10 (9). pp. 210-227. ISSN 2738-2222

Findings: "Billboards are appreciated through aesthetics, as related to the urban environment, including the social environment, society, buildings, and the natural surroundings. The findings show that the awareness and compliance of advertisers outside public spaces with local city government regulations is still low. Many installations of billboards in Yogyakarta violate laws, ethics, and environmental aesthetics. This has an impact on the visual quality of the city resulting from the chaos between one advertisement and another."

<https://digilib.isi.ac.id/15249/>

The Effects of Colour Content and Cumulative Area of Outdoor Advertisement Billboards on the Visual Quality of Urban Streets

Adam, M.; Al-Sharaa, A.; Ab Ghafar, N.; Mundher, R.; Abu Bakar, S.; Alhasan, A. The Effects of Colour Content and Cumulative Area of Outdoor Advertisement Billboards on the Visual Quality of Urban Streets. *ISPRS Int. J. Geo-Inf.* 2022, *11*, 630. <https://doi.org/10.3390/ijgi11120630>

Findings: "The study suggests that the lack of guidelines and regulations of the color content of outdoor billboard advertisement design could potentially be detrimental for the public's appreciation of urban environments." <https://www.mdpi.com/2220-9964/11/12/630#metrics>

Prevalence of Billboards and its influence on urban quality of life- Based on Billboards installed on 90th North St, New Cairo

Article 7, [Volume 51, Issue 1](#), January and February 2023, Page 1-18

Findings: It has been observed as the display of billboards in the urban environment has implications and involvement on urban quality of life having adverse effects on numerous aspects. https://jesaun.journals.ekb.eg/article_262813.html

Artificial, cheap, fake: Free associations as a research method for outdoor billboard advertising and visual pollution

Findings: They (billboards) are considered to be an aesthetically displeasing structural disruption of the urban environment and are often insensitive to the local culture and traditions.

<https://www.degruyter.com/document/doi/10.1515/humaff-2020-0023/html>

8.0 Biological Resources

The IS/MND did not examine the biological resource impacts for the specific sites associated with this project.

- Appendix C (Biological Resources Report) refers to a cursory study of the effect of a specific level of light at a specific location in Martinez California and suggests this data should apply to this project.
- Conclusions about riparian or biological impacts based on generalized conclusions from another area is bad science.
- The IS/MND should be revised to include site specific assessments by qualified experts with respect to the impact to biological resources along the Guadalupe River (closest to the proposed Convention Center billboards) and Plaza de Caesar Chavez Park (closest to the proposed Tech Museum Billboards).
- Note that the IS/MND did not acknowledge detailed site specific testimony from the Audubon Society and the Sierra Club presented to the Planning Department in 2020. This should be included in the IS/MND.

9.0 Energy

The Energy assessment segment of the IS/MND is a smokescreen packed with irrelevant information yet lacking in fundamentals.

The IS/MND states that "the project would not have a significant impact on this resource, therefore no mitigation is required".

- Citing the power consumption of a single digital billboard relative to citywide or statewide power consumption is an irrelevant metric.
- The IS/MND should state that the power consumption from each billboard is approximately equivalent to eleven homes and compare that to the no-build alternative where no power would be consumed. Refer to table and link below for reference.
- We could not find anywhere in the IS/MND or it's Appendices any reference to an estimated calculation of how much power the proposed digital billboards downtown would generate annually or the estimated cost of such power or who would have to pay for it. We request the City to provide such estimates to justify their conclusions that these projects would not have a significant impact.

Rates of Energy Consumption ³		
Product Type	Annual Usage, kWh*	Annual Cost**
Unilluminated Static Sign	0	\$0
Static Billboard w/4 Halide Lamps—calculated	7,008	\$960
LED Authority 36"x60" LED sign (full color)	8,760	\$1,200
Average US home	11,040	\$1,512
LED Billboard	61,032	\$8,361
14'x48' LED Billboard (Florida actual reading)	162,902	\$22,318

* Energy Usage ((24)(365))/1000

** Average costs per kWh=\$.137 (Metro Area)

Source: The table is from Heather LaVarnway and Emily Dozier, "Shedding Light on Digital Signs," Plan On It, March/April 2019, Dutchess County Planning Federation.

<https://www.dutchessny.gov/Departments/Planning/Docs/MarchApril2019-DCPFeNews-DigitalSigns-printerfriendly.pdf>

- NDBSJ asserts that digital billboards are the definition of wasting energy, just for the sake of advertising. Each billboard would be a giant symbol of disregard for climate change and counter to City of San Jose's climate stewardship policies. We challenge the IS/MND assertion that power consumption is not significant.
- While currently not frequent, given the length of contracts for the proposed billboards, the question needs to be asked, in the event of brownouts will power to digital billboards be maintained while San Jose residences will have their power disrupted?

10.0 Hazards

The IS/MND entirely omits discussion or analysis of digital billboards, which are designed to distract people's attention, as a driver and pedestrian safety risk.

- The IS/MND should be revised to include the impact of digital billboards on driver and pedestrian safety.
- Studies citing digital billboard safety issues can be found here:

<https://www.scenic.org/take-action/resources/digital-billboard-studies/>

Safety Studies

- **Examination of Driver Visual and Cognitive Responses to Billboard Elicited Passive Distraction Using Eye-Fixation Related Potential**
Distractions external to a vehicle contribute to visual attention diversion that may cause traffic accidents. As a low-cost and efficient advertising solution, billboards are widely installed on side of the road, especially the motorway. However, the effect of billboards on driver distraction, eye gaze, and cognition has not been fully investigated. This study utilises a customised driving simulator and synchronised electroencephalography (EEG) and eye tracking system to investigate the cognitive processes relating to the processing of driver visual information. (2024)
- **Driver Distraction From the EEG Perspective: A Review**
A large proportion of car accidents are caused by distracted drivers. Thus, comprehensive analysis and understanding on driver distraction is essential for traffic safety improvement. (2024)
- **Impact of roadside advertisements near traffic signs on driving safety**
A common distraction that affects drivers on the road is billboards. It can substantially impact how well drivers manage their speed, maintain their lanes, focus their attention, and react to stressful situations. When the billboards are placed next to vital traffic signs, they negatively affect drivers, impairing their ability to recognize these signs visually and, more significantly, altering their driving behavior. In this case, the impact of billboards on drivers is mainly influenced by two critical factors: billboard size and relative position to the traffic signs. In this study, a driving simulator was used to study the influence of these two factors on drivers. For this purpose, the eye movement, EEG and driving behavior data of drivers under different combinations of these two factors were collected. (2023)
- **The impact of road advertising signs on driver behaviour and implications for road safety: A critical systematic review**
Driver inattention and distraction are recognised as two of the most critical factors for road safety worldwide. While roadside advertising is often identified as a potential source of distraction, it has received less attention compared to other types of distractions such as texting or calling while driving. Therefore, this study focused on the impact of roadside advertising signs on driver behaviour and road safety. (2019)
- **Compendium of Recent Research Studies on Distraction from Commercial Electronic Variable Message Signs**
A comprehensive review of many studies on the impacts of digital signs upon driver safety by noted human factors expert Jerry Wachtel of the Veridian Group. (Updated October 2020).

- **Traffic Safety Messages Cause Crashes to Increase**
 A 2022 Texas study showed that the number of crashes increases when motorists are confronted with displays indicating the number of road fatalities in the area.
- **A Peer--Reviewed Critique of the Federal Highway Administration (FHWA) Report Titled: "Driver Visual Behavior in the Presence of Commercial Electronic Variable Message Signs (CEVMS)"**
 A 2015 critique of the FHWA's 2013 study on the impact of billboards on driver safety conducted by Jerry Wachtel, a leading expert on highway traffic safety. This peer-reviewed report identifies the issues with the 2013 study, which is used heavily by the outdoor advertising industry to dispell safety concerns over billboards.
- **Effects of Electronic Billboards on Driver Distraction**
 A 2012 study involving digital billboards and driver safety conducted by the Swedish National Road and Transport Research Institute. The study found that drivers looked at digital billboards significantly longer than they did at other signs on the same stretch of road, with the digital signs often taking a driver's eyes off the road for more than two seconds.
- **Critical Review of the Outdoor Advertising Association of America's Digital Billboard Safety Studies**
 July 2007 saw the release of two industry-sponsored studies that concluded that digital billboards are no more likely to cause traffic accidents than conventional billboards. The billboard industry has since cited the studies numerous times as evidence that the proliferation of digital billboards poses no safety threat to the motoring public. This objective, expert analysis of the studies was prepared for the Maryland State Highway Administration by Jerry Wachtel, a highly regarded traffic safety expert. His report is extremely critical of the conclusions and methodology of both studies and effectively debunks them.
- **The Impact of Driver Inattention on Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data**
April 2006, National Highway Traffic Safety Administration, U.S. Department of Transportation
 A major study of driver inattention, primarily involving distractions inside the car, but finding that any distraction of over two seconds is a potential cause of crashes and near-crashes.
- **Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction**
 September 2001, Federal Highway Administration, U.S. Department of Transportation

The IS/MND fails to acknowledge the extent the public will be psychologically compromised by transforming 40 years of no new billboards downtown into what City decision makers have euphemistically designed "the Sign Intensification Zone."

Here is a study of the psychological impact of billboards on individuals and society. This paper intends to reflect on the intrusive role of billboards in individuals' personality development and on the work of culture jamming in alerting.

[\(PDF\) Consequences of Over Exposure to Billboards and Cultural Jamming \(researchgate.net\)](#)

11.0 Conclusions

If ever there was a case where there would be serious environmental impact, it's San Jose's plan to install enormous digital billboards on buildings downtown and at sites along freeways.

The damage new digital billboards would cause is ignored and misrepresented by environmental reviews, such as the "Initial Study/Mitigated Negative Declaration" document [recently released by the city](#) and paid for by [Orange Barrel Media](#) — the same company seeking approval of the downtown sites.

The city has done everything it can to avoid accurately assessing the environmental impact of new billboards.

After reading the first few pages of the IS/MND, the average person can easily surmise that the review is biased in favor of approving the proposed billboards, especially since it starts with the conclusion that they "would have no aesthetic impact" and "less than significant light pollution impact."

Really? Two giant screens in front of the Center for Performing Arts will have no aesthetic impact, each being a 60 feet wide, 22 feet tall electronic display for commercial ads? It will not disrespect the local architecture? Of course it will. And any official who states otherwise surely knows better.

Decision makers at San Jose City Council should understand this recently released environmental review of the proposed downtown billboards is deceitful and utterly biased. Just because a report is identified as "environmental" with pages of technical jargon, doesn't mean that it's a well-designed, comprehensive analytical instrument upon which decisions with decades-long implications should be made.

FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/18/2024 2:01 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Rebecca Smith <[REDACTED]>
Sent: Monday, November 18, 2024 2:00 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

[**External Email.** Do not open links or attachments from untrusted sources. [Learn more](#)]

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Mayor Mahan and San Jose City Council Members, I am writing to urge you to oppose any new billboard proposals in our community. [Select from one or more talking points below to copy/paste into your message] • The public opposes new billboards - Remember that City's own survey with over 2000 respondents showed 90% opposition to billboards? Bottom line - the public is not asking for billboards in San Jose. • Lawsuits, more to come - The City lost a lawsuit related to not following its own rules and making a backroom deal for billboards at the Airport. Cities with lots of billboards are cities with lots of lawsuits costing taxpayers lots of money. Just search "Los Angeles billboards lawsuits" on the Internet to see how out of control it is there. • Insignificant revenue – City staff estimates that the annual proceeds from these billboards would be less than \$2 million; that is, a tiny fraction of 1% of the City's annual revenue. Is it worth the tradeoff for more visual blight and an assault on our quality of life? • Takedown of blighted conventional billboards! Remember that was the major argument at the Feb 2022 City Council meeting? Unfortunately, City staff relied on the billboard company to choose which billboards to take down last time, and they were in industrial areas instead of in neighborhoods. Don't buy the idea that putting up new digital billboards will improve blight in our community. Ironically, the downtown digital sites being proposed are exempt from the takedown requirement! • Billboards and the myth of urban vibrancy are all talking points of the billboard industry. There is no evidence digital billboards on public buildings downtown would be good for the economy. It's more than likely just the opposite would happen. Billboards all over downtown will drive people away. • Lobbyists and special interests are the ones asking for digital billboards. Council members have had many meetings with lobbyists from billboard companies in the last three months and not one meeting with anyone who thinks digital billboards are bad news. • Driver distraction - Digital billboards threaten driver safety and runs counter to the city's Vision Zero policy to eliminate traffic fatalities. • Light pollution - Lick Observatory would be negatively impacted due to light pollution, similar to the already intrusive Levi's stadium Jumbotrons. • Local businesses do not benefit - Digital billboards typically advertise national consumer products and services. • Wildlife disruption - The billboards proposed will negatively impact the nearby rivers by increasing ambient light at night. Studies have shown even modest changes in night light levels can forever change a habitat. Digital billboards are opposed by the Audubon Society and the Sierra Club. • Energy Hogs - One study measured a single digital billboard consumes as much energy as would power 11 single-family households. The City is considering at least 12 of these to be erected. Please vote against any new proposals. Please include this comment in the public record for the November 19, 2024 City Council meeting. Regards, [your name] [your district# if you know it**]

FW: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/18/2024 2:26 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

-----Original Message-----

From: Kelvin Kamachi <[REDACTED]>
Sent: Wednesday, November 13, 2024 10:35 PM
To: Mahan, Matt <Matt.Mahan@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>
Cc: City Clerk <city.clerk@sanjoseca.gov>; info@billboardsno.org
Subject: Nov 19 Item 5.1 - I oppose digital billboards in San Jose

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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Please include this comment in the public record for the November 19, 2024 City Council meeting.

Regards,

[your name]

[your district# if you know it**]

Sent from my iPad