

Fwd: City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards Public Comments Input

Jason Hemp [REDACTED]

Tue 11/30/2021 10:30 AM

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

Cc: John Miller <miller@johnmillerpr.com>; Les Levitt <lesk2pv@aol.com>; No Digital Billboards in San Jose <info@billboardsno.org>

[External Email]

[REDACTED]

[External Email]

Dear City Clerk,

We are resending the email below, to ensure the attached document is included in the Letters from the Public for today's Council agenda item 5.2. See attached.

Thanks,

Jason Hemp
[REDACTED]

Begin forwarded message:

From: No Digital Billboards In San Jose <info@billboardsno.org>

Subject: City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards Public Comments Input

Date: November 29, 2021 at 1:16:51 PM PST

To: City.Clerk@sanjoseca.gov

Cc: Chappie Jones - Vice Mayor - Council District 1 <Chappie.Jones@sanjoseca.gov>, David Cohen - Council District 4 <David.Cohen@sanjoseca.gov>, "Devora 'Dev' Davis - Council District 6" <dev.davis@sanjoseca.gov>, Magdalena Carrasco - Council District 5 <Magdalena.Carrasco@sanjoseca.gov>, Matt Mahan - Council District 10 <Matt.Mahan@sanjoseca.gov>, Maya Esparza - Council District 7 <Maya.Esparza@sanjoseca.gov>, Pam Foley - Council District 9 <Pam.Foley@sanjoseca.gov>, Raul Peralez - Council District 3 <Raul.Peralez@sanjoseca.gov>, Sam Liccardo - San Jose Mayor <sam.liccardo@sanjoseca.gov>, Sergio Jimenez - Council District 2 <sergio.jimenez@sanjoseca.gov>, Sylvia Arenas - Council District 8

<sylvia.arenas@sanjoseca.gov>, John Miller <miller@johnmillerpr.com>, Jason Hemp

[REDACTED] Les Levitt [REDACTED]

Dear City Clerk,

Please add the attached document "NDBSJ Memorandum from Liccardo Jones Peralez Cohen Foley 11242021 Commented 21-11-29.pdf" to the Public Comments section for the City Council meeting on Nov 30, 2021, for agenda item 5.2.

This document includes commentary by No Digital Billboards in San Jose on the memo submitted by Mayor Liccardo and Councilmembers Jones, Peralez, Cohen, and Foley. The document is clearly watermarked with NDBSJ, and our comments are in the right column.

Regards,

Jason Hemp, Les Levitt, & John Miller

No Digital Billboards In San Jose - Steering Committee

Sign our petition [here](#)

Visit us on FaceBook [here](#)

Email us: info@billboardsno.org

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Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Vice Mayor Chappie Jones
Councilmember Raul Peralez
Councilmember David Cohen
Councilmember Pam Foley

SUBJECT: SEE BELOW

DATE: November 24, 2021

Approved by:

Date: 11/24/21

SUBJECT: AMENDMENT TO THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT MASTER PLAN EIR FOR THE OUTDOOR ADVERTISING DIGITAL BILLBOARDS

RECOMMENDATION

Accept staff's policy alternative recommendation #1 to **not** approve the EIR addendum and direct the City Manager to conduct a Request for Proposal (RFP) process for two proposed outdoor advertising digital billboards at Norman Y. Mineta San José International Airport (SJC) that includes the following:

1. A requirement for the elimination of four existing billboards citywide for every one digital billboard erected, pursuant to the 4:1 ratio requirement of Council Policy 6-4.
2. Signage located within an Airport Influence Area shall conform to illumination requirements specified in Sections 23.02.905 and 23.04.250 of the San José Municipal Code, and shall otherwise seek to minimize the safety risk of bird strikes resulting from the attraction of birds to illuminated structures.

DISCUSSION

Prior to the pandemic, Norman Y. Mineta San José International Airport became one of the fastest growing airports in the United States and an important economic engine for San José's job creation. Restoring air service and attracting passengers to SJC will require active and effective marketing, however, especially as we continue to compete with other international airports nearby. Airports routinely use digital signage for

Commented [NDBSJ1]: There are many other compelling reasons to not approve this project than the few recommendations noted here

Commented [NDBSJ2]: It is disingenuous to refer to (2) billboards. There are (2) sites each with (2) 1000 square foot screens (one facing north and the other facing south) = 4 billboards. This project should require 16 static billboards to be removed.

This is an example of how flawed Council Policy 6-4 is. Even the most basic definition of how to count billboards is not clear.

The original 4:1 take down concept is also flawed because it only stipulates a number – treating all sites equally and with the outdoor media company choosing which site would be designated. This would mean billboards from low impact locations would be removed first and others in most visible locations would remain.

For example, taking down 4 static billboards (avg size 336 sq ft) near 880 & N 10th Street in exchange for a new 1,000 square foot digital sign advertising fast food, soda, and cell phones on a downtown theater, parking garage, or event venue is not a trade off most of the public is interested in supporting.

Despite NDBSJ asking many times, the City does not have a count on existing billboards nor are they subject to any permit process.

Commented [NDBSJ3]: We favor all efforts for environmental protection but there are many other environmental impacts, from impact to the natural environment along the Guadalupe River Trail, to Lick Observatory concerns, to broader policy conflicts. Digital billboards consume tremendous amounts of electricity. Ironically, these new billboards (and others proposed for City property) would be giant symbols of disregard for the City's own Climate Smart policy and Carbon Neutral 2030 goal.

Commented [NDBSJ4]: Off premise digital billboards will not attract more passengers to SJC. Show us one study showing there is a causal relationship between off premise digital billboards and growth of airport passenger use. Making such claims is not evidence based public policy.

marketing and revenue generation, and a steady stream of advertising income will help Mineta weather the pandemic-induced drop-in airline service.

While we do not necessarily oppose the installation of two digital billboards on airport property, the solicitation process gives us pause. Council Policy 6-4 does not require any particular solicitation process, yet defaulting to a 2007 master concession agreement undermines the intent of Council Policy 6-4 for public revenue maximization. Moreover, the FAA requires that the City achieve fair market value for the use of its property. The City won't ascertain fair market value by sole-sourcing the easement contract to the winning bidder of a 14-year-old competitive process in which the billboard elements constituted little more than an afterthought.

Council Policy 6-4 further requires that "...a minimum take down ratio of four (4) existing Billboards shall be required for each new Sign, including Billboard, Programmable Electronic Sign or Sign displaying Off-Site Commercial Speech." We crafted Council Policy 6-4 to ensure that our community receives the aesthetic benefit of any bargain for new digital signs: the removal of many more existing blighted paper billboards, which diminish the quality of life of some of our lowest-income neighborhoods. We should ensure that our community enjoys the benefit of seeing eight (8) fewer billboards in exchange for whatever perceived burden that may accompany the addition of two digital signs.

We appreciate the substantial community interest in this topic. Digital signage is not new in San José, however; especially the stretch from the Airport and PayPal Park to our Downtown event venues such as the SAP Arena, McEnery Convention Center, and Center for Performing Arts Nonetheless, Airport staff and the selected awardee must work collaboratively with stakeholders such as the Lick Observatory, environmental organizations, and traffic safety advocates to address relevant concerns.

We thank Airport staff and their partners for their work on this process and look forward to the outcome of our recommended alternative solicitation process.

Commented [NDBSJ5]: The Airport Commission voted overwhelming against this project

The Commission voted against the proposed billboards based on much more extensive cost/benefit evaluation than described in this memo. Commissioner Lisa Marie Smith remarked that "there must be other ways to bring money in."

And how little money are we talking about? Commission Vice Chair Ken Pyle estimated that the top line revenue from the proposed Airport digital billboards would amount to just 0.3% of the Airport's annual operating budget. Not 3% but only 0.3%.

Sad state of affairs: San Jose commission blasts city's plan to OK new electronic billboards
<https://www.mercurynews.com/2021/11/09/sad-state-of-affairs-san-jose-commission-blasts-citys-plan-to-ok-new-electronic-billboards/>

Commented [NDBSJ6]: Council Policy 6-4 was crafted after billboard lobbyists met with Council members more than 60 times and before the general public was aware of the plan to rescind a 35 year ban on new billboards. Some on the current Council were not in office at that time. Some on the Council in 2018 did not necessarily give the Policy the detailed analytical analysis required.

Council Policy 6-4 should be re-visited before any further work is expended on billboards.

Commented [NDBSJ7]: A City of San Jose poll, which surveyed >2,000 residents from all Council districts, found 90% of respondents were either "strongly opposed" or "somewhat opposed" to new digital billboards in the city. Not one small business showed up to the Community meeting focused on Billboards in 2020.

Commented [NDBSJ8]: The public does not necessarily oppose digital signs. The public opposes off premise digital advertising. Let's be clear there is a difference between on and off premise signs whether they are digital or not.

Commented [NDBSJ9]: ESPECIALLY the route between the airport and downtown SHOULD NOT be marred by billboards that would obscure the view of the hills and downtown skyline and turn our city into Anyplace USA.

Commented [NDBSJ10]: NDBSJ has actively worked to engage with Council members and City Staff. We produced detailed documents: 1) "Concerns & Recommendations" which covers many aspects of the billboards topic & 2) A detailed response to the Airport EIR Addendum. We call for each Council member to meet with us and to comprehensively review all aspects of the billboard initiative. We ask for an open mind to revisit Council Policy 6-4.

BROWN ACT DISCLAIMER The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.

Fwd: City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards Public Comments Input

Jason Hemp [REDACTED]

Tue 11/30/2021 10:31 AM

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

Cc: John Miller <[REDACTED]>; Les Levitt <[REDACTED]>; No Digital Billboards in San Jose <info@billboardsno.org>

[External Email]

[External Email]

Dear City Clerk,

Resending to ensure our attached document is included in the Letters from the Public for today's Council agenda item 5.2.

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

Also, see below request to include the "US 101 Airport Electronic Signs Final Initial Study/Addendum Response to Comments" document, which is relevant to the discussion. This document is archived here:

<https://www.sanjoseca.gov/home/showpublisheddocument/79122/637719791686900000>

Thanks,

Jason Hemp
[REDACTED]

Begin forwarded message:

From: No Digital Billboards In San Jose <info@billboardsno.org>

Subject: City Council Meeting 11/30/21 Agenda Item 5.2 Digital Billboards Public Comments Input

Date: November 24, 2021 at 11:38:10 AM PST

To: City.Clerk@sanjoseca.gov

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

1) Please add the attached document titled "[NDBSJ Memorandum San Jose City Council Agenda Item 5.2 Commented 21-11-24.pdf](#)" to the Public Comments for City Council Agenda Item 5.2 11/30/21 Meeting.

This is No Digital Billboards in San Jose comments to the Staff Report. The document is clearly watermarked to distinguish. Our comments are in the right column.

2) In addition, we request that the City Clerk immediately add the following key document to the Agenda Item:

"US 101 Airport Electronic Signs Final Initial Study/Addendum Response to Comments"

This document is archived here:

<https://www.sanjoseca.gov/home/showpublisheddocument/79122/637719791686900000>

This document is the Environmental Impact Report which is germane to the Agenda Item and should, by default, be included in the information provided to the Council.

The document also includes 198 public comments specific to the Airport billboard project.

No Digital Billboards In San Jose comments are on pages 101 to 127.

Regards,
Jason Hemp, Les Levitt, & John Miller
No Digital Billboards In San Jose - Steering Committee

Sign our petition [here](#)
Visit us on FaceBook for more detailed information [here](#)
Email us: NoSJBillboards@gmail.com
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Video: <https://www.youtube.com/watch?v=dhWYWzj2bjc>

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Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: John Aitken

SUBJECT: SEE BELOW

DATE: November 15, 2021

Approved	Date
	11/17/21

SUBJECT: AMENDMENT TO THE NORMAN Y. MINETA SAN JOSE INTERNATIONAL AIRPORT MASTER PLAN EIR FOR THE OUTDOOR ADVERTISING DIGITAL BILLBOARDS

RECOMMENDATION

- (a) Adopt a resolution approving the Addendum to the Amendment to the Norman Y. Mineta San Jose International Airport Master Plan Environmental Impact Report (EIR) (SCH# 2018102020), certified by the San Jose City Council on April 18, 2020, in accordance with the California Environmental Quality Act.
- (b) Conduct a Public Hearing regarding the Project Plan for two (2) Outdoor Advertising Digital Billboards under the "Norman Y. Mineta San Jose International Airport City of San Jose Advertising Concession Agreement by and between the City of San Jose ("City") and Clear Channel Outdoors Inc. ("Concessionaire") with estimated annual revenue to the Airport of \$490,000.

Comment [NDBSJ1]:
It is disingenuous to refer to (2) billboards. There are (2) sites each with (2) 1000 square foot screens (one facing north and the other facing south) = 4 digital billboards

OUTCOME

Adoption of the resolution will allow Concessionaire to proceed with coordinating the installation of two outdoor advertising digital billboards ("electronic signs") on Norman Y. Mineta San Jose International Airport ("Airport") premises. Conducting a public hearing for the Project Plan will comply with the public noticing requirement in Council Policy 6-4.

From the date of installation through June 30, 2027, the two (2) electronic signs will generate a Minimum Annual Guarantee ("MAG") of \$490,000 in additional revenue to the City, apart from the \$2,101,250 paid by Concessionaire to the City annually for the in-terminal all digital advertising program. In addition to the guaranteed revenue, the Concessionaire will dedicate ten percent of the advertising time to the Airport to promote Airport services and initiatives.

Comment [NDBSJ2]:
This is TOP line revenue. Who knows what the break even point is given the hundreds of staff hours spent so far, let alone ongoing costs and litigation risk which could easily result in a negative BOTTOM line?

EXECUTIVE SUMMARY

Clear Channel Outdoors Inc. was selected following an extensive request for proposals process in 2007. The agreement and subsequent amendments approved by City Council, delegated authority to the Director of Aviation to approve and execute a Project Plan with the Concessionaire for additional marketing income opportunities for locations on Airport premises. The Project Plan outlines the scope, timeline, and revenue to the City. Following the adoption of City Policy 6-4, City staff received a proposal from Concessionaire to add three outdoor electronic signs on designated sites within the Airport Influence Area as listed in the Policy. On February 21, 2020, the Director approved the Project Plan for the entitlement, development, and operation of three outdoor digital advertising billboards located at 2200 and 2341 Airport Boulevard respectively, facing the 101 freeway and one located at 1128 Coleman Avenue. On April 22, 2020, the Airport and Concessionaire mutually agreed to remove the Coleman Avenue electronic sign due to safety concerns for the pilots on the approach into the Airport.

Comment [NDBSJ3]:
The Airport's insistence that its existing 2007 contract with Clear Channel for indoor and bus stop advertising at SJC could be expanded in 2021 to include standalone outdoor digital billboards, which at the time of the 2007 contract were banned from San Jose is audacious. The fair and transparent approach would have been to entertain competitive bidding from multiple vendors.

Although Council Policy 6-4 environmentally cleared the locations in the Airport Influence Area for additional commercial signage, paragraph 2 of the "Sign Approval Process", requires development-specific environmental clearance under CEQA. An addendum to the amendment to the Norman Y. Mineta San Jose International Airport Master Plan Environmental Impact Report was prepared, and City staff elected to conduct a 30-day public comment period. Pursuant to CEQA Guidelines Section 1564(c), "an addendum need not be circulated for public review." However, City staff exceeded legal requirements when Planning, Building and Code Enforcement (PBCE) reviewed the EIR addendum and posted a copy for public comment on July 26, 2021. Some of the questions submitted during the EIR commentary period were outside of the scope of the environmental review, yet staff made efforts to answer all questions received.

Council Policy 6-4 states that a Site Development Permit is not required, consequently, PBCE cannot issue a Site Development Permit for signs in the Airport Influence Area. Paragraph 2 of the same policy requires that the City follow the noticing requirements that would apply for a Site Development Permit. Therefore, a public hearing for the Project Plan at Council is the only available discretionary action to comply with the policy. A public hearing of the Project Plan and approval of the Addendum to the Amendment to the Norman Y. Mineta San José International Airport Master Plan Environmental Impact Report, will allow the Concessionaire to proceed with the process to install two free-standing electronic signs and meet the requirements as outlined in Policy 6-4.

BACKGROUND

Following an extensive Advertising Concession Request for Proposal at the Norman Y. Mineta Airport, on June 5, 2007, Council adopted a resolution authorizing the City Manager to negotiate and execute an Advertising Concession Agreement with Clear Channel to conduct advertising operations at the Airport for a period of seven (7) years beginning on July 1, 2007, with a three

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(3) year extension at the option of the City. The Concession Agreement was executed on July 31, 2007.

On October 1, 2008, the City Manager executed a minor First Amendment to the Agreement that was entered into to make a clerical correction to the Agreement.

On June 15, 2010, a Second Amendment to the Agreement was approved by Council to simplify the administration of advertising inventory, modify the advertising fixture refurbishment requirements, eliminate the MAG for new advertising sites, as well as eliminate some advertising sites along with their associated capital investment requirements and MAG's.

On September 18, 2012, a Third Amendment was approved by Council to combine the minimum capital investment requirements for the various advertising categories, provide Concessionaire with 261 square feet of office and storage space at no additional charge to support its operations at the Airport, resolve all outstanding Concessionaire claims related to the MAG and modify administrative requirements that mutually benefit Concessionaire and the City.

On June 18, 2013, Resolution No.76681 was adopted, authorizing the City Manager to exercise the City's option to extend the Advertising Concession Agreement between the City of San José and Clear Channel on the same terms and conditions for three years; from July 1, 2014, through June 30, 2017, retaining the annual MAG of \$4,222,324.

On, February 18, 2014, Council approved a Fourth Amendment to extend the Agreement an additional 3 years from July 1, 2017, through June 30, 2020, and modify the MAG from the current \$4,222,324 to \$1.8 million, \$1.9 million, and \$2.0 million respectively for each year of the extension period.

On, December 11, 2015, Council approved a Fifth Amendment to the Agreement to increase the advertising sites approved by the Director and provide a percentage fee of 25% for these new sites in addition to the current MAG. Effective July 1, 2017, the percentage fee on the additional sites increased to 65%.

On June 7, 2018, Council approved Resolution 78714 delegating authority to the City Manager to negotiate and execute the Sixth Amendment to the Agreement to extend the term and convert to the first all-digital based Airport advertising program in the country. The Agreement was executed on April 3, 2019.

On September 25, 2018, Council approved the proposed amendments to the General Plan Land Use Policy CD-10.4, City Council Policy 6-4, and Title 23 of the San José Municipal Code to allow signs on City-owned property, including billboards, programmable electronic signs, and signs displaying off-site commercial speech, as Phase 1 of a two-phase work plan. These amendments were in response to Council Priority #4 Electronic Billboards, options for public and private property that allows for installations of electronic digital off-site advertising signs or

Comment [NDBSJ4]:
Priorities changed in February 2021
Billboards were de-prioritized Multiple
references in this document to this being
a City Council priority are misleading

billboards. Attachment A of Council Policy 6-4 identified locations throughout the City including four sites on Airport property in the “Airport Influence Area” that are environmentally cleared for additional commercial signage.

On August 6, 2019, item 4.2 provided Council an update on Council Priority #4 for Electronic Billboards. Amongst the updates, this memo established that the four sites on Airport property that are referenced in Council Policy 6-4 would not be included in the City of San Jose’s Request for Proposal for Electronic Billboards. In this update, City staff stated to Council the Airport’s intent to leverage its existing Concession Agreement with Concessionaire to address other advertising opportunities, including outdoor electronic signs, once the all-digital, in-terminal program was fully developed.

The Agreement allows the Concessionaire to propose additional marketing income opportunities at other locations on Airport premises, and delegates authority to the Director of Aviation (“Director”) to approve and execute a Project Plan that outlines the scope and the proposed revenue to the City. On February 21, 2020, the Director approved the Project Plan for the entitlement, development, and operation of three (3) outdoor digital advertising billboards located at 2200 and 2341 Airport Boulevard respectively, facing the 101 freeway and one located at 1128 Coleman Avenue. On April 22, 2020, the Airport and Concessionaire mutually agreed to remove the Coleman Avenue electronic sign due to safety concerns for the pilots on the approach into the Airport. The signs on Airport Boulevard are located within the Airport Influence Area as listed in Attachment A of Council Policy 6-4, and sit adjacent to the 101 freeway, across from the Airport’s fuel farm, and are more than 0.06 light candles away from any residential or commercial areas. Concessionaire is responsible for all costs associated with the design, permitting, development, construction, and management of the electronic signs. The electronic signs must comply with all guidelines as outlined in Council Policy 6-4 and operate in conformance with the operational requirements for Programmable Electronic Signs as specified in the San José Municipal Code.

Comment [NDBSJ5]:
Yes... but SJC and Planning staff have spent hundreds of hours supporting this effort NDBSJ asked many times if hours can be accounted for, and we've been told: no - there are no specific charge numbers to a specific project

The City receives the greater of a MAG of \$2,101,250 or 55% of Gross Revenue from Concessionaire for the in-terminal all digital program. The Project Plan for the outdoor electronic signs includes the greater of 55% of Gross Revenue or a MAG of \$300,000 on the Northern location and \$190,000 for the Southern location on Airport Boulevard for additional guaranteed annual revenue of \$490,000 for both signs. In addition to the guaranteed revenue, ten percent of the advertising time is allocated to the Airport to promote new destinations, services, and other Airport initiatives.

ANALYSIS

Following the Director’s approval of the Project Plan, Concessionaire and the City has followed the process to install two free-standing digital billboard structures on freeway-facing, City-owned Airport sites as outlined in Council Policy 6-4. The signs are in the Airport Influence

Area and will conform to the illumination requirements, as specified in the San José Municipal Code and meet all Federal Aviation Administration (“FAA”) criteria. Concessionaire submitted all appropriate documentation to the FAA and received the FAA 7460 "Determinations of No Hazard" for the sign located at 2341 Airport Boulevard. The sign located at 2200 Airport Boulevard was resubmitted on September 9, 2021, when the location shifted and is under review by the FAA and will receive approval from the FAA prior to construction.

Comment [NDBSJ6]:

The location shift was prompted by NDBSJ noting incursion into the riparian zone along the Guadalupe River Trail

The south signs are being moved but are still a terrible impact to the Guadalupe River Trail environment

Addendum to the Airport’s Environmental Impact Report (“EIR”)

Although Council Policy 6-4 environmentally cleared the locations in the Airport Influence Area for additional commercial signage, paragraph 2 of the “Sign Approval Process”, requires development-specific environmental clearance under CEQA.

On April 28, 2020, City Council certified the Amendment to the Norman Y. Mineta San José International Airport Master Plan Final Environmental Impact Report (Airport Master Plan EIR) (File No. PP18-103) and approved the amended Master Plan, which provides a blueprint for the continued growth of the Airport through the year 2037.

Comment [NDBSJ7]:

The obsession of staff to advance development of the proposed Airport billboards deliberately excluded their consideration in the Airport Master Plan Environmental Impact Report even though plans were underway for billboards. This project is fraught with Airport staff’s lack of transparency, accountability, and honesty. See Airport Commission comments:

Sad state of affairs: San Jose commission blasts city’s plan to OK new electronic billboards

<https://www.mercurynews.com/2021/11/09/sad-state-of-affairs-san-jose-commission-blasts-citys-plan-to-ok-new-electronic-billboards/>

The proposed San José Airport Electronic Signs Project (the Project) was not included in the Airport Master Plan project and, therefore, represents a change to the project analyzed in the Airport Master Plan EIR. As a result, the City of San José, as CEQA Lead Agency, prepared an Initial Study/Addendum for the Project. Under CEQA Guidelines Section 15162(a), the purpose of the Initial Study/Addendum was to determine on the basis of substantial evidence, if the Project would result in one or more of the following outcomes:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR; or
 - Significant effects previously examined will be substantially more severe than shown in the previous EIR; or
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

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- Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Initial Study/Addendum (July 2021) concluded that none of the above outcomes would occur if the Project were to be approved. In each of the CEQA subject areas, analysis concluded that the proposed sign project would result in either the “Same Impact as Approved Project” or a “New Less Than Significant Impact” from the project. These conclusions were reached for critical CEQA topic areas such as aesthetic, biological impacts, and transportation impacts. The project would further be subject to existing mitigation measures from the Airport Master Plan EIR. Therefore, these conclusions indicate that major revisions of the previous EIR due to new significant environmental effects, substantial increase in the severity of previously identified significant effects, or new information would not occur if the project were to be approved, and no subsequent EIR need be prepared.

The EIR addendum and all relative documents have been reviewed by both PBCE and the Airport Department. Pursuant to CEQA Guidelines Section 1564(c), “an addendum need not be circulated for public review.” However, City staff exceeded legal requirements when PBCE reviewed the EIR addendum and posted a copy for public comment on July 26, 2021.

During public review, the City received comments from the following:

- Federal and State Agencies: Caltrans and University of California, Lick Observatory
- Regional and Local Agencies: Airport Commissioners Connolly, Hendrix, and Pile and the Santa Clara Valley Water District
- Organizations, Businesses, and Individuals: 193 organizations, businesses, or individuals including the No Digital Billboards in San Jose group.

Comments received during public review of the addendum comprised a variety of subjects. These subjects included the location of display faces relative to Caltrans rights of way, light impacts to night skies and to drivers on U.S. 101, the removal of trees from the project site, and concerns over potential impacts to wildlife along the Guadalupe River. The comments did not raise any specific environmental issues or concerns with the adequacy of the analyses in the Addendum. Therefore, recirculation of the addendum was not required.

All questions were responded to in the final addendum document which was posted for public review on November 1, 2021. The addendum and responses in the final addendum are available online at:

<https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/us-101-airport-electronic-signs>

Concerns Raised by the Community

During the EIR public commentary period, the City received comments unrelated to the EIR from the public. Some of the concerns and responses are listed as follows, and a detailed list of questions and the responses can be found at the link above:

Comment 1. *The Municipal Code defines freeway facing signs and makes clear that no freeway sign shall have a total sign area in excess of five hundred square feet and no programmable electronic sign shall exceed three hundred seventy-five square feet in area. There are no exceptions to these requirements. Therefore, the proposed 1000 sq. ft. digital billboards are ineligible to be constructed and would not be in compliance with the sign ordinance.*

San José Municipal Code 23.02.1310-B states that “signs erected on City-owned land pursuant to Council Policy 6-4, shall comply with Council Policy 6-4, in lieu of the requirements of this Title.” The proposed billboards for SJC/City property are designed to comply with Council Policy 6-4.

Comment 2. *The proposed Airport billboards are adjacent to a CalTrans designated freeway segment of HWY 101. Being so, State Code prohibits their construction in the locations proposed.¹*

The use of the billboards will be consistent with what is allowed under state law, including state law requirements about on-site and off-site advertising. Clear Channel had two landscape permits issued by Caltrans that could be used on landscape freeway within California and these permits were transferred to other locations in the State of California in August 2021 to avoid the permits from expiring on August 2. These permits were not able to be used prior to the expiration date at the Airport, due to delays to allow for public commentary on the EIR addendum. Had the permits been able to be used prior to the expiration date, Caltrans would have issued the permits for the two locations at the Airport upon receipt of local entitlements. Following the issuance of local entitlements, Clear Channel will apply for new permits with Caltrans.

Comment 3. *Based on Policy 6-4, we should have seen an agreement with (16) existing billboards in the City of San Jose designated for take down before this project should have even been considered. Yet the Airport has only stated that they will remove two billboards.*

Rules regarding removal of signs can be found in Paragraph 6 of the Sign Approval Process in Council Policy 6-4, which stipulates, “If the City solicits proposals for reduction or elimination of existing Billboards...” The project would not fall under

Comment [NDBSJ8]:

The project plan calls for removing 43 healthy trees that were planted in a designated landscaped freeway zone and installed as a visual safety barrier between HWY 101 & the Airport

The bottom line is that CALTRANS has not issued a permit to change the status of this zone in San Jose. At this time the applicant does not have permission from CALTRANS to proceed

Comment [NDBSJ9]:

Proponents of lifting the ban on new billboards that had been in place for 35 years promoted the take down concept as probably their #1 argument

Council Policy 6-4 describes taking down four conventional billboards in San Jose (4:1) for each new digital constructed. Amazingly, the Airport plan calls for a 2:1 takedown ratio and for the removed billboards to be in another part of the state!

When you have a San Jose City Council policy that is an exception to the Municipal Code, and then when the airport carries it further and claims they have an exception to the Council policy, it becomes absurd and appears that there are no rules

this mandate. The two billboards for takedown on California landscaped freeways are an arrangement between Clear Channel and Caltrans. The City is not part of that arrangement.

Comment 4. *The Municipal code carves out exceptions to the general prohibition of programmable electronic signs including allowing these signs in the Airport Sign Zone. However, 23.02.905 limits programmable signs to display on-site or non-commercial messages. It appears that installation of two electronic billboards with commercial advertising (off premise messages) would violate the existing municipal code*

San José Municipal Code 23.02.1310-B states “that signs erected on City owned land pursuant to Council Policy 6-4, shall comply with Council Policy 6-4, in lieu of the requirements of this Title.” The proposed billboards for SJC/City property are designed to comply with Council Policy 6-4.

Comment 5. *What is SJC’s net revenue for existing indoor advertising? Does net revenue figure include associated overhead costs? The 2019 gross revenue is \$5.13M or \$5.02M and increased to \$6.96M out of \$229.9M total revenue. This means current advertising provides approximately 3 cents for every dollar of total Airport revenue.¹ Neither of these reports provide associated expenses, so it is impossible to understand the net revenue and associated gross margin on these products. Similarly, what is the projected gross and net revenue (after associated overhead expenses) for outdoor billboard advertising? According to SJC’s September 2020 ACDBE submission, gross revenue for outdoor advertising is projected at \$13,045,946 for 2021 to 2023.² Is there a minimum guarantee for SJC? Will the city receive 55% of gross revenues as per their current deal?³*

The City does not get paid on the net revenue. The City receives the greater of a minimum annual guarantee of \$2,101,250 or 55% of Gross Revenue from Clear Channel for the digital program within the terminal. The Project Plan for the outdoor electronic signs includes the greater of 55% of Gross Revenue or a MAG of \$300,000 on the Northern location and \$190,000 for the Southern location on Airport Boulevard for additional guaranteed annual revenue of \$490,000 for both signs.

¹ SJC’s ACDBE submission to the FAA, suggests \$5.13M, while page 88 of SJC’s 2020 Comprehensive Annual Financial Report suggests \$5.02M revenue for 2019 and \$6.96M for 2020.

² See page 5, table 2 <https://www.flysanjose.com/sites/default/files/strategy-and-policy/SJC%20ACDBE%20Goal%20Methodology%20FFY%202021-2023.pdf>

³ As reported by the Mercury News on October 3rd, 2019

<https://www.mercurynews.com/2019/10/03/high-tech-ads-dazzle-travelers-san-jose-airport-travel-tech-goo-ple/>

Comment 6. *To what extent is San Jose and SJC indemnified by potential negative outcomes, such as inappropriate advertising, crashes caused by distracted drivers, or the need to remove the billboards prior to the end of the agreement?*

Clear Channel indemnifies the City as outlined in Section 9 of the Concession Agreement. Document available at:
<http://www3.sanjoseca.gov/clerk/Agenda/060507/060507aa.pdf>

Comment 7. *Economic Development and Quality of Life: With greater than 90% strongly or somewhat opposed to digital billboards, according to the City of San Jose's own March 2021 survey, why is the city continuing to pursue a change in billboard policy?⁴*

This project aligns with City Council Policy 6-4, Signs on City-Owned Land, "to generate revenue for the City, including revenue to support City-owned facilities, programs, or services...". The two signs are located on a portion of Airport land with limited uses while generating large sums of guaranteed revenue to the City in the amount of \$490,000 per year while providing new advertising opportunities to promote new destinations, services, and other initiatives at no cost to the Airport. These advertising opportunities are needed to drive awareness and remain competitive against two neighboring airports that are less than a one-hour drive away from San José.

Comment [NDBSJ10]:
More than 2000 respondents from all Council districts. Opposition to new billboards is a public consensus issue

Comment 8. *How much will this cost the city in terms of dealing with permits, enforcement, etc.? Where will those costs show up in terms of budgets (e.g., SJC, City of San Jose, etc.)?*

Clear Channel is responsible for all permits, and all fees associated with the project including costs associated with the day to day management of the program.

Comment [NDBSJ11]:
Really? Common sense says more flights and convenient transit connections drive airport competitiveness – not signs selling fast food, soda, and cell phones

Comment 9. *How much is being invested by the city, and SJC to launch this project?*

The City has made no capital investment towards this project.

Comment [NDBSJ12]:
City & SJC staff hours planning and coordinating this project to date are significant and ongoing. And what other projects have been delayed as a result?

Comment 10. *It appears that the city is preventing political or religious advertising on the billboards. Can it Constitutionally do so? Political or religious restrictions are not included in Policy 6-4, effective November 9th, 2018.⁶*

⁴ See page 8 <https://www.sanjoseca.gov/home/showpublisheddocument/70836/637527140641700000>

⁵ See page 4 under the "Commercial advertising policy"
<https://drive.google.com/file/d/1oMGfPGcZhGnPnpHj4iLKDDg6zgvDUlFQ/view>

⁶ See page 7, Item 1 under Message Limitations
<https://www.sanjoseca.gov/home/showpublisheddocument/50829/637153744794670000>

The restrictions that are currently in the concession agreement regarding the types of advertising the concessionaire will display in the concession areas are consistent with the Constitution.

Comment 11. *The aforementioned November 9th, 2018 policy suggested that the “FAA requires City receive fair market value for use of the property.” How has this been assured?*

The Airport issued an RFP for advertising under its concession program, and the contract was awarded by City Council to Clear Channel. This process is what determines fair market value. The structure of the contract incentivizes Clear Channel to maximize revenue, thus maximizing revenue for the City.

Comment 12. *Attachment A, List 1 has a footnote referring to 2500 Seaboard Avenue and 2341 Airport Boulevard that states, “State law restricts to on-site commercial speech and large arena sponsorship signage.” Does this mean that off-site commercial speech is not allowed at those sites? Does this mean the sites currently under consideration also can’t have site commercial speech (advertising)?*

Section 4.7 of the Concession Agreements outlines excluded advertising.

Document available at:

<http://www3.sanjoseca.gov/clerk/Agenda/060507/060507aa.pdf>

Comment 13. *To what extent does implementation of phase 1 (billboards on city/public properties) put the City of San José in legal jeopardy if it decides not to move forward with phase 2? That is, can the city legally allow digital billboards on public properties, while not allowing billboards on private properties?*

Council Policy 6-4 and Title 23 of the San José Municipal Code allow digital billboards on public property.

Comment 14. *Does the current proposal adhere to item 6 of the Sign Approval Process outline in policy document 6-4, that requires the removal of 4 existing billboards for each new sign? If not, why not?*

Rules regarding removal of signs, it can be found in Paragraph 6 of the Sign Approval Process in Council Policy 6-4, which stipulates, “If the City solicits proposals for reduction or elimination of existing Billboards...” The project would not fall under this mandate as no solicitation for billboard reduction or elimination is proposed.

Comment 15. *If the advertising was 100% SJC-related (i.e., on-premises), would the approval process be the same? That is, would it be considered a billboard, or would it be signage like any other business has? If it is signage, then what would be the limitations (e.g., size, frequency of ads, etc.)?*

Comment [NDBS13]:

The cost of litigation by disgruntled billboard companies is almost certain to befall the city. In fact, a billboard industry publication has written an entire article about it. Litigation cost incurred by the city is a reality few in government acknowledge, and a valuable lesson to be learned by the rampant proliferation of billboard lawsuits in Los Angeles

The San José Municipal Code and Council Policy 6-4 provide the guidelines that City staff is required to follow.

Comment 16. How do these billboards improve urban vibrancy?

“Urban Vibrancy” has different meanings but, in general, it is commonly associated with activity intensity, the diversity of land-use configurations, and the accessibility of a place. As an example, the mission of the non-profit Urban Vibrancy Institute of San Jose is stated as follows: “We are looking to revitalize and support Downtown San Jose through intentional community activity and development. We will use our resources to drive the booming local arts, food, and nightlife sectors that show tremendous opportunity for even more growth.” (Source: www.urbanvibrancy.institute). In addition, “commercial vibrancy” is one of the goals of Council Policy 6-4, which states “to explore opportunities to enhance the commercial vibrancy of the City in selected locations, including the Downtown Sign Zone, while maintaining an aesthetically pleasing environment...”

CONCLUSION

Council Policy 6-4 states that a Site Development Permit is not required, and paragraph 2 of the same policy requires that the City follow the noticing requirements that would apply for a Site Development Permit. Consequently, PBCE cannot issue a Site Development Permit for signs in the Airport Influence Area. Therefore, a public hearing of the Project Plan at Council is the only available discretionary action for the required environmental clearance required under CEQA. Adoption of a resolution approving the Addendum to the Amendment to the Norman Y. Mineta San Jose International Airport Master Plan Environmental Impact Report (EIR) (SCH# 2018102020), will allow this project to be constructed.

The two signs are located on a portion of Airport land with limited uses while generating large sums of guaranteed revenue to the City in the amount of \$490,000 per year, while providing new advertising opportunities to promote new destinations, services and other initiatives at no cost to the Airport. These advertising opportunities are needed to drive awareness and remain competitive against two neighboring airports that are less than an hour’s drive away from San Jose.

EVALUATION AND FOLLOW-UP

The Director of Aviation shall be responsible for the coordination of the Agreement and shall render overall supervision of its progress and performance.

CLIMATE SMART SAN JOSE

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

Comment [NDBSJ14]:
Digital billboards consume tremendous amounts of electricity. Ironically, these new billboards (and others proposed for City property) would be giant symbols of the disregard for the City's own Climate Smart policy and Carbon Neutral 2030 goal.

POLICY ALTERNATIVES

Alternative #1: Council may choose not to approve the EIR Addendum.

Pros: None

Cons: This would suspend the project, and the Airport would lose a potential additional revenue source of a minimum of \$2,450,000 over the next five (5) years and lose the opportunity to promote and market the Airport during a time when flight activity is low and competition with neighboring airports is high.

Reason for not recommending: This Project aligns with Council Priority #4 for Electronic Billboards and meets the City's desire to generate revenue and support City services through electronic signs; and aligns with the City's 2021 Enterprise Priorities #6 to invest in the Airport and #7 to expand revenue opportunities to minimize the impact of fee-payers. The loss of potentially \$2.4 million during a time when the Airport has lost significant revenue as a result of the decline in passengers due to the COVID-19 pandemic would require the Airport to seek alternative revenue sources. The additional revenue to the City will help provide a much-needed revenue source while providing the City with additional opportunities to advertise Airport initiatives at no cost to the City.

Comment [NDBSJ15]:
PRO = Listening to the people. The City Council should start with rejecting the Airport billboard proposal and proceed to enacting a moratorium on any new billboards. We believe that you, our City Council, channeling the same environmentalist mindset that recently voted to protect Coyote Valley and establish the Carbon Neutral 2030 goal, is more than able to say no to new billboards and instead forever be remembered for supporting the public interest.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the November 30, 2021, Council Meeting.

The amendment to the Envision San Jose 2040 General Plan, Revise City Council Policy 6-4, and Update Sections 23.02.870 and 23.02.1310 of Title 23 (The Sign Code) of the Municipal Code to allow signs on city-owned property, including billboards, programmable electronic signs, was coordinated with the Airport Land Use Commission (ALUC). On June 27, 2018, the ALUC conducted a hearing and determined the project to be consistent with the Comprehensive Land Use Plan for San Jose International Airport (CLUP). On September 25, 2018 a public hearing was held to discuss the subject.

November 15, 2021

Subject: Addendum to the Amendment to the Norman Y. Mineta San Jose International Airport Master Plan for the EIR Digital Billboards

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The September 25, 2018 and August 6, 2019, Council Meetings regarding Council Policy 6-4 included details to the public on electronic billboards at the Airport.

A copy of the EIR addendum was posted for public comment on July 26, 2021 and ended August 25, 2021. All questions, including those not related to the EIR addendum were responded to and released on November 1, 2021.

Staff went to the Airport Commission on August 9, 2021 to provide an informational update on the project and to solicit public comments for the EIR addendum, which was open to public comments. Staff returned to the Airport Commission on November 8, 2021 to report back to them on the outcome of the EIR responses to public comment and to answer any additional questions they had.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office, PBCE, and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

This item was presented to the Airport Commission on August 9, 2021 to inform them about the project and the EIR addendum that was currently taking public comments. As staff was soliciting input and comments from the public on this item, no action by the Airport Commission occurred at this meeting. Airport Commission requested an update on the project following the conclusion of the EIR Addendum process and the release of the responses to public comments.

On November 8, 2021, City staff returned to the Airport Commission to provide an update on the project and recommended that the Commission accept the staff report on the EIR Addendum; staff also shared the intent for the City Council to hold a public hearing. The EIR Addendum was distributed to the Airport Commission in advance of the meeting (on November 2, 2021, the same day that it was released to the public).

Staff presented to the Airport Commission that:

- The project followed the scope and process outlined by City Policy 6-4;
- The EIR Addendum found mitigation measures to be sufficient;
- The process was open and transparent, exceeding the legal requirements for posting and inclusion of public comments and input, and that staff addressed public comments that were submitted, even those that were outside the scope of the environmental review;
- The potential for billboards at the Airport had been publicly disclosed at multiple public meetings going back to 2018; and

November 15, 2021

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- The project also follows the City's enterprise priority to expand revenue opportunities and to minimize the financial impact on residents.

Airport Commissioners expressed several concerns about billboards in general, including questioning the current City policy and procedures which allowed these billboards to be advanced. Some Commissioners expressed concern about the process, including that the Airport Commission did not have an opportunity to review City Council Policy 6-4 in 2018 before the City Council adopted it. Another Commissioner had concerns about the business case for the billboards and suggested to explore using the land for solar panels instead. Several Commissioners were concerned that despite the requirements that Clear Channel has comprehensive insurance and would fully indemnify the City, that the City would still be at risk for lawsuits. Another general concern from Commissioners was with the general aesthetics of electronic billboards in San José overall and that if these two electronic billboards were allowed, other electronic billboards would follow. As such, certain Commissioners disagreed with City Council Policy 6-4 that allows for electronic billboards in San José.

On the other side, two Commissioners voiced support for moving forward with the billboards. These Commissioners found that staff followed the directions of the City Council in both City Council Policy 6-4 and in the priorities set forth by the City Council to staff. They stated that the project not only provides economic support to the Airport but more importantly it provides branding opportunities to distinguish San José from the other regional airports. These Commissioners felt that the EIR and indemnity questions had been sufficiently addressed. One Commissioner noted that there already exist nearly identical signs along Highway 101 only a few miles north of the proposed site. It was also noted that the design of the project will meet all the requirements and has the ability to adjust the lighting and brightness should issues arise. These Commissioners stated that all the documents show that this project is consistent with city, state, and federal policies and found no technical issues to prevent the project from moving forward.

The Airport Commission voted (7-2) to reject the staff report and was against moving forward.

CEOA

US 101 Electronic Signs Addendum, File No. ER21-015

/s/

JOHN AITKEN, A.A.E.
Director of Aviation

For questions, please contact John Aitken, A.A.E., Director of Aviation at (408) 392-3610.

Comment [NDBSJ16]:

The Airport Commission voted overwhelming against this project

The Commission voted against the proposed billboards based on much more extensive cost/benefit evaluation than described in this memo. Commissioner Lisa Marie Smith remarked that "there must be other ways to bring money in."

And how little money are we talking about? Commission Vice Chair Ken Pyle estimated that the top line revenue from the proposed Airport digital billboards would amount to just 0.3% of the Airport's annual operating budget. Not 3% but only 0.3%.

Sad state of affairs: San Jose commission blasts city's plan to OK new electronic billboards
<https://www.mercurynews.com/2021/11/09/sad-state-of-affairs-san-jose-commission-blasts-citys-plan-to-ok-new-electronic-billboards/>

No vote on electronic billboard at airport - item 5.2

Penny Pollock < >

Tue 11/30/2021 10:23 AM

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

[External Email]



[External Email]

I am totally against all electronic billboards and especially the proposed ones at the airport along 101.

After reading the opinion piece in the San Jose Mercury News by 3 members of the Airport Planning Commission I am even more firmly against electronic billboards. A yes vote will lead to lawsuits and other delays as the vast majority of the public is against them.

I urge a NO vote on item 5.2.

Penny Pollock
San Jose, CA

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

CAROL LATHAM <[REDACTED]>

Tue 11/30/2021 10:52 AM

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

[External Email]

[External Email]

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

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Fw: Oppose digital billboards

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

Tue 11/30/2021 12:00 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

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

From: Cindy Press [REDACTED]**Sent:** Tuesday, November 30, 2021 9:18 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Oppose digital billboards

[External Email]

I am disturbed by the proposed electronic billboard adjacent to the San Jose airport. These billboards are a dangerous distraction to drivers at any location, in addition to creating light pollution and risks to wildlife. I urge the city council to reject this proposal and any others for billboards in any location. Let us not reverse the efforts of past decades to remove billboards and sacrifice the safety and aesthetics of San Jose's future.

Thank you.

Cynthia Press
[REDACTED]

San Jose 95125

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Fw: No Electric Billboards!

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

Tue 11/30/2021 12:01 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

Barb Gregory**Analyst II****Office of the City Clerk****200 E Santa Clara St FL T-14****San Jose, C-A 95112****408-535-1272 Fax: 408-292-6207****e-mail: barbara.gregory@sanjoseca.gov****[How is our service? Please take our short survey.](#)****From:** Deborah Kennedy [REDACTED]**Sent:** Tuesday, November 30, 2021 9:16 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** No Electric Billboards!

[External Email]

Please stop this short-sighted and destructive move toward billboards. They are bad for wildlife and make our city look like ads trashed by the road!
Thank you , Deborah

--

Deborah Kennedy

Eco artist, educator, lecturer
[REDACTED]

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Fw: No to electronic billboards

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

Tue 11/30/2021 12:02 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

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

From: Laurie <[REDACTED]>**Sent:** Tuesday, November 30, 2021 9:02 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** No to electronic billboards

[External Email]

Dear Honorable Mayor Liccardo and Councilmembers,

First off I send my most sincere thanks to you for protecting Coyote Valley. It is an irreplaceable resource in so many ways, and I am proud that my city fought to preserve it.

As for the billboards, I strongly urge you to continue to paint San Jose as a leader in environmental policy. It is now well known that light pollution is detrimental to migrating birds, wildlife, as well as humans. The people of San Jose have shown that we are against these billboards time and again. Even the airport commission voted against them.

Please don't sell San Jose's soul for money. Vote no on intrusive electronic billboards.

Kind Regards,
Laurie Alaimo

95112

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Fw: no Electronic Billboards Please!

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

Tue 11/30/2021 12:03 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,

Barb Gregory



Analyst II

Office of the City Clerk

200 E Santa Clara St FL T-14

San Jose, C-A 95112

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

e-mail: barbara.gregory@sanjoseca.gov

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

From: Lori Ortiz [REDACTED]

Sent: Tuesday, November 30, 2021 8:52 AM

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

Subject: no Electronic Billboards Please!

[REDACTED]

[External Email]

Please do not allow Electronic billboards to disrupt the beauty of San Jose. We have Art and Nature we don't need flashing lights.

Lori Ortiz

[REDACTED]

San Jose, 95125

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comments on Agenda Item 5.2 for SJ City Council Meeting 11/30/21

MORMAN GAIL [REDACTED]

Tue 11/30/2021 4:23 PM

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

Cc: Tom Morman [REDACTED]

[External Email]

[REDACTED]

[External Email]

Dear Mr. Mayor and City Council Members,

I am very concerned about the environmental effects of the proposed digital billboards at Mineta San Jose International Airport. I feel the potential impacts greatly outweigh the potential benefits. I strongly urge you to vote NO on digital billboards at the SJ airport, Agenda Item 5.2.

Thank you for your consideration,
Gail and Tom Morman

[REDACTED]

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

Gary Veselka [Redacted]

Tue 11/30/2021 4:57 PM

To: City Clerk <city.clerk@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>

[External Email]



[External Email]

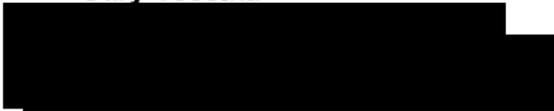
As a Vendome neighbor,

We say STOP now. Do not open the floodgate. Let's not spoil the unique character of our City and turn us into Anyplace USA.

Thanks,

Gary

Gary Veselka



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Fw: Electronic Billboards are blight We voted against this twice

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

Wed 12/1/2021 1:31 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Thank You,




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

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

From: María Hennessy <[REDACTED]>
Sent: Wednesday, December 1, 2021 11:54 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>
Subject: Electronic Billboards are blight We voted against this twice

[External Email]

To San Jose City Council,

Electronic billboards benefit no one, nor any wild life. Perhaps the corporations pushing them will make a bit of cash, but the rest of us who live downtown will suffer. This city is not Times Square. The City council is completely wrong about what would benefit our town. We have a famous environment and history that is the envy of most of the U.S. Why don't we emphasize that and create urban sanctuaries and river walks to encourage people to get out and enjoy the wonderful climate and our natural treasures.

The good people of San Jose voted AGAINST new billboards back in the 70's and also in the 80"s. Why is Sam Liccardo trying so hard to bulldoze this measure through the city council. Is this going to be his legacy? This is illegal, short-sighted and avaricious.

If this was put before the voting public, I'm sure it would be defeated in a heart beat.

Sincerely,

Maria Hennessy



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

November 30, 2021

From: Bruce Qualls, Clear Channel Outdoor
Subject: San Jose Airport Addendum to EIR for Electronic Signage, Item 5.2

Dear Honorable Mayor and San Jose City Council:

The following are key points worth emphasis and clarification in your evaluation of this important item on today's city council agenda. In the interest of brevity I will state the information in bullet points:

DIGITAL BILLBOARDS APPROVED BY CITY COUNCIL ON CITY OWNED PROPERTY AND AIRPORTS SITES SPECIFICALLY REMOVED FROM RFP PROCESS BY CITY:

1. Digital billboards on city owned property are legal and sought after by the city as a policy voted on and approved by city council.
2. An addendum to EIR for the airport for digital signs was conducted and thoroughly evaluated
3. A brief recap of the thorough process and how our company is in this position with your direction. In terms of equity and fairness please note:
 - a) City Council already recognized and approved in writing the airport proceeding with this project with city council direction per the approval of the policy and the July 15, 2019 Memo from Kim Walesh: Quote: "The airport has an existing agreement with an advertising concessionaire who manages one cohesive facility-wide advertising program. Airport staff is interested in leveraging their outdoor program to support in-terminal advertising..."
 - b) Same Kim Walesh memo specifically removed the airport sites from the city RFP process, and city council voted to support this procedure.
 - c) February 2020 – City Attorney approved the signed agreement between CCO and SJA for CCO in support of the project plan and to process this Addendum.
 - d) **CCO shall remove/take down signs at the ratio of 4:1 within the areas and criteria defined by city policy 6-4**
 - e) CCO has invested more than 2 years of expertise and \$200,000 in processing and design costs
 - f) How can an RFP be conducted fairly? The point of an RFP is a closed bid. CCO economics are already published. All the risk of the EIR is on CCO. All the cost, time, effort, design, expertise, all on CCO. Any other bidder would have the benefit of all of this information garnered at the risk of CCO who merely followed the specific direction of the city.

ADDENDUM TO AIRPORT EIR:

- This document is the most thorough, expensive and complete study conducted for a digital sign in the history of the bay area.
- The bay area has more than 80 of these signs all with no adverse affects on traffic safety, or the environment with 12 years of operational experience. Many cities who have digital signs have sought more due to the benefits and minimal impacts.
- There are 10,000 of these across the country with no adverse impacts on traffic safety
- The majority of the site area where these signs are to be located are heavily built up with parking lots, airport, concrete, fuel tank farms, an interstate freeway with no residential for nearly a mile.
- The custom design of these signs exceed federal, Caltrans, and specifically city policy 6-4 requirements.
- The signs have no motion, no blinking or flashing and appear as static images just as roadside signs have done for 110 years on printed signs.
- The light from these signs automatically adjusts instantly to changes in ambient light when a cloud comes overhead or at dawn and dusk. At night the power may be as little as 3% of potential to assure the light is within the context of the ambient light.
- The hours of operation are reduced to 6am to midnight. This is in policy 6-4 and was a specific accommodation to the request of the observatory.
- These signs are to be custom designed to limit light in directions away from the airport
- **EIR PROCESS WORKED:** The south location nearest the Guadalupe River was revised to remove the digital sign oriented north. This sign was converted to a back lit traditional printed sign to fully mitigate light emanating toward the river. The sign was also moved farther away. Light reaching the river will not exceed a barely measurable .1 foot candles in order to avoid any adverse impact on Steelhead breeding in the river.
- This as part of the mitigations in Policy 6-4 and those specific to the Addendum to EIR show the process works and the Addendum to EIR is thorough and effective.

NOT TO BE CONFUSED WITH THIS PROJECT - ROGUE DIGITAL SIGNS:

- These illegal signs at I880/H101 near Gish are installed without permits by rogue operators
- These signs do not meet city or CCO standards and are not what is proposed
- Community residents are appropriately upset by these scofflaws
- These are deliberate illegal acts and the city is suing the operators

BENEFITS TO THE CITY'S SAN JOSE AIRPORT:

- Airport finances and concessionaires have been adversely impacted by the pandemic
- TSA indicates ridership has been impacted significantly
- These signs are the highest per square foot rent at the airport
- Due to the existing contract, these outdoor signs will have the highest revenue share of any in the bay area by a significant margin
- This is the highest minimum rent for any digital billboards in the bay area

- MINIMUM OF \$490,000 PER YEAR AND WITH REVENUE SHARE A TOTAL OF AN ESTIMATED \$800,000+ PER YEAR

AIRPORT MARKETING:

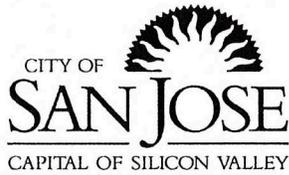
- AIRPORT DIRECTOR INDICATES THE MARKETING MAY BE MORE VALUABLE THAN THE REVENUE
- MARKETING DRIVES IMPROVED RIDERSHIP WHICH BENEFITS THE SAN JOSE ECONOMY FROM HOTELS, RESTAURANTS, COUNTLESS OTHER SERVICES IN THE COMMUNITY
- CUSTOM DESIGN OF THE ARCHITECTURAL COLUMN ELEGANTLY PROVIDES SJC AIRPORT BRANDING AT ALL TIMES (SEE CREATIVE ATTACHED).
- THE COLUMN DESIGN IS DERIVATIVE OF SAN JOSE CITY HALL ANNOUNCING TO PASSERSBY THEY ARE ENTERING THE CITY AND INCLUDE BRANDING OF THE AIRPORT
- 10% OF THE AD TIME IS FOR THE AIRPORT ITSELF (ADVERTISING CREATIVE ATTACHED)
- MARKET VALUE OF MARKETING IS MORE THAN \$240,000 PER YEAR
- AIRPORT WILL MARKET CONVENIENCE VERSUS OTHER BAY AREA AIRPORTS, SIZE, EFFICIENCY, PROMOTION OF ROUTES, SPARKLING FACILITY

ORGANIZED LABOR:

- CCO LONG STANDING, DECADES OF POSITIVE RELATIONSHIP WITH ORGANIZED LABOR
- TEAMSTERS 803 SUPPORT AND LABOR

SUMMARY:

- AIRPORT STAFF, PLANNING STAFF, EIR CONSULTANT, CCO HAVE ALL INVESTED 2 YEARS THROUGH THE PANDEMIC TO COMPLETE THIS EXHAUSTIVE **ADDENDUM TO THE EIR** IN RELIANCE ON THOROUGHLY **VETTED AND APPROVED POLICY 6-4**.
- THE PROJECT HAS NO SIGNIFICANT ADVERSE AFFECT ON THE ENVIRONMENT
- 10,000 OF THESE DIGITAL SIGNS EXIST ACROSS THE COUNTRY, 60 WITHIN THE BAY AREA, WITH NO TRAFFIC SAFETY OR ADVERSE EFFECTS.
- SANTA CLARA HAS HAD ONE FOR 10 YEARS WITH NO COMPLAINTS OR INCIDENCE
- SAN CARLOS AND SOUTH SAN FRANCISCO HAVE APPROVED ADDITIONAL STRUCTURES SINCE INITIAL INSTALLATIONS AND POSITIVE REVIEWS
- THE USE IS SPECIFICALLY **ALLOWED UNDER THE POLICY** AND IS UNDER CITY ATTORNEY APPROVED CONTRACT WITH THE AIRPORT
- THE COUNCIL SPECIFICALLY PROVIDED FOR THIS AGREEMENT AND THESE LOCATIONS AT THE AIRPORT WITH CCO AS THE EXISTING CONCESSIONAIRE IN THE **JULY 15, 2019 KIM WALESH MEMO**
- SAN JOSE IS THE TECH CAPITAL OF THE WORLD. THESE NEW DIGITAL OUTDOOR SIGNS WILL ACHIEVE THE CITY GOAL CITED IN **THE WALESH MEMO** OF LEVERAGING ONE COHESIVE AIRPORT FACILITY WIDE ADVERTISING PROGRAM FOR THE EXCELLENT **FINANCIAL AND MARKETING BENEFITS TO THE CITY AND ITS AIRPORT**



COUNCIL AGENDA: 8/6/19
FILE: 19-602
ITEM: 4.2

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Kim Welsh

SUBJECT: SEE BELOW

DATE: July 15, 2019

Approved

D. D. Syl

Date

7/23/19

SUBJECT: COUNCIL POLICY PRIORITY #4: ELECTRONIC BILLBOARDS - APPROVAL OF SCOPE AND TIMELINE FOR REQUEST FOR PROPOSALS FOR LARGE FORMAT SIGNAGE/BILLBOARDS ON CITY-OWNED PROPERTY

RECOMMENDATION

Accept staff recommendations for the scope and timeline of two Large Format Signage/Billboard Request for Proposals on City-owned property.

OUTCOME

Approval of staff recommendations outlined in this memorandum will result in the issuance of two Requests for Proposals for large format signs or billboards on City-owned property.

BACKGROUND

On September 25, 2018, the City Council approved proposed amendments to the General Plan Land Use Policy CD-10.4, City Council Policy 6-4, and Title 23 of the San José Municipal Code to allow signs on City-owned property, including billboards, programmable electronic signs, and signs displaying off-site commercial speech, as Phase 1 of a two-phase work plan. These amendments were in response to Council Priority #4 Electronic Billboards, options for public and private property that will allow electronic digital off-site advertising signs or billboard installations.

The Council's action supported the following objectives:

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Subject: Council Policy Priority #4: Electronic Billboards - Approval of Scope and Timeline for Request for Proposals for Large Format Signage/Billboards on City-Owned Property

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Commercial vibrancy and Downtown Sign Intensification. Expanding the types of allowable signs on City-owned sites may enhance commercial vibrancy and create a more interesting visual environment in appropriate locations, such as Downtown.

Reduction of visual clutter and blight. Existing policy calls for eliminating billboards from locations where they are unsightly or incompatible with surrounding land uses and may reduce the overall number of existing billboards in the City.

Revenue. New sign proposals may generate revenue for the City, which could be used to support public amenities and place making efforts, as well as City-owned facilities, programs, or services.

Exploration of best practices. Allowing billboards, programmable electronic signs, and off-site displays on a limited number of City-owned sites in Phase 1 enables staff to assess best practices and criteria should the City Council proceed with a Phase 2 program on non-City-owned sites.

The City Council requested an opportunity to be updated on the scope of the Large Format Signage/Billboard Request for Proposal before issuing the solicitation.

ANALYSIS

Since September 2018, staff has completed multiple rounds of outreach and discussion with stakeholder tenants and operators in the City-owned facilities (e.g. Convention Center, Museum of Art, Hammer Theatre and the Tech Interactive) that are locations for potential large format signs or billboards. These discussions allowed staff to identify aesthetic and programming standards and evaluation criteria desired by each stakeholder tenant and operator, and to address operational questions for each City-owned facility.

Through this process it became apparent that procurement would be less complicated if two request for proposals were issued simultaneously. Therefore, staff proposes that one Request for Proposal focus on previously identified City-owned properties located in the Downtown Sign Zone that have cleared environmental review (Select Request for Proposal) for building-mounted static or digital signs, and the other Request for Proposal seek proposals from companies that have identified other City-owned property for consideration of free-standing digital signs (Alternative Request for Proposal). Request for Proposals for unidentified City-owned locations will require substantially more due diligence, including but not limited to environmental review, and the requirements to evaluate these proposals will differ slightly.

Table 1 below lists the City-owned sites in the Downtown Sign Zone that will be included in the Select Request for Proposal described in this memorandum. Table 2 lists the City-owned sites that will be included in the Alternative Request for Proposal and Table 3 lists the City-owned

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sites that have been environmentally cleared for additional commercial signage but will not be included in either Request for Proposal in this process.

Table 1. City-owned sites included in the Select Request for Proposal

APN	CURRENT USE	ADDRESS	SIGNS
264-29-113	McEnergy Convention Center	150 West San Carlos	2
259-42-023	The Tech Interactive	201 South Market Street	1
259-40-066	San Jose Museum of Art	110 South Market Street	1
467-46-109	Hammer Theater	101 Paseo San Antonio	2
259-43-064	Center for Performing Arts	255 Almaden Boulevard	2
259-34-039	Market/ San Pedro Parking Garage	45 North Market Street	2
467-21-002	Third Street Parking Garage	95 North Third Street	1
467-46-097	Second and San Carlos Parking Garage	280 South Second Street	1

Table 2. City-owned sites included in the Alternative Request for Proposal

APN	CURRENT USE	ADDRESS	SIGNS
259-04-019	City of San Jose Parking Lot	Hwy 87 and West Mission	1
259-06-054	City of San Jose Parking Lot	737 North San Pedro Street	1

Table 3. City-owned sites not included in either Request for Proposal

APN	CURRENT USE	ADDRESS	SIGNS
254-01-004	Mabury Service Yard	1404 Mabury Road	1
259-28-043	SAP Center	525 West Santa Clara Street	2
230-37-020	Vacant Lot (Near National Guard)	Hwy 87 and West Hedding	1
101-03-009	Airport Facility	2500 Seaboard Avenue	1
230-01-058	Airport Facility	2200 Airport Boulevard	1
230-46-065	Airport Facility	1128 Coleman Avenue	1
230-02-021	Airport Facility	2341 Airport Boulevard	1

The sites listed in Table 1 and included in the Select Request for Proposal are the McEnergy Convention Center, the Tech Interactive, the San Jose Museum of Art, the Hammer Theatre, the Center for Performing Arts, the Market/San Pedro Garage, the Third Street Garage and the Second and San Carlos Street Garage. A total of 12 signs will be possible on these eight locations. The McEnergy Convention Center, Hammer Theatre, Center for Performing Arts and Market/San Pedro Garage have each been environmentally cleared for two signs. City-owned parking lots at Hwy 87 and Mission Street and North San Pedro Street listed in Table 2 have each also been environmentally cleared for one new off-site commercial sign. These two locations will be offered in the Alternative Request for Proposal solicitation.

Seven additional sites listed in Table 3 were environmentally cleared as part of the City Council action in September. Of these seven sites, one site - the Mabury Service Yard - is limited to

HONORABLE MAYOR AND CITY COUNCIL

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displaying on-site commercial speech, three sites are committed to Sharks Sports and Entertainment as part of their Arena Management Agreement with the City of San Jose (SAP Center, Hwy 87 and West Hedding, and 2500 Seaboard Ave), and three sites are at Mineta San Jose International Airport. The Airport has an existing agreement with an advertising concessionaire who manages one cohesive facility-wide advertising program. This agreement expires in 2027. Airport staff is interested in leveraging their outdoor program to support in-terminal advertising. Airport staff and the advertising concessionaire are currently finalizing an in-terminal marketing/sponsorship program. The Airport intends to address other advertising opportunities, including outdoor billboard advertising, once the in-terminal program has been fully developed.

The material elements included in each Request for Proposal are City benefit, commercial advertising policy, technical requirements, lease term, procurement timeline, and proposal evaluation criteria.

City benefit. Both Request for Proposal solicitations seek a minimum annual cash guarantee or percentage of revenue as well as a percentage of time for City messaging on signs. The percentages requested are in line with industry standards based on staff research and inquiries of other cities. The solicitations also seek an art accompaniment (e.g. mural, artistic lighting installation, sculpture, etc.) to static sign(s). Each Request for Proposal also includes a request for periods of time where on-screen advertisement would be limited to advertising related to event sponsors of major national or international events with a presence at the designated City location or in a City designated Special Event Zone. This requirement is in anticipation of the City's future ability to attract events such as the World Cup, College Football Championship or Super Bowl.

Commercial advertising policy. The proposed commercial advertising policy is consistent with the policies of other public agencies such as the Valley Transportation Authority and San Francisco Municipal Transportation Agency. Generally, restrictions will be placed on proposed content that is demeaning, profane, promotes violence, unlawful, obscene, prurient, adverse to the City of San Jose, political, religious, false or misleading, or promotes the sale or use of firearms, tobacco marijuana, cannabis-related products or alcohol.

Technical requirements. The technical requirements of each sign (location, size, illumination, hours of operation, building placement, etc.) shall be consistent with criteria outlined in City Council Policy 6-4.

Lease term. As this is the first time the City of San Jose has allowed off-site advertising on City-owned property, staff has attempted to strike a balance between proposing a financially viable program for proposers and providing the City with the necessary degree of flexibility. Staff envisions an initial term of 10 years for the lease at each site with two additional 5-year term options. The execution of any lease between the City and the

HONORABLE MAYOR AND CITY COUNCIL

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winning proposer of either Request for Proposal is conditioned on successful negotiations of an amendment to the existing agreement between the City and tenants and/or operators of the City-owned site.

Procurement timeline and process. Both Requests for Proposals will be released at the same time and will follow an identical solicitation timeline. Barring any major changes to the elements contained in each document by City Council, the Request for Proposals will be released through the City's BidSync system in mid-August and the procurement process will close at the end of September. The process will include a customary pre-proposal conference, objection and questions period and City's response to written objections and questions.

Proposal evaluation criteria. Both Requests for Proposals will contain experience, aesthetic quality standards, and City benefit categories as evaluation criteria. The Select Request for Proposal will contain additional site-specific evaluation criteria. The Alternative Request for Proposal will include the removal of existing free-standing billboards at a ratio of 4:1 as required by Council Policy 6-4 to promote the reduction of visual clutter and blight.

Pursuant to the City's Procurement and Contract Integrity and Conflict of Interest Policy (Resolution 77135, Section 7), potential proposers should not participate in the development of the specifications for the Request for Proposal. Once the Request for Proposal is issued, potential proposers must limit their inquiries to the designated representative for the Request for Proposal until the protest process is complete. Potential proposers that do not comply with these requirements could be precluded from participating in the procurement or disqualified. These precautions are intended to increase competition and ensure a fair and transparent procurement process.

EVALUATION AND FOLLOW-UP

Pending no major changes to the proposed parameters of each request for proposal, and City Council approval, the Request for Proposals will be released to the public in mid-August. Staff will conduct this solicitation in accordance with standard City process and procedures around procurement and will return to Council by December 2019 for approval on the selection of a vendor(s).

PUBLIC OUTREACH

The memorandum will be posted on the City's website for the August 6, 2019 City Council agenda.

HONORABLE MAYOR AND CITY COUNCIL

July 15, 2019

Subject: Council Policy Priority #4: Electronic Billboards - Approval of Scope and Timeline for Request for Proposals for Large Format Signage/Billboards on City-Owned Property

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COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office, the Airport, and the Department of Planning, Building and Code Enforcement.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation is associated with this action.

FISCAL/POLICY ALIGNMENT

The recommendations brought forward in this memorandum will result in the issuance of two Request for Proposals for large format signs or billboards on City-owned property which are anticipated to produce revenue for the City through a lease agreement with the successful proposer(s). The exact financial benefit to the City is currently unknown. The desired outcome of staff recommendations in this memorandum align with Council Priority # 4 Electronic Billboards.

CEQA

Negative Declaration for General Plan Text, Municipal Code and Council Policy Amendments for Signs on City-owned Sites, including Billboards, Programmable Electronic Signs and Signs Displaying Off-site Commercial Speech, File No. PP18-058.

/s/

KIM WALESH

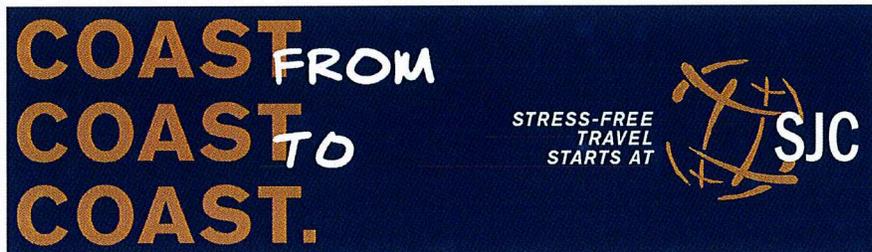
Deputy City Manager

Director of Economic Development

For questions please contact Blage Zelalich, Downtown Manager, at (408) 535-8172.



 **COAST** FROM **COAST** TO **COAST** 
STRESS-FREE TRAVEL STARTS AT  **SJC**











ABUNDANT PARKING

CLOSE PROXIMITY

GLOBAL CONNECTIVITY





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

City Clerk <city.clerk@sanjoseca.gov>

Wed 12/8/2021 12:27 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

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

From: jelipsky [REDACTED]

Sent: Monday, November 29, 2021 4:27 PM

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

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

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

[External Email]

Dear City Council members,

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

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

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

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

today.

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

Thank you.

Rev. Joy-Ellen Lipsky. CCP. PMP, CCM



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