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September 21, 2018

Mayor and City Council
City of San Jose
200 E. Santa Clara Street, Tower, 3rd Floor
San Jose, CA 95113

RE: Council Agenda 9-25-18, ITEM: 10.2 Downtown Sign Program.

For more than 15 years, Orange Barrel Media ("OBM") has been creating value for municipal clients and the cities they serve by designing, constructing and implementing innovative digital outdoor experiences that add to the character of urban places. Integral to our success is the high value we place on developing projects that balance public and private objectives to create the best result for all stakeholders.

OBM supports the staff recommendation and wants to take this opportunity to compliment staff on its work to date in creating a downtown sign program for the City of San Jose. The process has been extremely thorough and thoughtful and we look forward to the opportunity to respond to the City RFP for signs on the City owned sites.

In order to maximize revenues for the City, we recommend that the Council ensure that the RFP will have the following characteristics:

1. Allow bidders to compete for signs inside or outside of the Downtown Sign Zone, or both. Alternatively, the City could issue two RFPs- one for the city wide sites and the other for the Downtown Sign Zone sites with the two groups having different requirements and scoring protocol. The city could then base its selection on the best proposal for each individual site.

2. The City should not impose a takedown requirement, nor should it award bonus points for takedown of existing signs for the downtown sites. Including this requirement or favoring companies who can take down signs would hinder competition and could prevent the city from selecting the most qualified company for the downtown sites. Moreover, as there are very few existing signs within the downtown zone, this requirement would have very little value in reducing clutter within downtown.

OBM has a history of working in partnership with cities around the country in offering ideas on best practices for the creation of similar urban sign districts. The most successful of these

districts are characterized by signs that are unique and creative, are adaptive to the context and architecture of the city, and filled with site-specific content and art. The specialized nature of operating in these districts can be best implemented by companies that are not focused on traditional billboards.

When marketed properly and not commoditized with traditional billboards, San Jose's downtown signs will also generate significant revenue, likely far in excess of the amount identified in the staff estimate. However, to achieve this result, all media companies will have to be given an even playing field to compete. Regulations or requirements that favor incumbent companies that can remove standardized billboards ensures that legacy billboard companies will have an advantage for the downtown signs , which would deprive the City of the opportunity to select a company most qualified to operate the downtown sites.

Thank you for your consideration and we look forward to continued participation in this exciting project.

Best regards,

Chris Greene
Managing Director

**From:** jeanann2@ < >
**Sent:** Monday, September 24, 2018 11:49 AM
**To:** The Office of Mayor Sam Liccardo; Jones, Chappie; Jimenez, Sergio; Peralez, Raul; District4; Carrasco, Magdalena; Davis, Dev; Nguyen, Tam; Arenas, Sylvia; Rocha, Donald; Khamis, Johnny; City Clerk;
**Subject:** Item 10.2 on Sept 25sakldoi

Honorable Mayor and City Councilpersons,

Regarding the sign ordinance, I urge you to be very cautious about this update about billboards within the sign ordinance. Take it slowly. Do not start staff on Phase Two work immediately. The public will be VERY interested and have strong opinions when they SEE the impacts of these proposed 17 billboards. The muni code is incomprehensible to all but the greatest nerds among community members. But everyone can SEE the results. There will be STRONG opinions. Definitions will be clear to the public and not legal jargon. Don't open the door widely until we all KNOW and EXPERIENCE the impacts. Billboard permits granted cannot be easily revoked. Do not start Phase Two work immediately.

Further, I urge you to stay off City Right of Ways and remnant properties. The city needs the flexibility on its right of ways to adjust for the future. Installing billboards will eliminate flexibility. Remnant lands are being sold, a little at a time as real estate department can process them. Don't disrupt the process and permanently encumber these remnant lands.

Keep the restriction on white and bright backgrounds. The eyes of older drivers struggle to adjust to the contrast to bright illumination and dark skies. Their irises cannot contract and expand quickly enough to safely drive near brightly illuminated signs. With a tidal wave of seniors about to wash over the city, addition of white/bright background is a ticket to increased car accidents. Also, it is a medical fact that users of cannibis and certain other drugs (legal and illegal) have dilated pupils that do not contract in the presence of bright illumination. They will be blinded will they pass by these billboards. In addition, white/bright backgrounds impact Lick Observatory. For safety reasons and for Lick Observatory, keep the restriction on white and bright backgrounds during evening and night hours.

Keep the restrictions on hours of operation. There's a body of literature on bright lighting affecting health. (This is why we are told to reduce screen time and get off electronics two hours before bedtime.) Support safe and dark sleeping environments. If someone needs excitement late at night, go to a restaurant and a club and socialize. A billboard is not the solution.

A a reminder, the billboard change was initiated over the hope that there would be some sites where the city could make some money. There are not that many sites. It is not worth staff time--there's little profit possibility for the City. The downside is great.

Thank-you,

Jean Dresden

# Sharks Sports & Entertainment - Today's Agenda Item, No. 10.2/Proposed Amendments to Sign Policies & Codes

Sean Morley <>

Tue 9/25/2018 9:25 AM
To:
District1;District2;District3;District4;District5;District 6;District7;District8;District9;District 10;
The Office of Mayor Sam Liccardo
Cc:Klein, Nanci; City Clerk; Jim Goddard; Ken Caveney

Dear Mayor Liccardo and Councilmembers,

As you likely are aware, The Morley Bros. have long represented Sharks Sports & Entertainment LLC. I am writing to convey the organization's deep appreciation for the City Council's consideration and hopeful adoption of the proposed sign policy and code revisions today.

SSE continues to support the City's desire to allow billboards, programmable signs, and off-site commercial speech on the identified City-owned properties. We believe that revisions to the proposed Council Policy and Zoning Code Changes, including the proposed modifications outlined in the Councilmember memorandum (as supplemented by the note below) related to Phase 1 recommended in the Mayor's memo, will enable the City to approve billboards that are in line with current industry practices while meeting the needs of involved stakeholders.

SAP Center celebrated its 25th Anniversary on September 7th, and SSE continues to work hard to ensure it remains one of the most successful sports and entertainment venues in the country. Keeping up with competition at other entertainment venues, most of which have digital signage to enhance advertising and marketing opportunities, is an important component of this effort.

When the City and SSE renegotiated the Arena Management Agreement (AMA) for the SAP Center in 2015, the City committed to work with SSE to find two mutually acceptable locations where SSE could install digital signage structures. The approvals currently before the City Council are an important step in allowing SSE and the City to make this promise a reality.

SSE does, however, wish to highlight Item No. 5 in the joint memo signed by four Councilmembers. Based on prior communications and City Council discussion on this subject, it is our understanding that SSE's contractual rights under the AMA would not require participation in, and take priority over, an RFP process. Industry representative letters to the City have acknowledged this as well. It is also important that SSE's signage rights not be disadvantaged in anyway due to potential signage takedown preference language suggested for inclusion in the policy. We ask that the City Administration and City Council again reaffirm both these points in today's discussion on the matter.

I am available to discuss this matter today should you or your staff wish to review it or have follow up questions.

Sincerely,

Sean Morley | The Morley Bros.

# Fwd: Meeting follow-up

Puragra Guhathakurta [redacted]

Thu 9/20/2018 4:30 PM

To: Ankola, Aparna [redacted]

Cc: Lathan, G Todd [redacted]; McCuen, Jeff [redacted]; Lars Skugstad [redacted]; Alex Belenson [redacted] John Foster [redacted]; Paul Lynam [redacted]; Claire Max [redacted] Kostas Chloros [redacted] graeme [redacted]; Bob Kibrick [redacted];

1 attachments (41 KB)

20mm current[2].jpg;

Dear Aparna,

Paul Lynam (my Lick Observatory colleague) and I had a very productive meeting with the lighting folks from Outfront Media, Foster Interstate and AllVision. The detailed meeting notes are below. As you will see, we discussed the main items of concern to Lick Observatory and to this team representing these electronic billboard companies and we discussed several mitigation measures. I hope this information is useful to you going into next week's meeting (Tuesday, September 25).

Claire Max (Director, University of California Observatories) and others on the Lick Observatory team are cc-ed as well.

Please let me know if you have any questions or concerns.

Best regards,
Raja

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*Raja GuhaThakurta*
*Professor/Astronomer, UCO/Lick Observatory, Dept of Astronomy and Astrophysics*
[redacted]

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---------- Forwarded message ---------
From: **John Foster** [redacted]>
Date: Thu, Sep 20, 2018 at 10:29 AM
Subject: Meeting follow-up
To: Puragra Guhathakurta [redacted], Paul Lynam [redacted]
Cc: Lathan, G Todd [redacted], McCuen, Jeff [redacted], Lars Skugstad [redacted] Alex Belenson [redacted]

Good morning Raja and Paul,

It was a pleasure meeting with you yesterday to discuss technical aspects of our digital billboard technology and how design changes have been made to minimize light output and mitigate lighting impacts.

As requested, below is a brief recap of our discussion:

**Four primary areas of concern for Lick Observatory:**

- Shielding/directionality of light emission (Display Tilt)
- Timing of light emission
- Cumulative amount of light/white mix/dimming over time across all signs
- Color spectrum of LEDs

**Three primary areas of concern for Outfront Media:**

- 15° display tilt would diminish image quality and require greater light output in attempt to offset
- 5:00 AM - 6:00 AM is an economically valuable hour of operation to reach early morning commuters
- Sign company can provide guidance, but not dictate ad copy colors to advertisers

**Proposed Alternative Mitigations:**

**Design Alternatives to 15° Tilt:**

- Steps to mitigate light emitted to less than 15° above the horizon shall include:
  - Internal lensing to adjust light in a more downward angle
  - Offset or tilted mounting of diodes at a downward angle
  - Long louvers above each row of pixels to limit upward emitted light

**Displays turned off from Midnight to 5:00 AM**

- Core observation hours are between 1 hour after sunset to 1 hour before sunrise, so turning digital displays off between midnight and 5:00 AM would be a significant benefit to the Observatory
- Limiting maximum light output to .3 foot candles over ambient light at 250 foot distance limits amount of light during remaining observation hours

**Provide Guidance to Advertisers to Minimize White Backgrounds:**

- Work with advertisers to limit white backgrounds
- This guidance, in conjunction with limiting maximum full-white light output to .3 foot candles above ambient light conditions measured at 250 feet from display, will act to limit total light emission from displays
- Optimize the color mix to limit the amount of white light
- Total light output over time is what impacts observations.

**Removal of existing billboards on a 4:1 ratio will reduce impact of new digital signs and overall light output**

In summary, targeting the viewable light towards approaching traffic (see attached diagram), turning the displays off for 5 hours every night, providing guidance to advertisers to minimize the use of white backgrounds to reduce total light output, striving to optimize the color mix to limit the amount of white light and the removal of existing billboards will address the four primary areas of concern for Lick Observatory.

Please review and forward to Aparna Ankola, so that she can be informed of the outcome of our discussions and encouraging progress. Thank you!

Best,

John

**John Foster**

**Foster Interstate Media, Inc.**
[redacted]

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**From:** Puragra Guhathakurta <[redacted]>
**Date:** Thursday, September 20, 2018 at 12:18 AM
**To:** "[redacted]
**Cc:** Paul Lynam [redacted] Lars Skugstad [redacted], John

[redacted]

**Subject:** Re: Good meeting

Hi G Todd,

Thanks for a great meeting yesterday. Thanks for sending those spectral plots. It is very heartening for me to see that your LEDs have a much smaller/narrower footprint in wavelength space compared to the more commonly used "white" (blue + white phosphor) LEDs. Looking forward to productive conversation with the engineers in Taiwan and a productive collaboration with your team and the city of San José.

Best regards,

Raja

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*Raja GuhaThakurta*
*Professor/Astronomer, UCO/Lick Observatory, Dept of Astronomy and Astrophysics*
[redacted]

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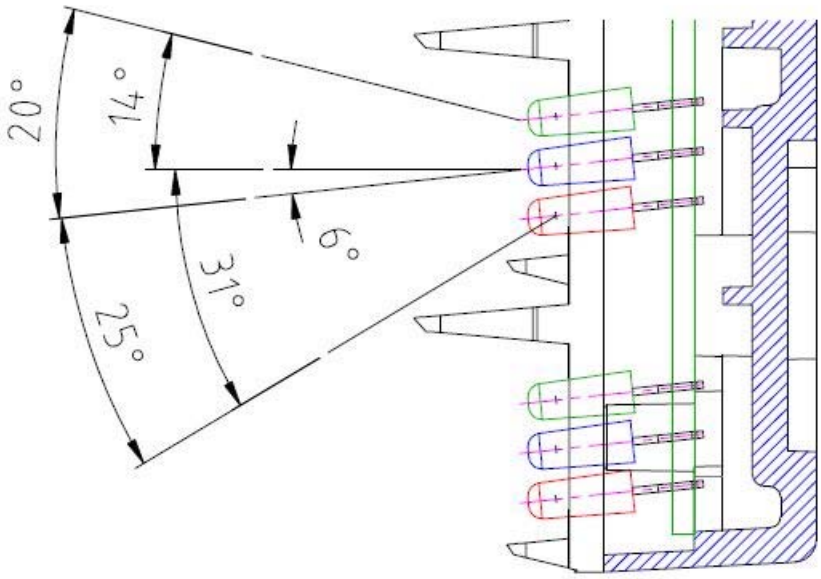
On Wed, Sep 19, 2018 at 9:30 PM Lathan, G Todd [redacted] wrote:

> Raja and Paul, thanks for your time again today. Raja, I dug around and found these two spectral shots on my hard drive. I took these measurements in our shop using a Photo Research PR655 spectrometer two years ago. The first image is our 20mm LED technology at a brightness of 550 nit. The second is a "white" lightbulb that you can purchase at your nearest hardware store. I was only looking at spectrum at the time and not energy. I do understand and appreciate your whiteboard session and will begin a segway for you to talk to our engineers in Taiwan.
>
> Great day. Thanks everyone.
>
> **G. Todd Lathan** VP Digital Division
>
> [redacted]


20°
14°
6°
31°
25°

# Proposed Sign Code Changes - NOT IN FAVOR

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**From:** Ferguson, Jerad
**Sent:** Tuesday, September 25, 2018 10:49 AM
**To:** City Clerk
**Subject:** FW: Proposed Sign Code Changes - NOT IN FAVOR

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**From:** T J E [ ]
**Sent:** Tuesday, September 25, 2018 10:25 AM
**To:** Ferguson, Jerad <Jerad.Ferguson@sanjoseca.gov>
**Subject:** RE: Proposed Sign Code Changes - NOT IN FAVOR

Hi Jerad,

Although I won't be at tonight's meeting, I'd like to go on the record against allowing new billboards on city or private land.

Thank you for your correspondence,

Trudy Ellerbeck

District 5 United, Treasurer

Mt. Pleasant Neighborhood Association, Treasurer

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**From:** Samson, Jason J.
**Sent:** Tuesday, September 25, 2018 12:59 PM
**To:** District 6 <district6@sanjoseca.gov>
**Subject:** Billboards / Pollution

Hi Dev.
I understand that there's city council meeting tonight pertaining to a proposed increase in billboards. I would like to urge you to avoid such increases.

Is there anyone else that you might recommend I write, to voice my opinion?

Jason Samson

-----Original Message-----
From: Mary Wall
Sent: Tuesday, September 25, 2018 1:36 PM
To: District 6 <district6@sanjoseca.gov>
Subject: Billboards

Dear Ms. Davis,
One of the good things about San Jose is the small amount of billboards. I know it's tempting to consider the potential income for the City, but the negatives outweigh the positives. The style of the new billboards is digital and constantly moving and changing. This is very distracting for drivers, and we have enough of that already. San Jose has one of the highest rates of pedestrian deaths in the state according to Vision Zero. San Jose is growing into a real city and all of us need to be aware of that and be able to keep the best interests of the citizens in mind. Please vote no on more billboards in San Jose.
Thank you,
Mary Wall

Sent from my iPhone