

From: shani kleinhaus < >

Sent: Tuesday, November 27, 2018 12:33 PM

To: The Office of Mayor Sam Liccardo; District1; District2; District3; District4; District5; District 6; District7; District8; District9; District 10; The Office of Mayor Sam Liccardo; City Clerk; Nusbaum, Jenny; Edmund Sullivan; Romanow, Kerrie

Cc: Kelly Alfrey; Dashiell Leeds

Subject: Item 10.3 on tonight's agenda - Amendment to Title 23 of the San José Municipal Code (Sign Code)

Dear Mayor Liccardo and Council,

In the attached letter, Santa Clara Valley Audubon Society (SCVAS) requests that you do not proceed to allow electronic signs north of highway 237.

For many years, SCVAS has been working to protect burrowing owls and their habitat in San Jose and in our region. The decline of burrowing owls populations in our region is well documented, and it parallels development and economic growth. In 2018, only 20 pairs continue to breed in the South Bay - half of those on the Regional Wastewater Facility north of 237. The population is on the brink of extinction (a decline of more than 50% since 2014) – and it needs our support and protection. Electronic sign north of 237 add to the risks that the population will be extirpated from our region.

Thank you,

Shani Kleinhaus

Shani Kleinhaus, Ph.D.

Environmental Advocate

Santa Clara Valley Audubon Society



August 14, 2017

Dear Mayor Liccardo and Council Members

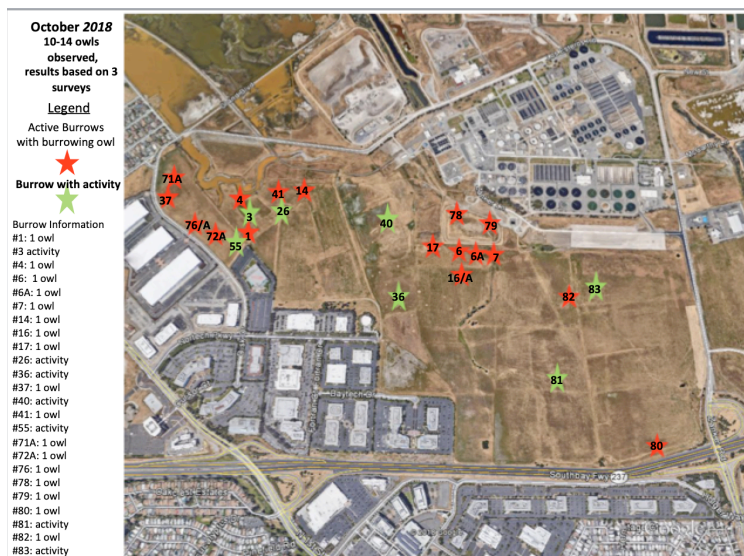
Re: Item 10.3 on tonight's agenda - Amendment to Title 23 of the San José Municipal Code (Sign Code)

I write on behalf of Santa Clara Valley Audubon Society (SCVAS) to request that you do not proceed to allow electronic signs north of highway 237.

For many years, SCVAS has been working to protect burrowing owls and their habitat in San Jose and in our region. The decline of burrowing owls populations in our region is well documented, and it parallels development and economic growth. In 2018, only 20 pairs continue to breed in the South Bay. The population is on the brink of extinction (a decline of more than 50% since 2014) – and it needs our support and protection.

Half of the breeding burrowing owls of our region can be found at the San Jose Wastewater Facility bufferlands, and many migratory owls use the bufferlands (Figure 1). This population has been sustained with the investment of effort and expense by the City's Department of Environmental Services, the Habitat Agency, and Santa Clara Valley Audubon Society. In the near future, we hope to use this population as a source for re-introduction and recovery efforts in the South Bay where the owls have been extirpated.

Figure 1: Results of October 2018 burrowing owl survey of the RWF bufferlands (note an owl observation at burrow #80, right at Highway 237, near Zanker road)



We are greatly concerned with the memo by Council member Diep that proposes allowing Electronic Signs North of 237. Installing a mega-electronic sign within the RFW site (and other open space lands nearby) could interfere with burrowing owl foraging times, (dusk till dawn). Furthermore, access for repairs and installation would increase disturbance, and the signs could provide for perching for raptor that prey on burrowing owls. The overall level of encroachment and disturbance, in itself, is an issue.

Staff memo states,

"The California Environmental Quality Act (CEQA) required environmental analysis of all eligible sites in the proposed North San Jose Signage Area. Limiting the newly allowable signage to sites that are at least 10 acres in size with 600 feet of Freeway Frontage, with a General plan land use designation of Combined Industrial/Commercial, Commercial or Industrial designations resulted in two potential sites that meet the Business Center definition for office uses; and two sites, that are at least 6 acres in size, that meet the Destination Entertainment Facility uses. **Any future eligible site will require environmental evaluation and evaluation for consistency with the proposed requirements.**"

Thus, allowing proposed signs north of 237 would create a new eligible site area, and must therefore be subject to CEQA environmental analysis – an expensive proposition.

SCVAS has participated in the entire public process that brings the Amendment to the Sign Code to you tonight. We asked for minimization of impact to creek corridors, and avoidance of burrowing owl habitat. Staff worked diligently to find a compromise and protect the City's natural assets to the best they could. We ask you to adhere to the limitation of electronic signage to the area south of 237.

Thank you.



Shani Kleinhaus, Ph.D.
Environmental Advocate