

**Westwood South of Santa Monica Blvd**  
**Homeowner's Association**  
*Incorporated November 8, 1971*  
**P. O. Box 64213**  
Los Angeles, CA 90064-0213

LA City Council  
Planning and Land Use Management Committee  
City Hall, Room 395  
200 N. Spring Street  
Los Angeles, CA 90012

Via email c/o: [Sharon.gin@lacity.org](mailto:Sharon.gin@lacity.org)

**Re: Sign Ordinance CF# 08-2020 and CF# 11-1705**

Dear Chairperson Huizar and Committee Members Englander and Cedillo:

We have written to the PLUM Committee on many occasions pertaining to the pending Sign Ordinance. It pains us to see that its progress has slowed for our communities are desperate to have legislation that upholds the intent of the 2002 Sign Ordinance and provides tools for enforcement and protection from urban blight.

The current form of the ordinance has been greatly compromised since the City Planning Commission passed it out of its jurisdiction. We urge the Council to protect and adopt the fines defined in the proposed ordinance so that there can be some credibility behind the adopted ordinance. There is more than adequate precedence for such fines--- coupled with the outdoor advertising industry's past "wild west" mentality where laws were intentionally broken and the meager fines levied viewed as a normal "cost of doing business." That business must stop. Average citizens must abide by the law and so should the outdoor advertising industry.

Many neighborhood councils and community organizations are opposed to parts of the proposed ordinance because the mandatory takedown requirement has been severely compromised. We must insist that the PLUM Committee revisit this topic and require a very minimum of a 2:1 takedown for any new signage erected and an 8:1 takedown when a new digital sign is placed. We all know that the value of a digital sign is significantly in excess of a traditional billboard sign. As digital signs are being allowed in sign districts and generate more impacts (and revenues) than traditional outdoor signage, it stands to reason that the takedown requirement be more than for a traditional billboard. We can think of many reasons for the pursuit of such an approach and believe that you should seriously consider them all.

We have fought long and hard to seek the removal of the digital signs that were erected as part of the secret billboard settlement agreements. Those signs must not be returned to operation under any circumstances and/or be "grandfathered in." There is no money that can compensate the City and its people for the blight that is spread by these signs that have never had to go through any vetting process, public hearings or the like. They are a pox on their neighbors and should be removed as quickly as possible. The courts have deemed them to be the product of a poisonous agreement. We look to you to operationalize their rulings and remove them from our streets.

Our streetscapes, vistas and the sky should not be for sale at any price. Attempts to trade our city's landscape for billboards and the finds they might produce is a deal that should not be considered. Remember that it is very difficult to remove signs once installed and operationa;

We want to clean up our landscape of visual pollution and look to the PLUM Committee to be the guiding force behind that work. What good is it to preserve the land around the LA River if it is littered with billboards? What good is it to have a lovely observatory in Griffith Park if added nighttime light pollution generated from additional digital signs helps to block out our views of the starry heaven? When we preserve the fantastic historic marquis on Broadway's grand dames of the movie palaces, do we want to see their colorful neon lights and the architecture framing them, or a sign tacked onto the side of the building or towering over the rooftop?

We must look at the quality of life in our City and use the sign ordinance to make a marked improvement in our City's profile. It has been done successfully in other cities. LA can learn from those cities and start to clean up its (billboard) act!

We trust that the PLUM Committee's consideration of this ordinance will not take place in the dead of summer during August. The years spent tracking this measure by so many should not end quietly while folks are on vacation. Please provide ample notice for Neighborhood Councils and others to participate and to witness what we hope will be the adoption of an important piece of legislation that will help to shape our livable streets and healthy communities.

Sincerely,



Barbara Broide  
President

cc: Paul Koretz, Shawn Bayliss, CD 5  
Michael Logrande, Alan Bell, Daisy Mo, Tanner Blackman – LA City Planning Dept.  
Dennis Hathaway, CB BB

# 16<sup>th</sup> PLACE NEIGHBORHOOD ASSOCIATION

4546 W. 16<sup>th</sup> Place, Los Angeles, CA 90019

323-935-6868

June 24, 2014

Re: Council file 08-2020, Citywide Sign Ordinance

To: Councilmember Jose Huizar, Chairman  
Councilmember Gilbert Cedillo  
Councilmember Mitchell Englander

Planning and Land Use Management Committee  
200 North Spring Street, Room 350  
Los Angeles, CA 90012

Dear Committee,

On October 18, 2011, the 16<sup>th</sup> Place Neighborhood Association expressed our objection to the proposed Sign Supplemental Use District, Council File 08-2020; 08-3386-S1, and strongly recommended that you remove the Midtown S.U.D. off the attachment.

Unlike any other neighborhood in the Mid-City area, the 4500 Block of W. 16<sup>th</sup> Place we are now confronted by Mid-Town Crossing's intrusive and offensive slab wall obfuscating our landmark views of the Hollywood Hills, the Foothills, the Hollywood Sign, and the Griffith Park Observatory; the building wall has created a sound chamber amplifying and reverberating excessive noise throughout our neighborhood; and we are confronted with oversized signage (11 of which are in non-compliance with Los Angeles City Building Code, case #501237).

This overwhelming signage (see attachment) is in blatant disregard of public decency; it violates our privacy and depletes our quality of life by pitching commercial propaganda into our yards, homes and neighborhood, and breeches the long established good relations between our small community and the other businesses nearby.

If signage is allowed on Venice Blvd., we recommend that you protect the surrounding residential neighborhood by not allowing the top of any signage to be higher than 15 feet from the lowest point on Venice Blvd, between San Vicente Blvd. and La Fayette Blvd.

We strongly suggest you remove the proposed Signage District from Mid-Town Crossing; as it will negatively impact the surrounding community and our residential

neighborhood. We continue to state that no new sign districts should be allowed beyond the two that had been previously grandfathered by the City Planning Commission, in 2009.

We strongly suggest that your exchange ratio of removing existing billboards for putting up new off-site signs, digital signs, in sign districts is intolerable within the community and we recommend that you "takedown" at least 12 sq. ft. of billboard space removed for every sq. ft. of all new signage installed (billboards, digital, etc.) in our community and neighborhood.

Allowing off-site signage, or digital signage at the CIM/LOWES Midtown Crossing site, contributes to the blight of this community: our property values are diminished, noise pollution reverberates through the neighborhood, and heat emanates from the building. Considering the possibility of digital off-site signage would only make Venice Blvd., south of the building, look like the Las Vegas strip.

Digital signs will contribute to the visual landscape in residential areas such as our neighborhood and will also affect driver safety. We strongly oppose digital signs within a 500 ft. radius of residential neighborhoods.

Finally, we recommend that signage in violation or non-compliance with City Building code not be grandfathered as legal. Non-compliance signage should be subject to citation by the city and removed.

Sincerely,

A handwritten signature in black ink, appearing to read "ROBERT PORTILLO". The signature is stylized and cursive.

Robert Portillo  
For the 16<sup>th</sup> Place Neighborhood Association

Enclosure



# 16<sup>th</sup> PLACE NEIGHBORHOOD ASSOCIATION

4501 W. 16<sup>th</sup> Place, Los Angeles, CA 90019  
310-429-4644

January 13, 2014

Dear Councilmember Wesson,

During the first week of June 2011 we asked Mayor Garcetti, then City Council President, for his help regarding CIM, the developer, and the development of Mid-Town Crossing – he suggested that since you were our Councilman we should work with you. Today marks our 50<sup>th</sup> request for your help.

Throughout the hearing process for the Mid-Town Crossing development, we were assured that the redevelopment of the old Pico Sears site would not have negative effects on us. By backing the Mitigated Negative Declaration, the city council abandoned environmental protections we had in the Environmental Impact Report (EIR) process, and allowed the oversized building that confronts us today and eats away at our quality of life. The Community Redevelopment Agency's financial investment in the project drove them to manipulate the project and develop a relationship with the developer and city council members. Documents and meetings were misleading or erroneous. Public decency was cast aside to achieve a goal. The result is this project is nothing like the one presented to us.

We have lost our views and property values, the Mid-Town Crossing south wall on Venice Blvd. has created a sound chamber amplifying and reverberating excessive noise throughout our neighborhood (in addition, CIM, the developer does not abide by work start codes; delivery trucks, man lifts, and garbage trucks begin work as early as 5:30am or after hours), illegal signage forces advertising into our homes and neighborhood; the annoying parking lot lights and wall lights are left on until 5 - 6am, all of which violate our privacy and derogate our quality of life (see attached photos and sound level measurements).

The following documents show clearly that the residents of 16<sup>th</sup> Place were not protected during the hearing process and we are not protected now:

1. Pico Plaza Commercial Center Initial Study, April 2000
2. Proposed Mitigated Negative Declaration (Article V – City CEQA Guidelines, 10/12/2000)
3. Los Angeles City Planning Department Staff Report to the City Planning Department, March 29, 2001

4. Los Angeles City Planning Commission Determination of the City Planning Commission, June 8, 2001
5. Los Angeles City Planning Commission Adoption by City Council, Nov. 9, 2001, and Approval by the Mayor, Nov. 20, 2001

Councilmember Wesson, you've made promises to us and you've done nothing but help CIM, the developer, and ignore us. We are your constituents; we helped put you in office and we want to know what you are going to do to help us? Councilmember Wesson, when will you find the political will to show us fairness?

Sincerely,  
16<sup>th</sup> Place Neighborhood Association

cc: Mayor's office: Kimberly Rodriguez  
CD10: Herb Wesson, Deron Williams, John Harmon  
City Attorney: Mike Feuer  
CIM: John Givens, Kathleen Kim

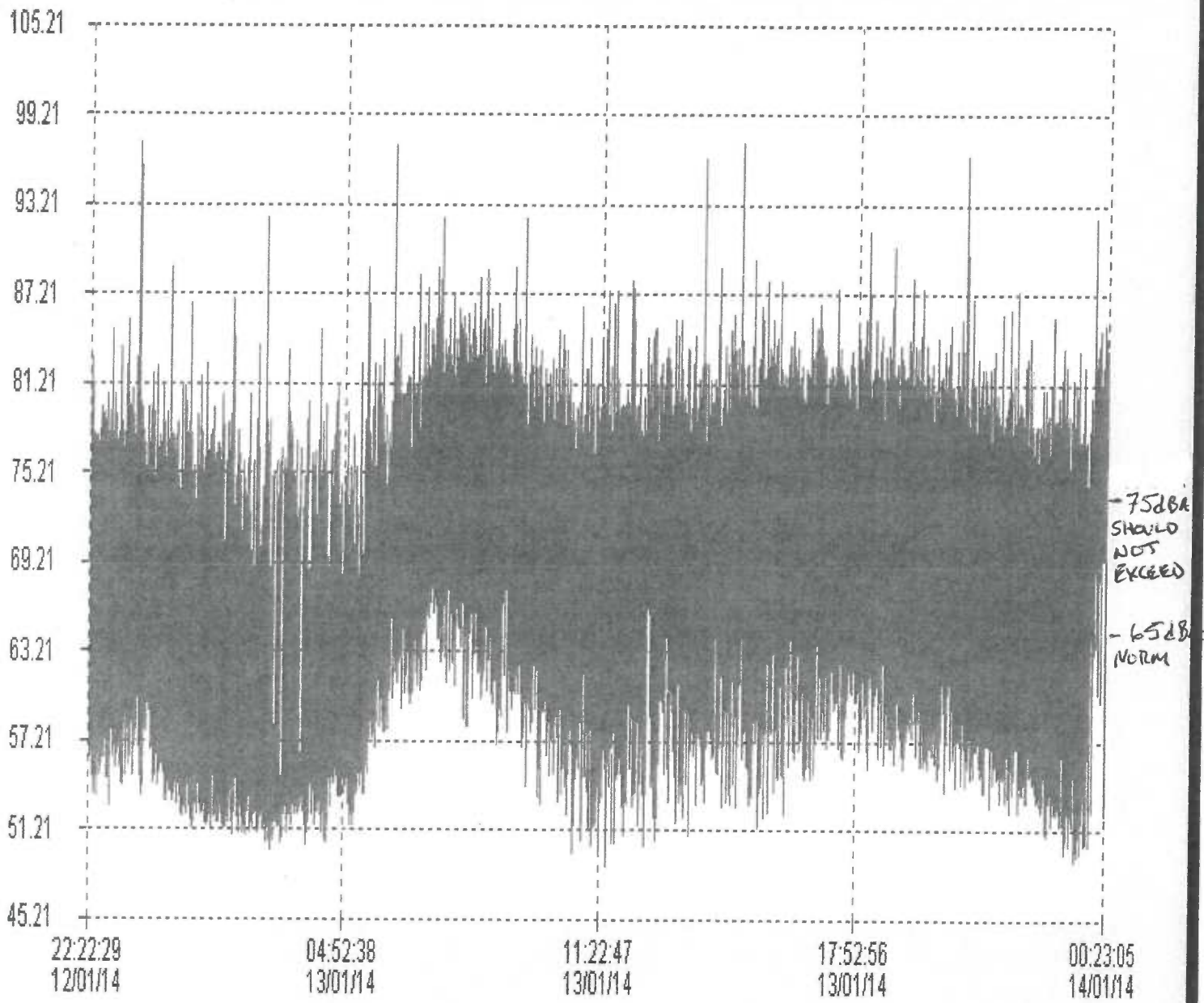
Attachments:

1. Sound Level Measurements (01/13/2014, 24 hour day measurement)
2. Photographs
3. 16<sup>th</sup> Place Neighborhood Association Petition
4. Letter of Support: Mid-City Neighborhood Council (MINC)

# Test Report

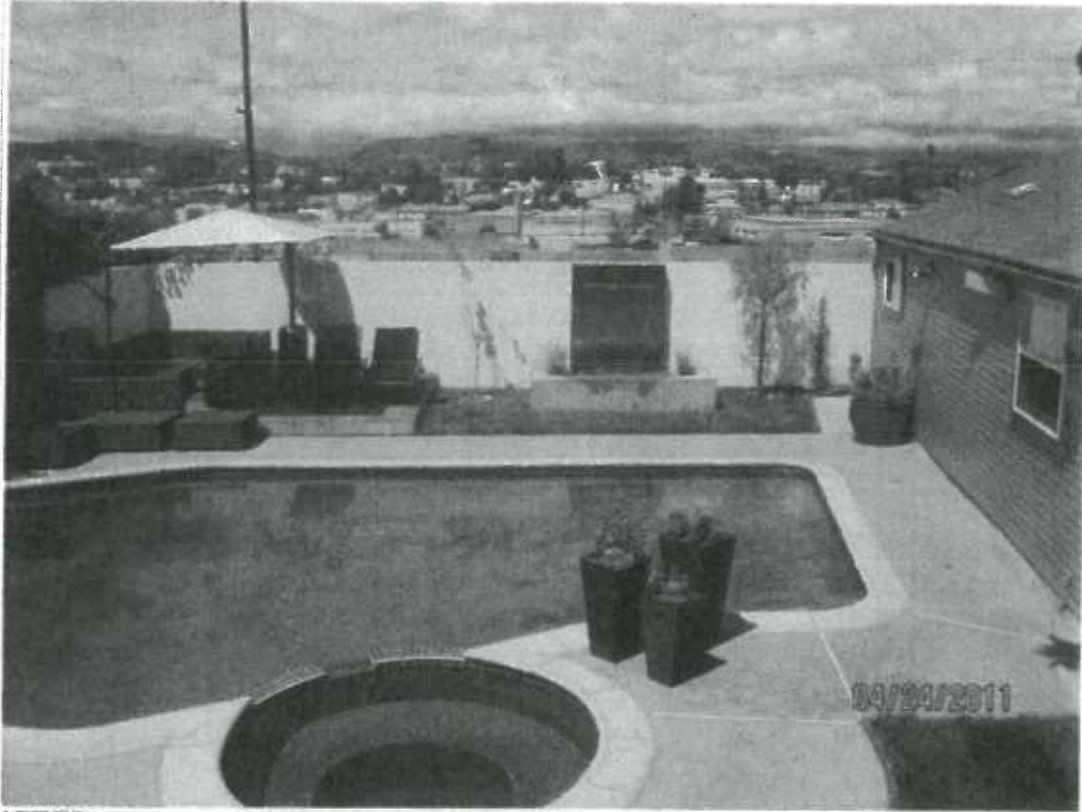
Start Time: 12/01/14 22:22:29 Samprate: 1 s Data number: 93639 Unit: dBA Speed: FAST Mode: STOR

Sound MAX: 97.3 @14:56:10 13/01/14 Sound MIN: 48.7 @11:34:33 13/01/14 Sound AVG: 66.59



Data Point No.: 92707 Time: 14/01/14 00:07:35 Sound: 80.7 dBA

**BEFORE**

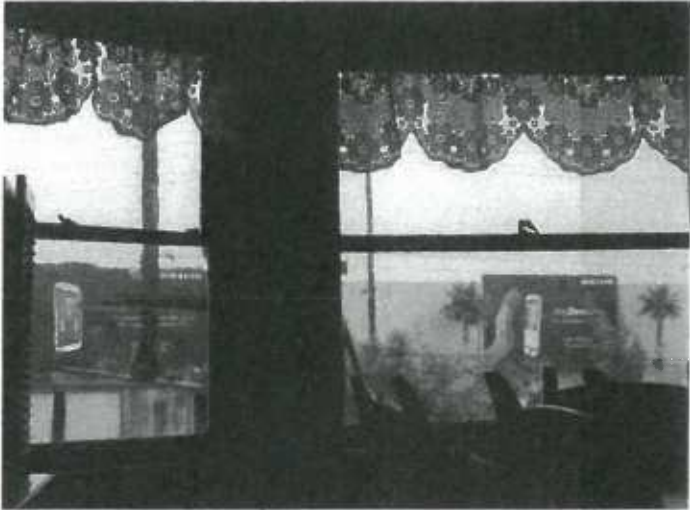


**AFTER...**









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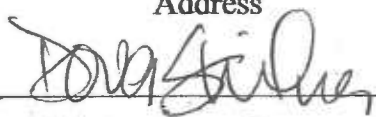
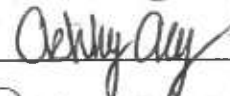
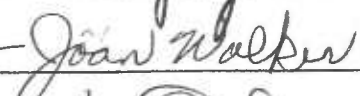

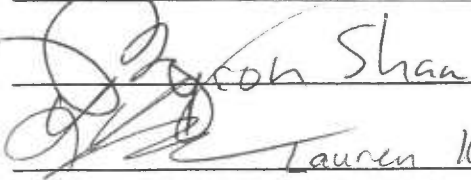

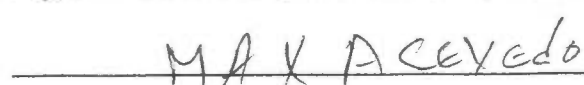
December 11, 2013

Dear Mayor Garcetti, Councilmember Wesson, and City Attorney Feuer:

It has come to our attention that CIM, the developer of Mid-Town Crossing, has failed to obtain 11 signage permits required by Building Code, thus the signage is in non-compliance and flagrantly illegal, since July 12, 2013 – importantly, this signage was in violation in early October 2012 during its initial framing construction and when we appealed Councilmember Wesson to investigate.

As it is apparent that there has been no proper investigation, we the undersigned petition you to investigate these blatant violations, ensure that the law is enforced, and remove the illegal signage. This brazen disregard of public decency violates our privacy and derogates our quality of life by pitching commercial propaganda into our homes and neighborhood, and breeches the long established good relations between our small community and the other businesses nearby who have shown us the respect that is lacking with CIM.

We are affronted by the arrogance in this behavior. Why has Mid-Town Crossing been allowed to become a public nuisance and why isn't anything being done about the permit violations? We beseech the Mayor, the City Council, and the City Attorney to follow the law, the law is being ignored.

Print Name	Signature	Address
Douglas Stirling		4501 16th Pl.
Ashley Gexewe		4536 W. 16 <sup>th</sup> Place
Joan Walker		4536 W. 16 <sup>th</sup> Pl.
Kim Walker		4536 W. 16 <sup>th</sup> Pl
Lycon Shan		4547 W 16th Pl
Lauren Kyles		4547 West 16 <sup>th</sup> pl
MAX ACEVEDO		4542 W. 16 <sup>th</sup> Pl

# 16<sup>th</sup> PLACE NEIGHBORHOOD ASSOCIATION

4501 W. 16<sup>th</sup> Place, Los Angeles, CA 90019  
310-429-4644

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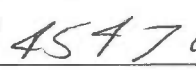
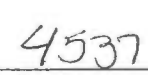


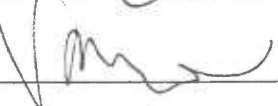
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Print Name                      Signature                      Address

Rosa Acevedo		4542 W 16th Pl LA, CA 90019
Jane Preece		4561 W 16 <sup>th</sup> Place LA 90019
Juan M. Gentry		4577 W. 16TH PLACE CA 90019
Sandra Salazar		4537 West 16th Pl LA 90019
NICK HOUNSW		4523 W 16 <sup>th</sup> PLACE, 90019
CHARLIE HOUNSW		4523 W 16 <sup>th</sup> PLACE, 90019
Vanessa Milde		4523 W 16 <sup>th</sup> PLACE, 90019



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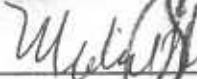
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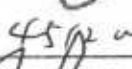
Print Name


Signature


Address

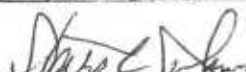
Sharifa Johka  4511 W. 16<sup>th</sup> Place

Michael Proby  4501 W 16<sup>th</sup> Place

Young Fern  4502 W. 16<sup>th</sup> Pl - LA

 4517 W 16<sup>th</sup> Pl. L.A.

Steve E White  4530 W. 16<sup>th</sup> Pl LA 90019

Starr C Johnson  4546 W 16<sup>th</sup> Pl LA 90019

Ralph W. Johnson  4546 W. 16<sup>th</sup> Place LA 90019

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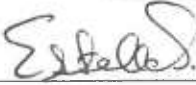
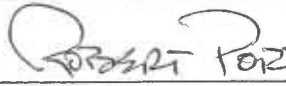
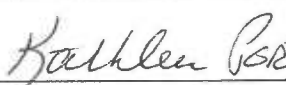

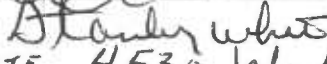
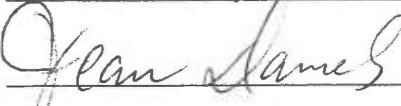
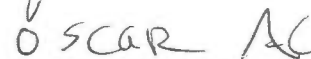
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Print Name	Signature	Address
Estella Holoman		4553 W. 16 <sup>th</sup> Place CA 90019
ROBERT PORTILLO		4527 W. 16 <sup>th</sup> Place 90015
KATHLEEN PORTILLO		4527 W. 16 <sup>th</sup> Pl. 90015
CLACKSE LYLES		4547 W 16 <sup>th</sup> Pl CA 90019
STANLEY WHITE		4530 W. 16 <sup>th</sup> Pl. L.A., CA 90019
Jean James		4500 W. 16 <sup>th</sup> Pl. L.A. CA 90019
OSCAR ACOSTA		4442 16 11 <sup>th</sup> Pl CA CA - 900119

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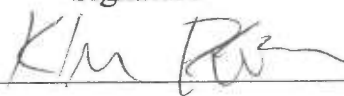


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Print Name	Signature	Address
DAVID KIM		4552 W. 16 <sup>th</sup> Pl.
LA. CA. 90019		
Erick Acevedo		4542 W. 16 <sup>th</sup> Pl LA CA 90016
Batimur Islam - Nelson		4507 W. 16 <sup>th</sup> Pl LA, CA 90016

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Date: 6/24/14  
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Deputy: Comm from Public

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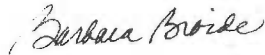


Our streetscapes, vistas and the sky should not be for sale at any price. Attempts to trade our city's landscape for billboards and the funds they might produce is a deal that should not be considered. Remember that it is very difficult to remove signs once installed and operational. We want to clean up our landscape of visual pollution and look to the PLUM Committee to be the guiding force behind that work. What good is it to preserve the land around the LA River if it is littered with billboards? What good is it to have a lovely observatory in Griffith Park if added nighttime light pollution generated from additional digital signs helps to block out our views of the starry heaven? When we preserve the fantastic historic marquis on Broadway's grand dames of the movie palaces, do we want to see their colorful neon lights and the architecture framing them, or a sign tacked onto the side of the building or towering over the rooftop?

We must look at the quality of life in our City and use the sign ordinance to make a marked improvement in our City's profile. It has been done successfully in other cities. LA can learn from those cities and start to clean up its (billboard) act!

We trust that the PLUM Committee's consideration of this ordinance will not take place in the dead of summer during August. The years spent tracking this measure by so many should not end quietly while folks are on vacation. Please provide ample notice for Neighborhood Councils and others to participate and to witness what we hope will be the adoption of an important piece of legislation that will help to shape our livable streets and healthy communities.

Sincerely,



Barbara Broide  
President

cc: Paul Koretz, Shawn Bayliss, CD 5  
Michael Logrande, Alan Bell, Daisy Mo, Tanner Blackman – LA City Planning Dept.  
Dennis Hathaway, CBBB

**CITY OF LOS ANGELES**  
CALIFORNIA

**MID-CITY  
NEIGHBORHOOD  
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**MID-CITY  
NEIGHBORHOOD  
COUNCIL**  
P.O. box 78642  
Los Angeles, CA 90016



**PRESIDENT**  
Allan DiCastro  
allanminc@yahoo.com

**MID-CITY NEIGHBORHOOD COUNCIL**  
May 29, 2012

**To: CIM (John Givens, Kathleen Kim) & CD10,**

The Mid City Neighborhood Council (Minc) represents as an area of approximately 70,000 residents or 15,000 doors. Minc has been in existence and working in and with the Minc community for over 10 years. The CIM development that brought a Lowes into Mid Town is 100% within the Minc boundaries.

This letter serves to re-iterate the strongest desire of the Mid City Neighborhood Council to see (continued) mitigation efforts made by CIM (& CD10) in regards to the CIM wall now facing 16<sup>th</sup> place, the median island on Venice Blvd, associated landscaping, noise abatement and all other related matters including but not limited to billboards, flatboards or the like facing their homes and as otherwise detailed by 16<sup>th</sup> Place.

Thank you in advance for your (continued) efforts.

**On behalf of the Minc Board,**

**Allan DiCastro**  
**Minc President**

[www.mincla.org](http://www.mincla.org)

[allanminc@yahoo.com](mailto:allanminc@yahoo.com)

cc: 16<sup>th</sup> place: in care of Robert Portillo

CD10: Herb Wesson, Deron Williams, John Harmon

Mayor's office: Larry Frank, Fabiola Vilchez

Controller's Office: Wendy Greuehl, Marisol Espinoza

City Attorney: Carmen Trutanich

Date: 6/24/14  
Submitted in PLUM Committee  
Council File No: 08-2020 11-1705  
Item No.: 1  
Deputy: Comm from Public



Los Angeles Outdoor Advertising Coalition  
(LAOAC)

Transmittal Letter and  
Background Documents

City of Los Angeles  
Planning and Land Use Management (PLUM) Committee  
Tuesday, June 24, 2014



Date: 6/24/14

Submitted in PLUM Committee

Council File No: 08-2020, 11-1705

Item No.: 1

Deputy Comm from Public



June 24, 2014

Honorable Jose Huizar, Chair  
Honorable Gilbert A. Cedillo  
Honorable Mitchell Englander  
Planning and Land Use Management Committee  
City of Los Angeles  
200 N. Spring Street, Room 430  
Los Angeles, CA 90012

Dear Chairman Huizar and Honorable Councilmembers:

The Los Angeles Outdoor Advertising Coalition appreciates the City's continuing efforts to address signage issues. We regret, however, that the September 2013 and March 2014 staff reports and draft ordinance reflect some steps backwards, including a number of changes made after PLUM's action on the proposed sign ordinance.

Many other cities in California and around the nation have embraced new technology in community-friendly ways, supporting economic growth and job creation. Off-site signage, in particular, has substantial public benefits to local businesses and the public, including in the form of enhanced public safety. Please consider these comments on the current draft ordinance and staff reports as reflecting our goal of achieving constructive, cooperative discussions to move in these positive directions as soon as possible.

We first note a key issue not addressed by the proposed sign ordinance: provisions that would allow Los Angeles, like many other forward-looking cities in California and our nation, to reduce the overall number of off-site signs through a program to modify, relocate, or modernize existing off-site signs in connection with sign reduction and/or the provision of other community benefits.

The proposed sign ordinance deprives the Council of legal tools and methods for regulating and reducing the number of off-site signs in the City. For example, the deletion of long-existing provisions regarding relocation agreements, which are expressly allowed and encouraged under state law, could prevent the Council from using relocation agreements to reduce the number of off-site signs and gain substantial public benefits. This is an example of a change made by staff *after* the PLUM Committee acted, which deprived the public of an opportunity to comment on this issue.

Additional key unresolved issues identified previously are summarized below. These include the lack of provisions to deal with the administrative burdens and inconsistent regulation caused by the City's incomplete records for older off-site signs, the draft ordinance's excessive and unfair administrative penalty structure, and the City's unworkable changes to sign districts.

**Permitting for legacy signs.** The City has historically maintained poor permit records for signs, making fair and efficient enforcement difficult. The absence of such permits for older signs, which are protected by state law, has created a shadow category of signs that are difficult to monitor and regulate, leading to endless cycles of administrative appeals and sign-by-sign lawsuits.

In its March 4, 2014 staff report, the Planning Department indicated that the state law's rebuttable presumption for signs makes it necessary and effective for the City to recognize the lawful status of signs that may be missing a permit if they have not received a notice of violation for at least five years; however, the report fails to recognize the same protection for signs that have, but do not quite match, an original permit. The staff's approach has the counterintuitive and patently unfair effect of penalizing sign owners who have strived to maintain permits in good faith, and will disserve the City's goal of uniform, fair, and efficient sign enforcement.

As was done in San Francisco, the City should formalize a process for issuing in lieu permits for off-site signs that are presumptively lawful and that have been identified in the City's Off-Site Periodic Sign Inspection Program for at least five years without being the subject of a notice of any violation, thereby creating a definitive database of legacy signs and documenting their attributes for efficient and even-handed enforcement. This would help DBS to build and maintain a comprehensive and consistent inventory of signs in the City and would facilitate DBS's OSSPIP inspection process and enforcement efforts, fostering more effective regulation through fewer staff resources while mitigating the administrative and litigation costs of a scheme that disregards the state law presumption and treats sign owners inconsistently. An in-lieu permitting system has been successfully implemented for several years in the City of San Francisco, which had similar challenges in harmonizing modern sign enforcement goals, poor recordkeeping, and substantial vested property rights in legacy signs.

**The administrative process and penalty structure in the proposed ordinance violates due process.** Sections 14.4.25 and 14.4.26 of the proposed ordinance impose substantial and onerous penalties during even timely and non-frivolous appeals. This violates the Due Process Clause of the U.S. Constitution as penalties that effectively deter access to the courts.

The accrual of penalties during appeals is particularly egregious if the City fails also to address the state law legal presumption in favor of the continued operation of signs that were built or lawfully modified long ago and not previously subject to enforcement. The City should clarify the proposed ordinance by expressly providing for tolling during administrative appeals and judicial review of Compliance Orders, which the Coalition has proposed through a brief addition to section 14.4.26.A.1.

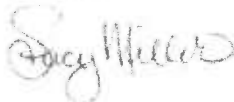
**Unworkable sign district regulations.** The proposed sign ordinance contains unworkable regulations for new off-site signs within sign districts by imposing requirements so strict that new off-site signs are effectively eliminated in 90% of the City, a *de facto* ban. By so severely limiting the location of new sign districts and restricting the provision of community benefits, the City is unnecessarily limiting opportunities for removal of existing signs and for obtaining aesthetic and traffic safety improvements.

Besides ensuring basic fairness and respect for longstanding property rights, the Coalition's proposed revisions would allow the City to synchronize rigorous modern day regulation with the realities of existing signage issues, including relocation in a manner that benefits all parties involved.

The changes suggested above, which are detailed in the attached document, would also encourage the City to concentrate enforcement resources on instances where unscrupulous actors have flouted the law and erected new structures after the City had announced its policy of limiting new signs. There is no need for the City to impose barriers against utilization of rights and policy tools provided under state law.

Thank you again for the opportunity to provide feedback regarding these important issues. We look forward to continuing to work with the City and all stakeholders on devising clear, reasonable, and workable ordinances and principles that recognize the importance of off-site signage in Los Angeles and encourage the benefits it provides.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Miller".

Stacy Miller  
Los Angeles Outdoor Advertising Coalition (LAOAC)





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## **I. ELIMINATING OPPORTUNITIES FOR RELOCATION AGREEMENTS UNNECESSARILY LIMITS THE CITY'S OPTIONS FOR REDUCING OFF-SITE SIGNS**

The proposed ordinance eliminates relocation agreements under Bus. & Prof. Code Section 5412 as a means of reducing existing off-site signage. This is a mistake. Elimination of relocation agreements is contrary to state policy that encourages such agreements. It also limits to the formation of sign districts as the exclusive method to reduce existing off-site signage. The new restrictions on where sign districts can be located make it very unlikely that sign districts will cause reductions in existing traditional off-site signs.

The Visioning Group was tasked with discussing paths forward for off-site signage in the City. With broad representation, an outside facilitator and multiple meetings including breakout groups, the effort generated lively discussions with agreement on one thing between all sides – the number of signs in the City can be reduced. Our Coalition believes an obvious way to do this is through relocation agreements allowed and encouraged under state law. As part of relocation agreements, sign companies could offer the City additional benefits in connection with the appropriate relocation of off-site signs, including benefits related to residential protection, traffic safety, net reduction in off-site signage, or other community benefits, both in the Council Districts where the relevant signs are located and for the City as a whole.

### **A. State Law Encourages Sign Reduction Through Relocation Agreements**

Section 5412 of the Business and Professions Code is part of the California Outdoor Advertising Act. Section 5412 prohibits the compelled removal of lawfully-erected advertising displays without payment of just compensation, unless the signs are relocated by mutual agreement between the display owner and the local entity. Section 5412 states:

It is a policy of this state to encourage local entities and display owners to enter into relocation agreements which allow local entities to continue development in a planned manner without expenditure of public funds while allowing the continued maintenance of private investment and a medium of public communication. Cities . . . and all other local entities are specifically empowered to enter into relocation agreements on **whatever terms are agreeable to the display owner and the city . . . or other local entity**, and to adopt ordinances or resolutions providing for relocation of displays. (Emphasis added.)

Under section 5412, “relocation” includes “removal of a display and construction of a new display to substitute for the display removed.”<sup>1</sup>

Accordingly, relocation agreements under section 5412 are intended to act as a sign reduction mechanism that allows cities to enter into agreements with sign owners to relocate signs or otherwise modify existing signs in exchange for the removal of existing signs. While cities may use relocation agreements to avoid payment of compensation for signs that must be removed in connection with public works projects, the Legislature by no means limited their application to such narrow circumstances. In fact, the Legislature specifically intended to allow

local governments to make broad use of relocation agreements to reduce signage, and numerous local agencies have taken advantage of this intended flexibility.

**B. Relocation Agreements Are a Common Practice Throughout California, and Allow Cities to Reduce and Control Off-Site Signage While Securing Benefits for the Community**

Many other cities have used relocation agreements to facilitate sign reduction and other public benefits. Among them are Sacramento, Oakland, Berkeley, Santa Clara, and Roseville.

These cities have used relocation agreements to reduce the number of existing billboards, generate additional public revenue and finance municipal projects. The proposed ordinance, by proposing to eliminate relocation agreements, is not only potentially in violation of state law, but unnecessarily surrenders an extremely useful policy tool that could be used by the City to reduce off-site signage and control the appropriate siting of off-site signage while obtaining public benefits for the City. The City should restore this important policy tool by implementing limited changes to the proposed ordinance, as identified in Section 14.4.4.B.9 and the Statement of Intent.

**II. IN LIEU PERMITTING PROCESS FOR LEGACY SIGNS**

The City historically maintained poor permit records for signs, making it difficult for the City to enforce its sign regulations fairly and efficiently. Recognizing this recordkeeping problem, the City Council in 2002 adopted the Off-Site Sign Periodic Sign Inspection Program (“OSSPIP”), which included provisions for DBS to survey all of the off-site signs in the City. DBS completed its first survey in 2009, identifying hundreds of existing off-site signs that DBS has been unable to match with City records. The outdoor advertising companies who operate signs in Los Angeles paid for the OSSPIP program.

The issue of incomplete records, especially for decades-old signs that were built or modified at a time when regulations and permit requirements were far less restrictive, has been a challenge in several of California’s older cities. State legislation enacted to address this issue provides that an outdoor advertising display is presumed to be lawfully erected if it has existed as is for five years or longer without receiving written notice from a governmental agency that the sign is not lawful.<sup>2</sup>

Yet, even with the state law, the City must still commit significant resources to researching very old and fragmentary records, and where records are inadequate the City must participate in sign-by-sign adjudications for older signs to determine the sign’s status. This diverts resources from investigating and rectifying illegal signs and present-day Code violations and impedes sign reduction programs. The absence of a permit or other approval for an older sign – even though the older sign is presumptively legal and cannot be required to be removed without just compensation – creates a shadow category of signs that are difficult to monitor and to regulate.

Following a similar program adopted in San Francisco, the City’s new sign regulations should include a process for issuing “in-lieu” or replacement permits for older, lawfully existing signs where the permit or permits for a sign’s original construction and/or any prior lawful modifications or improvements cannot be found. Upon satisfactory proof that a sign has been in place for a specified period of time (e.g., five years prior to adopting OSSPIP in 2002) without being subject to enforcement, DBS would issue an in-lieu permit describing the sign’s historic entitlement. In-lieu permitting would avoid unnecessary disputes and allow the City to commit



resources and enforcement efforts to combat illegal new signs and unauthorized alterations and to facilitate regulation of legacy signs consistent with their historic entitlements.

## **A. Legislative Background**

### **1. The City has Very Poor Permit Records for Older Signs**

Billboards have been part of the Los Angeles landscape and an important resource for the local business community for well over a century. It was not until 1986, however, that the City adopted its first comprehensive regulation of “off-site signs” (as billboards are now termed) as a distinct form of communication from on-site signs. And, it was not until 2002 that the City amended the Municipal Code to restrict the installation of new billboards or significant modification of existing billboards. At the same time, the City initiated OSSPIP to document the number and size of signs in the City and to ensure compliance with the new comprehensive regulations.

One of the significant impediments to effective sign regulation has been the City’s deficient permit records for older signs. Numerous factors contribute to the problem. Signs were not heavily regulated until the last two decades. In years past, different City departments were involved in issuing and maintaining permits. Many permits were stored on microfiche, which is incomplete and mislabeled, or have long since been warehoused outside of the City and lost. Property addresses have changed over time and development has filled in around older signs. Unlike other types of buildings, signs are often not matched with the correct street address and permits are frequently associated with a variety of other addresses.

DBS and the City have admitted, on numerous occasions, that the City’s older permit files are incomplete and in disarray. It was not until the last twenty years or so (when DBS implemented better computer records and when sign regulation increased) that recordkeeping significantly improved. But even then, significant DBS resources are needed to contend with shoddy recordkeeping for decades past, something which the City pointed to in order to justify imposition of an OSSPIP inspection fee in 2002.

For example, the Council Motion to build the OSSPIP inventory, which was adopted on January 16, 2002, states, “No one seems to know how extensive the problem is where the billboards are, whether they have permits.” At the Council meeting regarding this motion, Councilmember Hal Bernson explained that “I wanted to tell you that Building and Safety doesn’t have records of some of this stuff.” Councilmember Hahn concurred: “sometimes our own department of Building and Safety doesn’t have the records on what’s legal and what’s not legal. I think that’s a problem.” Later in 2005, during litigation concerning the OSSPIP fee, then-Code Enforcement Bureau Chief David Keim testified that the absence of a permit in the City’s files did not necessarily indicate that a sign was not lawfully erected. Bradley Neighbors, then a DBS Principal Inspector, testified that there had been instances where an Order to Comply had been issued to a sign company only to have permits turn up later.

### **2. State Law Protects Older Signs**

Los Angeles is not the only city with old billboards, and it is not the only city with these recordkeeping challenges. For this very reason, the California Business and Professions Code includes special provisions to protect older signs from being wrongfully condemned: section 5216.1 of the Business and Professions Code<sup>3</sup> establishes an evidentiary presumption that any sign that has been in place for five years or more without ever receiving written notice of a violation is lawfully erected and may not be curtailed without the payment of just compensation



to the sign owner. Thus, where a sign owner has evidence that her sign has been in place for decades, complied with the applicable codes when first erected or subsequently modified, and has not been the subject of enforcement, the City cannot take away her property without payment for the sign, unless of course the City has evidence that the sign was illegal when built or illegally modified. But, by the City's own admission, the mere absence of decades-old permits in City records is not evidence that long-ago sign construction did not receive the approvals then required.

For the past few years, older signs where a permit cannot be found or where the sign's current configuration may not match any available permit have therefore been in a state of limbo. Oftentimes the only path to resolve finally the status of an older sign under the current system is through administrative proceedings, followed by litigation.

### **3. The City Needs a Better and More Efficient Path to Clarify the Status of Older Signs**

Endless cycles of administrative appeals and sign-by-sign lawsuits are neither efficient nor effective in addressing the straightforward issue of older signs with missing permits. Sign companies, property owners (who are jointly liable for violations under the proposed ordinance), the resource-strained City, and City residents all deserve a better system to address older signs and conserve resources for legitimate enforcement. Simply, there is no public policy justifying the City to initiate hugely expensive litigation over every legacy sign. State law has a policy of protecting these signs, and there is no significant public demand for onerous measures against older signs.

The path of issuing certificates that recognize the scope of entitlements for legacy signs is a better approach. DBS has long recognized and acted upon its discretion to accept documentation concerning a sign's lawful construction in lieu of permits that could not be located. As David Keim testified in 2004:

The other thing we do by policy is – is not only search all of our records thoroughly, we will try to establish how long the sign has been there in some cases. If it is an electrified sign for lights we may ask sometimes for DWP records, but we will also ask the sign company if they can produce any kind of documentation to show that it was lawfully erected.

In fact, the citywide inventory of off-site signs that DBS compiled in November 2012 indicates that hundreds of signs are “presumed lawful pursuant to California Bus. & Prof. Code 5216.1.”

Yet, despite DBS's willingness to accept substitute documentation in lieu of a building permit at an operational level, until now there has been no way to bring final resolution regarding the entitlements of older signs, and administrative and court battles continue concerning the City's efforts to remove older signs without the payment of compensation. With the new penalties and absence of a stay of accruing daily fines that are included in the proposed sign ordinance, sign companies that have a significant inventory of legacy signs will simply be unable to continue with the status quo.

#### 4. The Planning Department Recognizes the Need to Address Older Signs, but Its Proposal Will Not Accomplish the City's Goals

On March 4, 2014, the Planning Department issued a report to the PLUM Committee addressing the issue of older signs, among other outstanding issues for the proposed ordinance. In the report, the Planning Department recognizes that the lack of clarity concerning the state law presumption under the current sign regulations has left DBS unable to enforce against many pre-existing signs and “unable to grant any permits to legalize the existing signs.” The report explains further:

The impact of this uncertainty includes a financial impact on the sign owners, whose signs face a loss in value due to the possibility of being subject to citations or Administrative Civil Penalties. There is also a potential impact on the City's ability to reduce off-site sign clutter, as the sign reduction program within the proposed sign ordinance states that only legally permitted signs are eligible for sign credits and removal. (3/3/2014 Report at page 5)

The Planning Department seeks authorization to draft amendments with the City Attorney to address this situation. The report suggests that the proposed amendments should draw a distinction between two types of pre-existing signs: (1) pre-existing signs for which no permit can be found, which would be allowed to “remain in their current condition without being subject to citation or enforcement” or alternatively could be removed under incentives for sign removal credits; and (2) pre-existing signs where the City has a permit but the sign today does not match the permit specifications, which would be subject to enforcement and the proposed heightened penalties.

The Planning Department's proposal is a step in the right direction, but the suggested framework will not achieve the goals of consistent regulation and effective enforcement:

*First*, it does not make sense to treat older signs that have an original permit but were thereafter legally modified more harshly than signs with no permits at all. Many older signs have been modified, repaired, and rehabilitated over the decades as building standards have evolved. Such modifications were allowed prior to 2002, and changes were often made to enhance the safety of sign structures, protect sign workers, or to accommodate non-sign development.

The Planning Department's report cites a portion of Business & Professions Code section 5216.1 that states that the state law's protections “do[] not apply to any advertising display whose use is modified after erection in a manner which causes it to become illegal.” We agree that a pre-existing entitlement, whether it is a permit or the state law presumption, is not a license for a sign owner to make illegal modifications. Indeed, this is one reason why it is so important for the City to issue in lieu permits that clearly state the parameters of legacy signs — so that the City has a baseline from which to regulate future development.

The Planning Department report is in error, however, to the extent it suggests that long-existing signs that do not match an original construction permit are necessarily unlawful. For one thing, a discrepancy between an original permit and a sign's current status does not necessarily mean that a sign was modified after its original construction. An old building permit frequently does not match a sign's current configuration because measurement methods have changed (e.g., measuring height above roof instead of above grade). The height of the building itself may have changed over the decades. In other instances, the permitting agency may have

authorized variations from the original building plans or given site approvals without formally issuing a new permit, a practice common decades ago.

In the many instances where a sign has been modified over the years, moreover, permits for the long-ago modifications are liable to be missing for the very same reasons that original permits are often missing — even more so, since sign owners and contractors would never have anticipated the need to maintain extra copies of modification permits long after work was completed.

Whatever the exact scenario, state law presumes that a sign that has been in place without written enforcement notice is lawful as it stands and any apparent conflict between the sign as-built and an old building permit does not rebut this presumption. The Planning Department report suggests that the existence of the original permit in City records would rebut the presumption, but this would only be true in circumstance where the sign was modified in a way that was *not* allowed at the time it was modified. If, however, a sign owner can provide evidence that shows that a sign existed in its current configuration some thirty years ago, and if that configuration was lawful at that time, then the presumption applies exactly as if the sign had never been modified, and the City has no basis to refer that sign to enforcement. If the ordinance fails to address signs that were modified long ago in a manner legal at the time, then the ordinance will fail in its purposes and there will still be hundreds of sign-by-sign disputes that waste City resources and jeopardize a sign owner's constitutional property rights for no legitimate regulatory purpose.

*Second*, as to certain signs, the Planning Department proposal is *too permissive*, and could allow some signs that were illegally built or modified to continue. The City's recordkeeping practices vastly improved in the last twenty years with the introduction of modern computer databases, OSSPIP, and heightened enforcement. It is extremely unlikely that a sign could have been erected or modified after 2002, for example, with City approval and not have a permit on file. Indeed, the purpose of OSSPIP was to prevent this very scenario. Accordingly, the proposed ordinance should not allow every unpermitted sign that exists today to be grandfathered; rather, it should be incumbent on the sign owner to demonstrate (e.g., by photographs, permits, affidavits, leases, etc.), that a sign truly dates from an era where the City's records were defective. The Coalition proposal would achieve these purposes by predicating the protections of in-lieu permitting on a satisfactory demonstration that a sign was built or modified in a lawful manner before 2002.

*Third*, any amendments to address older signs, whatever the parameters for inclusion, should go beyond a simple recognition "affirming the legality of hundreds of signs," as suggested by the Planning Department report. The best way to end the limbo of older signs, minimize case-by-case disputes, and finally move forward would be to issue a new permit, or some similar certificate of entitlement recorded in the City records, to those signs that qualify. The in-lieu permit should specify, like any permit, the attributes of the sign. Only that way can the City avoid having to repeat the cycle of confusion every few years and effectively ensure that older signs, once grandfathered, are not subsequently altered without appropriate permissions.

## **B. Legislative Proposal for In-Lieu Permits**

To facilitate the DBS's inspection and enforcement efforts, the City should formalize a process for issuing replacement permits to decades-old off-site signs that are presumptively lawful, by amending section 91.6205.18. In-lieu permits delineating the parameters of older signs would help DBS and sign operators alike to maintain consistent records and to facilitate DBS's OSSIP inspection process.

In-lieu permitting has been adopted for several years in the City of San Francisco. San Francisco had to confront many of the same challenges in harmonizing modern sign enforcement goals, poor recordkeeping, and substantial vested property rights in legacy signs. Under the San Francisco program, S.F. Municipal Code section 604.1(c), sign owners are entitled to in-lieu permits in comparable circumstances where the City is not in a position to rebut the state law presumption that a sign is lawfully erected.

In our City, there are ample universally agreed-upon standards that already exist within DBS to make a determination, even if old permits cannot be found, whether a legacy sign is lawfully existing. As discussed above, DBS has considered old photographs, old sign leases and correspondence, other permits for repairs, changes or electrical work over the years, permits and approvals from other agencies, and a sign property owner's own documents (e.g., work orders or invoices) to figure out whether a sign was built long ago, and whether it would have complied with the law at the time it was built or that any subsequent modifications were made.

The in-lieu permit process would build on this idea and the state law presumption by allowing a replacement permit to be issued for a qualifying older sign, bringing finality and repose to these older signs.

\* \* \*

By ensuring basic fairness and respect for longstanding property rights, a process for in-lieu permitting would allow the City and the sign companies to harmonize rigorous modern-day sign regulation with the realities of legacy signs in a way that will actually help to ensure that the affected signs are operated in accordance with the appropriate conditions specified in their certificates, and thus can be measured against their certificates to ensure continuing compliance.

### **III. ADMINISTRATIVE PROCESS AND PENALTIES – PROPOSED SECTIONS 14.4.25 AND 14.4.26**

Section 14.4.25 of the proposed ordinance applies to the sign regulations set forth in Article 4.4 of Chapter I and Chapter IX of the Code and to any other sign regulations established by the ordinance. It authorizes the Department of Building and Safety (“DBS”) to impose civil penalties against “any responsible party” for violation of the City’s sign regulations, which includes both the owner of the property upon which the sign is located and the sign owner. Each day’s violation of the regulations is a separate offense. Section 14.4.26 establishes an appeals procedure for administrative civil penalties assessed pursuant to 14.4.25.

These provisions raise two important questions: (1) whether administrative penalties are tolled during appeals; and (2) if not, whether the new appeals procedure denies due process. Federal and state precedent holds that the imposition of penalties during a timely, non-frivolous appeal violates the Due Process Clause and therefore penalties must be tolled pending the final disposition of appeals.

By its combination of onerous penalties and lack of a tolling provision, the proposed ordinance violates due process on its face. The proposed ordinance therefore should explicitly provide for tolling of civil and criminal penalties while an appeal from an Order to Comply (“OTC”) is pending, either in the City’s administrative process or in the courts. Given the severity of the proposed penalties, a party served with an OTC will have no choice but to seek an injunction against prosecution while it appeals. Should the court deny the injunction and the appellant prevails, the City faces a substantial damage claim resulting from the shutdown of the



sign during the administrative appeal and judicial review proceedings. A tolling provision thus is in the City's own interests.

The Coalition submits that the City should clarify the proposed ordinance by expressly providing for tolling during administrative appeals and judicial review of OTCs. A brief addition to section 14.4.26.A.1 would accomplish this purpose: "The filing of an appeal shall toll the accrual of penalties for violations of this Code until the appeal and any subsequent judicial review proceedings are completed."

Because the PLUM Committee has previously directed the City Attorney to review the legal concerns as to these provisions, the following section of the letter sets forth the legal principles which support our position that the current draft of the ordinance should be revised as suggested above.

**A. The Imposition of Civil Administrative Penalties Before Final Adjudication of Non-Frivolous Legal Challenges to Compliance Orders Violates Due Process.**

The Due Process Clause of the Fourteenth Amendment guarantees the right to challenge a statute or administrative order in the courts. "[I]n whatever method enforced, the right to a judicial review must be substantial, adequate, and safely available . . ."<sup>4</sup> Noncompliance penalties violate due process where "no adequate opportunity is afforded...for safely testing, in an appropriate judicial proceeding, the validity of the [law] *before any liability for the penalties attaches* . . ."<sup>5</sup>

This rule stems from the landmark U.S. Supreme Court decision in *Ex Parte Young*<sup>6</sup> and its progeny, particularly *Wadley Southern Railway Co. v. Georgia*,<sup>7</sup> and *Oklahoma Operating Co. v. Love*.<sup>8</sup> In *Ex Parte Young*, the State of Minnesota capped the permissible rates for rail transport and imposed heavy fines and prison sentences for exceeding them. For example, the penalty for exceeding the rates for passenger transportation was five years in prison and a \$5,000 fine. Each ticket sold above the statutory rate constituted a separate violation.

The statutes in *Young* did not permit railroads to challenge the statutory rates in state court. To assert a judicial challenge, the railroad first had to violate the statutes and raise their invalidity as an affirmative defense in an enforcement proceeding.<sup>9</sup> But the penalties for violating the statutes were so heavy that no railroad company or employee could risk conviction, which made the rates effectively unreviewable. The Court therefore held the penalty provisions unconstitutional on their face, regardless of the validity of the statutory rates.<sup>10</sup>

The Court further affirmed a circuit court injunction barring the state attorney general from enforcing the statutory rate caps.<sup>11</sup> In so doing, the Court rejected the state's argument that a railroad could commit a single violation to trigger a "test case" and then resume compliance with the disputed rates while the case was being litigated. The Court reasoned that the railroads were unlikely to find an employee willing to risk the penalties for even a single violation. Further, the railroads would be deprived of due process if they complied with the rate caps during the litigation and prevailed. In that event, the railroads would have been deprived of property (by having to charge unlawfully low rates) without due process.<sup>12</sup>

The statutes in *Young* gave the railroads a choice between complying with potentially unlawful and costly statutory rate caps or incurring prohibitive penalties to challenge them. A leading commentator describes this situation as the "*Young* dilemma."<sup>13</sup> The Supreme Court in *Morales v. Trans World Airlines, Inc.*<sup>14</sup> described it as a "Hobson's choice" between serious

costs of compliance (which in *Morales* involved compliance with state limitations on airline advertising) and escalating liability for noncompliance.<sup>15</sup> In both cases the Court affirmed an injunction to relieve the affected party of the dilemma.<sup>16</sup>

Two principles relevant to tolling emerge from *Young*. First, penalties that deter access to the courts are unconstitutional. Second, if a statute puts a party in the *Young* dilemma, an injunction will issue to bar the accrual of noncompliance penalties until the courts decide whether the statute is valid.

*Wadley Southern Railway Co. v. Georgia*<sup>17</sup> extended *Young*'s rule regarding unconstitutional accrual of penalties to statutes that, like the proposed sign ordinance, provide for judicial review of compliance orders. It also made explicit the requirement that where judicial review is available, a litigant must challenge the disputed statute with "reasonable promptness." If it does not, and instead challenges the statute in a penalty prosecution, the litigant loses its constitutional immunity from penalties that accrue *pendente lite*.

In *Wadley*, the statute that established the state railroad commission provided a \$5,000 per day penalty for violation of a lawful commission order. The commission ordered the Wadley Southern Railway (Wadley) to cease charging rates that forced shippers to send their goods over a longer route instead of a shorter one. Wadley chose not to appeal the order. Instead, it informed the commission that it would not comply because it believed the order was void. Sixty days after issuance of the order, the state brought a penalty action against Wadley. The court ruled for the state and imposed a \$1,000 fine. Wadley appealed to the state supreme court, which affirmed, and then to the U.S. Supreme Court.<sup>18</sup>

Wadley's argument was that like the penalty provisions in *Young*, the \$5,000 daily penalty provision foreclosed access to the courts. The penalty imposed under the statute, Wadley argued, therefore was void.<sup>19</sup> The state countered that *Young* did not apply because in contrast to *Young*, Wadley had the right to appeal the commission's order without violating it.<sup>20</sup>

The Court affirmed the fine, although it rejected the state's argument. The Court reasoned that where a party challenges an administrative order in court, whether that party is legally required to comply with the order is uncertain until the courts have finally decided the case. A statute that penalizes noncompliance that occurs while the order is under review thus resembles an *ex post facto* law in that it punishes "for an act done when the legality of the command has not been authoritatively determined."<sup>21</sup> Such a statute, the Court reasoned, puts an affected party in the *Young* dilemma of complying at considerable cost with an order that may be void or not complying at the risk of heavy penalties should the challenge fail.<sup>22</sup>

In view of the statutory right of appeal, the Court defined the issue as "whether...the penalty can be collected for the violation of an order not known to be valid at the date of the disobedience sought to be punished."<sup>23</sup> The Court reasoned that had Wadley promptly sought review, it would *not* have faced penalties:

[¶] If [Wadley] had availed itself of that right [of review], and – with reasonable promptness – had applied to the courts for a judicial review of the order, and if, on such hearing, it had been found to be void, no penalties could have been imposed for past or future violations. If, in that proceeding, the order had been found to be valid, [Wadley] would thereafter have been subject to penalties for any subsequent violations of what had thus been judicially established to be a lawful order – *though not so in respect of violations prior to such adjudication*.<sup>24</sup>

In short, Wadley was constitutionally immune from noncompliance penalties while it litigated the validity of the commission's order.<sup>25</sup> But it forfeited that immunity by failing to seek review promptly after receiving the order.<sup>26</sup>

Government entities sometimes seek to limit *Young* to statutes that preclude all access to the courts. *Wadley* shows that *Young* applies to statutes that permit judicial review of administrative orders without the necessity of committing a violation. Even where judicial review is available, as it is in the case of the City sign ordinance, tolling applies if the affected party seeks review with reasonable promptness. Tolling in such situations is constitutionally necessary. Without tolling, the party seeking review must either comply, at the risk of losing its due process rights if its challenge prevails as described in *Young*,<sup>27</sup> or face penalties that escalate while its case is pending if it does not prevail, as described in *Wadley*.<sup>28</sup> Without tolling, the party seeking review thus is back in the *Young* dilemma.

*Oklahoma Operating Co. v. Love*<sup>29</sup> makes explicit another condition of constitutional tolling: the appellant must have reasonable grounds for seeking judicial review.<sup>30</sup> *Love* was a federal action to block enforcement of an order by the state railroad commission that declared plaintiff's business a monopoly and limited the prices plaintiff could charge. The state statutes prescribed a \$500 per day penalty for violation of commission orders and permitted judicial review only by appeal from an administrative penalty proceeding. The case thus originally presented the *Young* paradigm in which the plaintiff must risk penalties to challenge the order in court. While the case was pending, the state legislature amended the statute to permit appeal from commission orders, which created a review process like that in *Wadley*.<sup>31</sup>

A three-judge panel denied plaintiff's motion for preliminary injunction and plaintiff appealed to the Supreme Court. The Court held the penalty provisions of the statute unconstitutional<sup>32</sup> and reversed the order denying the injunction. It reasoned that the plaintiff should be allowed to test the validity of the rate order in court. Even if the trial court ultimately were to uphold the commission's order, "a permanent injunction should, nevertheless, issue to restrain enforcement of penalties accrued pendente lite, provided that it also be found that the plaintiff had *reasonable ground* to contest them as being confiscatory."<sup>33</sup>

Two other tolling precedents from the Ninth Circuit and the California Court of Appeal clarify the contours of *Ex Parte Young* as it relates to the proposed ordinance. In *United States v. Pacific Coast European Conference*,<sup>34</sup> the Ninth Circuit applied the "constitutional tolling principle" of *Young* and its progeny to hold that the accrual of statutory penalties during an unsuccessful court challenge to a federal statute and related administrative order violated due process. Relying on *Wadley*, the court found tolling applied because the defendants "promptly and vigorously" pursued judicial review on non-frivolous grounds.<sup>35</sup>

The government argued that tolling should not apply because defendants had a "riskless remedy" by complying with the statute while they pursued judicial review. The court rejected this argument in part because the conferences had a "constitutional right of contract except where impaired by valid statute or administrative order."<sup>36</sup> Whether the statute or order was valid, however, could not be known until the courts finally decided defendants' challenge. Billboards involve the very same rights of contract, as well as fundamental First Amendment rights not implicated by *Pacific Coast*. These rights cannot be impaired except by a lawful OTC, and an OTC contested in the courts is lawful only if and when the courts decide that question.

In *Mattice Investments, Inc. v. State of California*,<sup>37</sup> the Second District Court of Appeal reversed \$100,000 in noncompliance penalties that accumulated while a group of contractors unsuccessfully challenged an administrative document request in court. The court reasoned that



no prior reported decision foreclosed the contractors' argument on the merits and they had "prosecuted this appeal in good faith..."<sup>38</sup> The court held that the penalties were an "unreasonable burden on the exercise of the appellate process." The court gave the contractors thirty days to comply with the request, after which they would face penalties.

Although *Mattice* did not cite any of the leading federal precedents regarding the validity of the penalty, its rationale is as the same as the *Young* line of cases. The contractors sought relief promptly (*Wadley*) and asserted a position that, although not ultimately successful, was not frivolous (*Love, Pacific Coast*). The court's conclusion that the penalties were an unreasonable burden on exercise of the right of appeal reflects *Young's* overarching concern with access to the courts. And if the contractors continued to violate the statute after the courts had made a final decision, then, but only then, would they be subject to penalties. (*Wadley*.) *Pacific Coast* and *Mattice Investments* are reminders of *Ex Parte Young's* continuing vitality.

Recent *Ex Parte Young* challenges to the federal Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")<sup>39</sup> further demonstrate the contemporary vitality of the tolling principle. In *General Electric Co. v. Jackson*,<sup>40</sup> for example, the D.C. Circuit upheld CERCLA provisions that permit EPA to issue unilateral administrative orders requiring cleanup of polluted areas. The court reasoned that CERCLA withstands *Ex Parte Young* scrutiny because it provides procedural safeguards, including a "sufficient cause" defense to penalties.<sup>41</sup> By contrast, the proposed ordinance provides no such safeguards and therefore cannot withstand scrutiny under *Young*.

Proposed Section 14.4.25 B. permits DBS to assess penalties by issuing an OTC. Under Section 14.4.26 A. 1., the sign owner may appeal the OTC administratively to the Director of the Department of City Planning ("the Director"), to be decided by an administrative hearing officer ("AHO"). Under Section 14.4.26 E. 1, the AHO reviews the OTC for legal error or abuse of discretion. Further appeals may be taken to the Area or City Planning Commission as provided in LAMC Section 12.26.K.

Under Section 12.26.K.1, an appeal to the Director normally stays enforcement pending appeal.<sup>42</sup> In billboard cases, however, Sections 14.4.25 and 14.4.26 stay the accrual of penalties for only three short periods. First, penalties for noncompliance with an OTC are stayed for 15 days after the OTC's effective date. Second, if the AHO upholds civil penalties imposed by the OTC, Section 14.4.26 E.4 provides for another 15-day stay after the AHO issues her decision. Third, if the AHO or the planning commission requires time in addition to the 75-day period in which they are required to issue their decisions, Section 14.4.26 E. 7 stays the accrual of penalties during the extra time taken to issue the decision. Apart from these periods, daily civil penalties accrue during litigation over the validity of the OTC.

The penalties for noncompliance with an OTC are prohibitive. Under Section 14.4.25.C. the penalty for a billboard 750 square feet or larger in size starts at \$12,000 the first day and reaches \$48,000 by the third. For a 672-square-foot "bulletin"-sized sign, the standard large-sized sign in the industry, the daily penalties begin at \$10,000 and reach \$40,000 on the third day. Even for the smallest signs daily penalties reach \$8,000 on the third day. No party could risk such penalties, however strong its defense to an OTC might be.

A party served with an OTC thus would have no choice but to shut down its sign and "suffer the injury of obeying the [order] during the pendency of the [appeal] and any further review."<sup>43</sup> This injury includes not only the loss of the economic benefit of the sign but the deprivation of First Amendment rights as well. Unless the City provides for tolling of penalties



during administrative and judicial review of an OTC, a central part of the ordinance's enforcement mechanism therefore will be unconstitutional.

**B. The Ordinance Should Expressly Provide for Tolling During an Administrative Appeal and Judicial Review.**

As explained above, the Due Process Clause requires tolling of penalties during a timely, non-frivolous challenge to a statute or administrative order. The PLUM Report rejects this requirement on the grounds it would create “an unintentional loophole that would allow violators of the off-site sign regulations to simply file an appeal even if there is a clear and flagrant violation, and avoid penalties for as long as it takes the hearing to happen.” The Report states, “this could create another situation similar to what happened with supergraphics a few years ago.” (Report at 3-4.) The Report states that while “staff recognizes the concerns of sign owners, the dilemma here comes down to a financial risk to sign owners versus a risk to the City of being again inundated with illegal signs.” (*Id.* at 4.)

Contrary to the Report, tolling requires “reasonable” or non-frivolous grounds for the appeal.<sup>44</sup> In cases of “clear and flagrant violation[s],” such grounds do not exist. In other words, constitutional tolling does not apply to frivolous claims. According to the Report, the concern is with “clear and flagrant” violators, not sign owners who challenge OTCs on reasonable grounds.

The Report says that the proposed ordinance “strikes a balance” between the sign owners’ financial concerns and the purported risk of inundating the City with illegal signs. It does so, according to the Report, “by allowing a 15-day grace period, waiving the proposed administrative civil penalties if sign copy is removed within the 15-day grace period, offering an expedited appeal process, and providing new procedures to resolve the permit status of the existing off-site signs that fall under the sate ‘rebuttable presumption’ law.” (Report at 4.)

The twin filters of bona fide legal grounds for challenging an OTC and the expense of litigation are strong safeguards against abuse of the constitutional tolling principle. Moreover, the sign owners have not just financial but also *constitutional* interests in whether noncompliance penalties accumulate during a good-faith challenge to an OTC. While the *extent* of certain due process rights (such whether to permit a full-blown trial-type hearing in administrative hearings) are matters of balancing,<sup>45</sup> some due process rights may not be “balanced” away. These include notice and an opportunity to be heard, long-settled incidents of constitutional due process. They also include the right to contest statutes or administrative orders in the courts on reasonable grounds without having to comply with them until the *courts* have decided their validity.<sup>46</sup>

**IV. UNWORKABLE SIGN DISTRICT RESTRICTIONS**

The proposed sign ordinance also contains unworkable regulations for new off-site signs within sign districts by imposing requirements so strict that new off-site signs are effectively eliminated in 90% of the City and there is no real opportunity to reduce the number of existing off-site signs. By so severely limiting the location of new sign districts, the City is unnecessarily limiting opportunities for removal of existing signs and aesthetic and traffic safety improvements. By revising section 13.11, the City will be better able to fulfill its goals of controlling the location of new off-site signs, reducing the number of existing off-site signs, and improving aesthetics and traffic safety.

For example, proposed section 13.11.C requires sign districts to be located 500 feet from certain zones and streets, including scenic highways, even though such scenic highways

crisscross the City. These requirements effectively eliminate potential locations for new sign districts and the benefits that they bring from the City entirely.

Similarly, the proposed community benefits program is well-intentioned but fatally flawed. The proposed ordinance requires sign takedowns in all circumstances, places a cap on community benefits, requires community benefits and sign reduction to be located in a sign district or in a “sign impact” area that must be contiguous with the sign district, and requires the provision of public benefits to be completely implemented before any permit is issued. This program discriminates against smaller sign companies, which may not have a large enough inventory to fulfill a takedown requirement or which may not already operate in the sign district, even if they are otherwise willing to provide substantial benefits to the community in some other form. In addition, few sign companies and property owners can afford to pay for community benefits and wait until they are completely implemented before realizing the financial benefit from their sign. This approach discourages signs even in “sign districts,” thereby discouraging the provision of public benefits and depriving the City of flexibility to take advantage of the benefits of off-site signs while controlling or avoiding the potential costs.

Sign districts should have special provisions to regulate off-site signage, but those provisions should be workable and flexible enough to permit the City to maximize the benefits from off-site signage while retaining control over appropriate siting, as opposed to being so restrictive as to constitute a *de facto* ban. Thus, the proposed ordinance, with the Coalition’s proposed changes, would be the best way forward towards a comprehensive sign solution in Los Angeles.

## **V. UNNECESSARY AND UNWORKABLE PROVISIONS REGARDING OFF-SITE SIGNAGE**

Like the proposed changes to the Code’s provisions for sign districts, several of the proposed ordinance’s revisions to the regulations in section 14 for off-site signs are problematic. The revisions to the PLUM Committee’s approved ordinance reflect an unnecessary anti-sign bias,<sup>47</sup> with a number of unnecessary provisions, as well as legally problematic provisions involving the unlimited discretion regarding digital displays, and unworkable provisions regarding interior signs.

### **A. The Proposed Ordinance Is Inflexible**

In general, the proposed ordinance’s inflexible approach to the potential for new technology stifles innovation and improperly seeks to prevent operators from vesting their rights to operate their signs pursuant to their issued permits. There is no reason to treat off-site signs differently than any other business enterprises, which are not so limited.

The proposed section 14.4.3.B “Permissive Sign Regulations” is an example of one of these unnecessary provisions. Section 14.4.3.B states:

The sign regulations set forth in Article 4.4 of Chapter I of this Code are permissive. Thus, only those uses or structures expressly enumerated in Article 4.4 of Chapter I are allowed. Any use or structure that is not so enumerated is prohibited. This amendment clarifies the City Council’s long-standing interpretation and does not change existing law. Thus, it shall be unlawful for any person to erect, construct, install, enlarge, alter, repair, move, remove, convert, demolish, use or maintain any sign or sign support

structure, or cause or permit those actions to be done, in violation of any of the provisions of Article 4.4 of Chapter I.

The Code does not need to state that it is unlawful to violate the Code, and this provision is counterproductive because it purports to ban *any* sort of new technology—but only with respect to sign technology.

Similarly, the proposed section 14.4.19.D fails to provide the certainty which is essential to investment. Section 14.4.19.D states:

Based on new or updated information and studies, the City Council reserves the right to amend the standards and other provisions set forth in this Section and the general brightness limitation set forth in Section 14.4.4 E of this Code in order to mitigate impacts on the visual environment on residential or other properties, to reduce driver distractions or other hazards to traffic, or to otherwise protect and promote the public health, safety and welfare. Further, the City Council reserves the right to apply these amended standards to existing signs and digital displays.

It is not entirely clear what the intent of this new provision section 14.4.19.D is. Is the City attempting to prevent the vesting of rights to operate signs in a certain manner? If so, this is contrary to law and an inappropriate use of the City's police power. If the City wants to change the rules for future signs, it is of course free to do so through legislation, but cannot retroactively change the rules under which businesses operate. We are unaware of any similar provision in the Code and see no reason to single out the sign industry for special treatment. Such provisions inject an unacceptable amount of uncertainty and lack of predictability to local businesses that use outdoor advertising. This provision must be amended before inclusion in the final version of the ordinance. The Coalition has proposed changes to Sections 14.4.3.B and 14.4.19.D to resolve these issues.

**B. The Proposed Ordinance Should Not Delete Sign Adjustments and Sign Variances for Off-Site Signs**

Other sections of the proposed ordinance are on the right track, but require amendments to avoid being too inflexible, unworkable, and impractical. This is particularly the case regarding the provisions for sign adjustments and variances, which staff changed on its own initiative following the PLUM hearing.

The proposed sections 14.4.22 and 14.4.23 regarding sign adjustments and sign variances state that adjustments and variances shall not be granted for off-site signs. Off-site signs should not be singled out as ineligible for sign adjustments and variances; rather, they should be regulated as all other signs. The City should strive to bring off-site signs into compliance with the Code, as it does with all other uses and on-site signs, but eliminating the opportunity for adjustments and variances for off-site signs does the opposite – it encourages the perpetuation of illegalities. This is bad for the City and the sign industry and we respectfully submit that these provisions be revised.

While off-site signs should be eligible for adjustments, we recognize that a narrower scope of proposed adjustments may be appropriate for off-site signs. Staff's proposed section 14.4.22, which allows a Zoning Administrator to grant an adjustment from the provisions of the



Code pertaining to height, location, sign area, shape, projection, and clearance of off-site signs to allow a deviation of up to 20 percent beyond what is permitted by the Code, should be revised to allow an adjustment of 10 percent beyond the permit provisions. This is sufficient to ensure that existing signs may be brought into compliance with the City's sign regulations while still requiring that more significant deviations from the Code be considered through the Sign Variance procedure, which has stricter findings.

## VI. THE PROPOSED ORDINANCE'S REGULATION OF INTERIOR SIGNAGE REQUIRES MORE CLARITY

Despite this Committee's consistent direction that interior signs are not intended to be regulated by the sign ordinance, the current version of the proposed ordinance creates additional confusion as to what constitutes an exterior sign intended to be regulated by the sign ordinance and what constitutes an interior sign not intended to be regulated by the sign ordinance.

Pursuant to the current section 14.4.3.A, the City's sign regulations in Article 4.4 are only applicable to exterior signs. The proposed ordinance is unsuccessful in clarifying what constitutes an interior sign exempt from the sign ordinance. Indeed, when the PLUM Committee adopted, with modifications, a previous version of the draft sign ordinance, PLUM "DIRECT[ED] the Planning Department to craft a clearer distinction between the terms 'exterior' signs and 'interior' signs, which are not intended to be regulated by this ordinance."

The Coalition's proposed changes to section 14.4.3.A are necessary to ensure that the sign ordinance will not apply to and prevent interior signs located on the interior of larger, campus-like properties, including such destinations as entertainment, sports, cultural, and academic facilities, which do not affect the visible attributes of the public realm, but which, because of an open-air, open-space design, are not bounded on all sides by one or more buildings. Consistent with the Coalition's other proposed changes, this change ensures that the City retains the ability to appropriately regulate different types of signage, in lieu of a sledgehammer approach that lacks nuance or flexibility.

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<sup>1</sup> Bus. & Prof. Code § 5412.

<sup>2</sup> Bus. & Prof. Code § 5216.1.

<sup>3</sup> Assembly Bill 503 (Papan, 1983).

<sup>4</sup> *Wadley So. Railway Co. v. Georgia*, 235 U.S. 651, 661 (1915). See discussion *infra* at 3–4.

<sup>5</sup> *St. Louis, Iron Mountain & So. Railway Co. v. Williams*, 251 U.S. 63, 64–65 (1919) (emphasis added).

<sup>6</sup> 209 U.S. 123, 145–47, 149, 163–65 (1908).

<sup>7</sup> 235 U.S. at 662–63, 669 (applying tolling principle to statute that provided for judicial review of administrative orders).

<sup>8</sup> 252 U.S. 331, 336–37 (1920) (holding plaintiff entitled to an injunction against prosecution for noncompliance while judicial challenge to administrative order was pending, if challenge was based on "reasonable grounds."). See also *United States v. Pacific Coast European Conference*, 451 F.2d 712, 717–19 (9th Cir. 1971) (holding unconstitutional penalties for violation of statute that accrued during non-frivolous judicial challenge and subsequent administrative proceedings).

<sup>9</sup> See *id.*, 209 U.S. at 145–46, 163.

<sup>10</sup> *Id.* at 145.

<sup>11</sup> *Id.* at 163–65.

<sup>12</sup> *Id.*



- <sup>13</sup> Douglas Laycock, *The Death of the Irreparable Injury Rule*, 103 HARV. L. REV. 687, 718–19 (1990) (“The basic insight of *Ex Parte Young* remains unchanged: a remedy that does not address the dilemma of risking penalties or forfeiting constitutional rights is not an adequate remedy.”).
- <sup>14</sup> 504 U.S. 374 (1992).
- <sup>15</sup> *Id.* at 381 (“Like the plaintiff in [*Ex Parte*] *Young*, then, respondents were faced with a Hobson’s choice: continually violate the Texas law and expose themselves to potentially huge liability; or violate the law once as a test case and suffer the injury of obeying the law during the pendency of the proceedings and any further review.”).
- <sup>16</sup> *See Ex Parte Young*, 209 U.S. at 149, 163–65; *Morales*, 504 U.S. at 381.
- <sup>17</sup> 235 U.S. 651, 661 (1915).
- <sup>18</sup> *Id.*, 235 U.S. at 652–53.
- <sup>19</sup> *See id.*, 235 U.S. at 659–60.
- <sup>20</sup> *Id.* at 666–67.
- <sup>21</sup> *Id.* at 662–63.
- <sup>22</sup> *Id.*
- <sup>23</sup> *Id.* at 667.
- <sup>24</sup> *Id.* at 669. (Emphasis added.)
- <sup>25</sup> *Id.* at 662–63, 669.
- <sup>26</sup> *Id.*
- <sup>27</sup> *Id.*, 209 U.S. at 163.
- <sup>28</sup> *Id.*, 252 U.S. at 667.
- <sup>29</sup> 252 U.S. 331 (1920).
- <sup>30</sup> This condition is at least implicit in *Ex Parte Young* and *Wadley*. *See Ex Parte Young*, 209 U.S. at 147–48; *Wadley*, 235 U.S. at 662–63.
- <sup>31</sup> *Love*, 252 U.S. at 334–35 (appeal originally permitted only from order of contempt), 337 (amendment to permit judicial review of commission orders); *see* Comment, *Procedures to Challenge the Process of Administrative Agencies*, 30 U. CHI. L. REV. 508, 521–522 n. 85 (1963).
- <sup>32</sup> *Id.* at 337.
- <sup>33</sup> *Id.*, 252 U.S. at 337–38. (Emphasis added.)
- <sup>34</sup> 451 F.2d 712 (9th Cir. 1971).
- <sup>35</sup> *Id.* at 717, 718.
- <sup>36</sup> *Id.* at 718. *See also Ex Parte Young*, 209 U.S. at 165.
- <sup>37</sup> 190 Cal. App. 3d 918, 924–25 (1987).
- <sup>38</sup> *Id.* at 924.
- <sup>39</sup> 42 U.S.C. §§ 9601 *et seq.*
- <sup>40</sup> 610 F.3d 110 (D.C. Cir. 2010).
- <sup>41</sup> *Id.* at 118.
- <sup>42</sup> Section 12.26.K.1. provides in relevant part: “The filing of an appeal stays, with respect to that site, all enforcement proceedings and actions pertaining to Chapter I of this Code and other land use ordinances pending the Director’s decision.”
- <sup>43</sup> *Morales*, 504 U.S. at 381. *See also Ex Parte Young*, 209 U.S. at 147–48; *Love*, 252 U.S. at 336–37.
- <sup>44</sup> *See Love*, 252 U.S. at 338 (reversing denial of preliminary injunction and holding plaintiff entitled to permanent injunction against penalties accrued *pendente lite*, “provided...plaintiff had “reasonable grounds” for appeal);

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*Pacific Coast*, 451 F.2d at 717 (affirming summary judgment against penalty prosecution where defendants had filed unsuccessful but “not frivolous”).

<sup>45</sup> See, e.g., *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

<sup>46</sup> See *Wadley*, 235 U.S. at 662–63.

<sup>47</sup> As an example of the negative attitude towards signage in the staff proposal, page 27 of the proposed CEQA Narrative states “there have been health studies that report negative impacts” of lights on cancer resistance in humans, without providing any context or analysis; the City of Los Angeles streets are brightly lit with street lights, on-site signs, and well-lighted buildings.



## SUMMARY OF SIGN POLICY-RELATED HEARINGS AND MOTIONS

Since 2008, the City Council and its committees have held at least 29 meetings on signs, including 10 City Council hearings, 17 before the Planning and Land Use Management Committee, and two before the Budget and Finance Committee. The City Planning Commission has also had at least four public hearings on signage issues. The City recently convened and completed three public meetings of the Billboard and Visual Landscape Visioning Group. Thus, in only a four-year period, the City has had no fewer than 36 public meetings where signage issues were addressed. In addition, the desire of Councilmembers to resolve this issue is further evidenced by the over 12 motions introduced during this time.

- (1) 2008-07-29: (Council hearing & motion) Council session and Motion – Amend sign ordinance to ensure consistency with applicable law; referred to PLUM.
- (2) 2008-09-09: (PLUM hearing) July 29, 2008, Motion regarding Sign Ordinance Revision agendized for PLUM; forward to City Attorney and DBS.
- (3) 2008-12-02: (PLUM hearing) July 29, 2008, Motion regarding Sign Ordinance Revision agendized for PLUM.
- (4) 2008-12-12: (Council motion) Motion – Prepare ICO for off-site and supergraphic signs; referred to PLUM.
- (5) 2008-12-17: (Council hearing & motion ) Interim sign ordinance (Ordinance 180445) item agendized for Council. Verbal motion – Adopt ordinance imposing interim regulations on the issuance of building permits for off-site signs and new supergraphic signs. Adopted by Council.
- (6) 2009-02-20: (Council resolution) Council introduces resolution to extend interim control ordinance, Ordinance 180445.
- (7) 2009-02-24: (Council resolution) Council adopts resolution to extend interim control ordinance, Ordinance 180445.
- (8) 2009-04-21: (PLUM hearing) July 29, 2008, Motion regarding Sign Ordinance Revision agendized for PLUM; request reports from City Attorney, DBS, Planning, DOT, and CAO.
- (9) 2009-04-22: (Council resolution) Council introduces resolution to extend Ordinance 180445; referred to PLUM.



- (10) 2009-05-05: (Council hearing) Resolution to extend Ordinance 180445 agendized for Council and adopted, subject to reconsideration.
- (11) 2009-05-12: (PLUM hearing) July 29, 2008, Motion regarding Sign Ordinance Revision agendized for PLUM and approved as amended.
- (12) 2009-05-26: (Council hearing and motions) Sign Ordinance Revision item agendized for Council.
  - a. Motion – Initiate a Sign District to include Grand Avenue Project and grandfather it from proposed Citywide Sign Ordinance.
  - b. Motion – Expand eligibility for Comprehensive Sign Programs in Greater Downtown.
  - c. Motion – Marquee signs: limit location.
  - d. Motion – Historic signs: repair and rehabilitation.
  - e. Motion – Interior signs: not subject to ordinance.
  - f. Motion – Refer proposed sign ordinance back to PLUM for review by new City Attorney, new Councilmember and additional community and stakeholder input.
  - g. Motion – Sign Districts: Permit only in Greater Downtown Housing Incentive Area in C, PF or R5 Zones.
  - h. Motion – Citywide Sign Ordinance: permit Sign Districts if CPC approved on or before March 26, 2009.
  - i. Motion – Prepare ICO for additional 45 days; approved as amended and referred to PLUM to report back regarding various amendments.
  - j. Motion – Interior signs: not subject to ordinance.
  - k. Motion – Maximum of 300 square feet of signage on a wall.
  - l. Motion – Digital sign standards.
  - m. Motion – Nexus study for on-site inspection program; referred to PLUM.

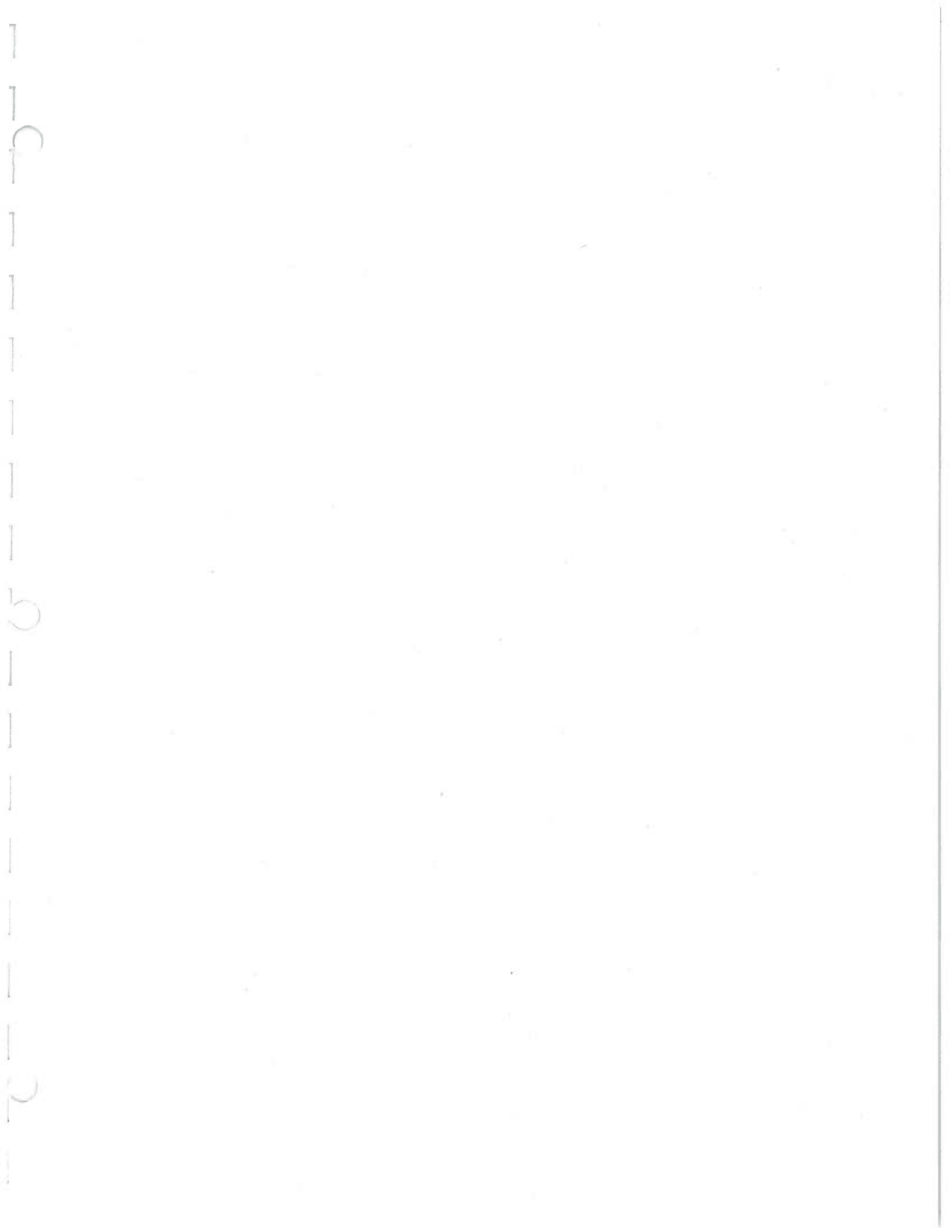
- (13) 2009-05-28: (CPC hearing) City Planning Commission approves extension of Off-Site and Supergraphics ICO.
- (14) 2009-01-22: (CPC hearing) City Planning Commission consideration of Sign Ordinance Revision.
- (15) 2009-02-19: (CPC hearing) City Planning Commission consideration of Sign Ordinance Revision.
- (16) 2009-03-26: (CPC hearing) City Planning Commission consideration of Sign Ordinance Revision; approved.
- (17) 2009-06-09: (Council action) Council adopts Ordinance 180745 regarding New Off-Site and Supergraphic Signs.
- (18) 2009-06-23: (Council motion) Motion – Historic signs: replacement; referred to PLUM.
- (19) 2009-07-08: (Council motion) Motion – 1% Arts Fee and “air time” for billboards and/or supergraphics; referred to PLUM.
- (20) 2009-07-15: (Council motion) Motion – Establish billboard reduction trade program; referred to PLUM.
- (21) 2009-08-07: (Council hearing) Sign Ordinance Revision item agendized for Council; Council adopts amending motion and Ordinance 180841.
- (22) 2009-09-01: (Council action) Council refers Sign Ordinance Revision item to PLUM.
- (23) 2009-10-23: (Council motion) Motion – Exception from ban where substantial work performed by permit; referred to PLUM on 11/04/2009.
- (24) 2009-10-30: (Council motion) Motion – Return settlement fees and convert digital back to conventional; referred to PLUM.
- (25) 2009-11-03: (Council motion) Motion – Re-permitting and modernization; referred to PLUM.
- (26) 2009-11-17: (PLUM hearing) Billboards / Policy Directives item agendized for PLUM. Sign Ordinance / Amendment item agendized for PLUM .

- (27) 2009-12-01: (PLUM hearing) Oct. 23, 2009, Motion regarding corrections to Ordinance 180841 agendized for PLUM.
- (28) 2009-12-09: (Council hearing & motions)
- a. Motion – Evaluate billboard management program and revenue analysis; referred to PLUM.
  - b. Billboards / Policy Directives item agendized for Council. Motion – Cease implementation of settlement agreement; adopted by Council in open session.
  - c. Billboards / Policy Directives item agendized for Council. Motion – Potential revenue stream from billboards, energy use from signs; adopted by Council in open session.
  - d. *Summit Media* item agendized for Council. Motion – Direct DBS to comply with *Summit Media* ruling and cease implementing settlement agreement and direct City Attorney to not join in any appeal; adopted by Council in open session.
- (29) 2009-12-16: (Council hearing & motion) Billboards / Policy Directives item agendized for Council.
- a. Motion – Evaluate administrative review of permits per settlement agreement; adopted by Council as amended.
- (30) 2010-03-30: (Council motion) Motion – Funding for sign enforcement; referred to PLUM.
- (31) 2010-04-05: (Budget and Finance hearing) March 30, 2010, Motion regarding Investigative Staffing Needs / Lay-Off Staff Replacement / Signage agendized for Budget and Finance Committee; request report from CAO and CLA on the motion.
- (32) 2010-04-19: (Budget and Finance hearing) Motion regarding Investigative Staffing Needs / Lay-Off Staff Replacement / Signage agendized for Budget and Finance Committee and approved as amended.
- (33) 2010-04-30: (Council hearing & motions) March 30, 2010, Motion regarding Investigative Staffing Needs / Lay-Off Staff Replacement / Signage agendized for Council.

- a. Motion – Impacts of enforcement efforts on supergraphic signs, approved by Council, subject to reconsideration pursuant to Rule 51.
  - b. Motion – Funding increase for billboard enforcement; approved as amended by Council, subject to reconsideration pursuant to Rule 51.
- (34) 2010-05-12: (Council action) Council action on April 30, 2010, Motion regarding funding for enforcement.
  - (35) 2010-10-19: (PLUM hearing) Motion regarding Sign Laws / Ruling on World Wide Rush LLC v. City of Los Angeles / City's Impact agendized for PLUM; request from Planning, DBS, and City Attorney to report back in 30 days with new framework rules for creating sign districts in the City and to identify consensus sign code reforms for PLUM's consideration.
  - (36) 2010-12-06: (PLUM hearing) Motion regarding Sign Laws / Ruling on World Wide Rush LLC v. City of Los Angeles / City's Impact agendized for PLUM; noted and filed.
  - (37) 2010-12-15: (Council hearing) Motion regarding Sign Laws / Ruling on World Wide Rush LLC v. City of Los Angeles / City's Impact agendized for Council and adopted.
  - (38) 2011-07-12: (PLUM hearing) Off-Site Sign Periodic Inspection Program / Time Cycle Reduction item agendized for PLUM.
  - (39) 2011-08-02: (PLUM hearing) Off-Site Sign Periodic Inspection Program / Time Cycle Reduction item agendized for PLUM.
  - (40) 2011-08-09: (PLUM hearing) Sign Ordinance Revision item agendized for PLUM; request to Planning to report back.
  - (41) 2011-09-13: (PLUM hearing) Off-Site Sign Periodic Inspection Program / Time Cycle Reduction item agendized for PLUM.
  - (42) 2011-10-18: (PLUM hearing) Sign Ordinance Revision item agendized for PLUM; request to Planning to report back on various issues. Citywide Sign Regulations / Revision item agendized for PLUM; request to Planning to report back on various issues.
  - (43) 2011-11-01: (PLUM hearing) Sign Ordinance Revision item agendized for PLUM. Citywide Sign Regulations / Revision item agendized for PLUM.



- (44) 2011-12-05: (PLUM hearing) Sign Ordinance Revision item agendaized for PLUM; request to Planning to report back. Citywide Sign Regulations / Revision item agendaized for PLUM; request to Planning to report back on various issues.
- (45) 2012-10-10: (Council motion) Motion – Establish working group to resolve potential legal disputes regarding settlement agreements; referred to PLUM and Budget and Finance Committee.
- (46) 2012-10-16: (Council hearing & motions) Oct. 10, 2012, Motion regarding working group agendaized for Council.
  - a. Motion – Provide notice to Neighborhood Councils of any agreements reached by working group; approved as amended by Council.
  - b. Motion – Provide update in 30 days and notify seven neighborhood council alliances; approved as amended by Council.
- (47) 2012-10-24: (Council hearing) Digital Sign Issues / Resolving Legal Disputes / Working Group item agendaized for Council; discussed in closed session.
- (48) 2012-12-11: (PLUM hearing) Sign Ordinance Revision item agendaized for PLUM.
- (49) 2012-12-12: (Council motion) Motion – Prepare advice regarding options in light of recent court decision; referred to PLUM.
- (50) 2013-01-22: (PLUM hearing) Sign Ordinance Revision item agendaized for PLUM and approved as amended. Citywide Sign Regulations / Revision item agendaized for PLUM and approved.
- (51) 2013-02-23: (Public hearing) Billboard and Visual Landscape Visioning Group, First Meeting
- (52) 2013-02-27: (Public hearing) Billboard and Visual Landscape Visioning Group, Second Meeting
- (53) 2013-03-07: (Public hearing) Billboard and Visual Landscape Visioning Group, Third/Final Meeting





March 7, 2013

Ms. Daisy Mo  
City Planning Associate  
City of Los Angeles Department of City Planning  
200 N. Spring St.  
Los Angeles, CA 90012

Dear Ms. Mo,

We are writing to address the traffic safety issues raised at the first two meetings of the Billboard and Visual Landscape Visioning Group and a study presented at the February 26 Billboard and Visual Landscape Visioning Group meeting, purportedly as evidence that billboards pose traffic safety hazards. To ensure you have more complete information as to the extensive research that has been conducted on digital billboards and traffic safety, attached are some additional materials for your review. What this research consistently shows is that off-site digital signs do not create traffic safety hazards.

**Numerous studies analyzing digital billboards have concluded that they are not linked to traffic accidents.**

- A series of studies conducted by a traffic consulting firm in 2007, 2009, and 2010 analyzed accident rates near off-site digital billboards in Cleveland, Ohio, Rochester, Minnesota, Richmond, Virginia, Albuquerque, New Mexico, and Reading, Pennsylvania. The firm found, based on data, that digital billboards did not statistically increase the rate of accidents. In fact, in the studies using an Empirical Bayes Method Analysis, the number of accidents near billboards was comparable to the number of accidents on sections of the highway *without* billboards.
- In 2007, the Virginia Tech Transportation Institute used eye-tracking methodology to measure whether drivers glanced more frequently or for a longer duration at digital billboards compared to conventional billboards. Drivers did *not* glance at digital billboards more frequently, and their glances at digital billboards, like glances at traditional billboards, were short in duration (approximately one second) and well below the duration commonly accepted to be associated with an increased risk of a traffic accident.

- A 2006 study from the National Highway Traffic Safety Administration concluded that short, brief glances away from the roadway to scan the driving environment actually *decrease* the risk of near-crashes and crashes. Several federal and scientific authorities (including the National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration) have acknowledged that crash data is a widely accepted, reliable, accurate, and complete source of data with which to analyze traffic safety.

**Consistent with these findings, the City of Los Angeles already allows on-site and off-site digital signs.** The City has already confirmed that digital signs, when properly regulated, do not pose a traffic safety risk. The consensus sign ordinance recommended for approval by the Planning and Land Use Committee on January 22, 2013, does not prohibit digital displays for on-site signs. Further, Sign Districts across the City permit digital signage, subject to limits on brightness, refresh rates, hours of operation, and size.

**We are not aware of any studies that show a conclusive or significant link between digital billboards and traffic safety.** Prior research on the traffic safety implications of digital billboards has concluded that there was insufficient evidence to establish a relationship between digital billboards and traffic accidents. (Jerry Wachtel & R. Netherton, *Safety and Environmental Design Considerations in the Use of Commercial Electronic Variable-Message Sign* (1980).) No published study conducted in the United States since off-site digital billboards have been implemented has found a causal relationship between digital billboards and driver inattention or distraction that poses a threat to traffic safety.

For example, in 2009, the FHWA again found that all scientific literature that had examined this issue was “inconclusive with regard to demonstrating a possible relationship between driver safety and [digital billboards].” (FHWA, *The Effects of Commercial Electronic Variable Message Signs (CEVMS) on Driver Attention and Distraction: An Update* (2009).) Mr. Jerry Wachtel, the author of the 1980 literature review cited above and the more recent 2009 review which was submitted to you, agreed with this conclusion: “Mr. Wachtel believes that it is neither feasible from the perspective of research design and methodology, nor necessary from a regulatory perspective, to demonstrate a causal relationship between digital billboards and road safety.” (SRF Consulting Group, Inc., “*Dynamic*” *Signage: Research Related to Driver Distraction and Ordinance Recommendations*, at p. 3 (June 2007) [hereafter *SRF Consulting 2007 Review*].)

The FHWA has also concluded that digital billboards are acceptable for off-premise signs. The FHWA recommends that states regulate—not ban—digital billboards. Regulations include dwell time, lighting, and maintenance. Mr. Wachtel, who prepared the literature review submitted to you for the American Association of State Highway and Transportation Officials titled “*Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs*,” reached the same conclusion in 2009. The 2009 Wachtel review does not demand a ban of digital displays. Rather, consistent with the FHWA’s position, it states that reasonable regulation based on placement, brightness, and duration of message is required to ensure the safe deployment of digital displays. (See also, *supra*, *SRF Consulting 2007 Review* (citing Jerry Wachtel).)



Moreover, those studies that have been cited as supporting a different conclusion, including the 2009 Wachtel review already submitted to the working group, are often not specific to off-site digital billboards. In fact, such studies have focused on on-site signs, which often feature full-motion video, scrolling text, and rapid flashing. Digital billboards, like the ones deployed in the City of Los Angeles, display still images that change once every eight seconds. Additionally, some such studies have also used simulators, which Mr. Wachtel has explained are not reliable due to the inherent limitations in the simulator environment. We would be happy to provide more detail on these at your request.

We believe the City has already correctly determined, like the FHWA, that digital billboards are appropriate forms of communication when reasonably regulated. Studies cited for the contrary proposition must be reviewed carefully, in light of the broad range of scientific literature, and examined to understand the purpose and focus of the study.

Thank you for the opportunity to comment. Your attention to this matter is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Miller".

Stacy Miller  
Los Angeles Outdoor Advertising Coalition (LAOAC)

shall any advertising display cause beams or rays of light to be directed at the traveled ways if the light is of an intensity or brilliance as to cause glare or to impair the vision of any driver, or to interfere with any driver's operation of a motor vehicle.

(c) Advertising displays may not be placed to obstruct, or otherwise physically interfere with, an official traffic sign, signal, or device or to obstruct, or physically interfere with, the vision of drivers in approaching, merging, or intersecting traffic.

(d) No advertising display shall be placed within 500 feet from another advertising display on the same side of any portion of an interstate highway or a primary highway that is a freeway. No advertising display shall be placed within 500 feet of an interchange, or an intersection at grade, or a safety roadside rest area on any portion of an interstate highway or a primary highway that is a freeway and if the interstate or primary highway is located outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 300 feet from another advertising display on the same side of any portion of a primary highway that is not a freeway if that portion of the primary highway is located outside the limits of an incorporated city and outside the limits of an urban area. No advertising display shall be placed within 100 feet from another advertising display on the same side of any portion of a primary highway that is not a freeway if that portion of the primary highway is located inside the limits of an incorporated city or inside the limits of an urban area.

(e) Subdivision (d) does not apply to any of the following:

(1) Advertising displays that are separated by a building or other obstruction in a manner that only one display located within the minimum spacing distances set forth herein is visible from the highway at any one time.

(2) Double-faced, back-to-back, or V-type advertising display, with a maximum of two signs per facing, as permitted in subdivision (a).

(3) Advertising displays permitted by subdivisions (a) to (c), inclusive, of Section 5405. The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway.

(4) Any advertising display lawfully in existence on August 1, 1967, which does not conform to this subdivision but that is permitted by city or county ordinances.

(f) "Urban area," as used in subdivision (d), shall be determined in accordance with Section 101(a) of Title 23 of the United States Code.

**§ 5408.1. Displays beyond 660 feet of right-of-way of interstate or primary highway in nonbusiness area; removal of existing displays**

(a) No advertising display shall be placed or maintained beyond 660 feet from

which traverse and abut on commercial or industrial zones within the boundaries of incorporated municipalities, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to and abutting on the national system of interstate and defense highways is subject to municipal regulation or control, or which traverse and abut on other business areas where the land use, as of September 21, 1959, was clearly established by state laws as industrial or commercial, provided that advertising displays within 660 feet of the edge of the right-of-way of such bonus segments shall be subject to the provisions of Section 5408.

**§ 5407. Inapplicability of certain sections to penalty segments**

The provisions of Sections 5226 and 5405 shall not apply to penalty segments which are located, or which are to be located, in business areas and which comply with Section 5408, except that Sections 5226 and 5405 shall apply to unzoned commercial or industrial areas in which the commercial or industrial activity ceases and is removed or permanently converted to other than a commercial or industrial activity, and displays in such areas shall be removed not later than five years following the cessation, removal, or conversion of the commercial or industrial activity.

**§ 5408. Standards for advertising displays in business areas**

In addition to the advertising displays permitted by Section 5405 to be placed within 660 feet of the edge of the right-of-way of interstate or primary highways, advertising displays conforming to the following standards, and not in violation of any other provision of this chapter, may be placed in those locations if placed in business areas:

(a) Advertising displays may not be placed that exceed 1,200 square feet in area with a maximum height of 25 feet and a maximum length of 60 feet, including border and trim, and excluding base or apron supports and other structural members. This subdivision shall apply to each facing of an advertising display. The area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof, which will encompass the entire advertisement. Two advertising displays not exceeding 350 square feet each may be erected in a facing. Any advertising display lawfully in existence on August 1, 1967, that exceeds 1,200 square feet in area, and that is permitted by city or county ordinance, may be maintained in existence.

(b) Advertising displays may not be placed that are so illuminated that they interfere with the effectiveness of, or obscure any official traffic sign, device, or signal; nor shall any advertising display include or be illuminated by flashing, intermittent, or moving lights (except that part necessary to give public service information such as time, date, temperature, weather, or similar information); nor

prohibit the placing of temporary political signs, unless a federal agency determines that such placement would violate federal regulations. However, no such sign shall be placed within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway.

A temporary political sign is a sign which:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a statement of responsibility filed with the department certifying a person who will be responsible for removing the temporary political sign and who will reimburse the department for any cost incurred to remove it.

**§ 5405.5. Farm produce outlet locations; advertising displays**

In addition to those displays permitted pursuant to Section 5405, displays erected and maintained pursuant to regulations of the director, which will not be in violation of Section 131 of Title 23 of the United States Code,<sup>1</sup> and which identify the location of a farm produce outlet where farmers sell directly to the public only those farm or ranch products they have produced themselves, may be placed or maintained within 660 feet from the edge of the right-of-way so that the copy of the display is visible from a highway.

The advertising displays shall indicate the location of the farm products but not the price of any product and shall not be larger than 150 square feet.

<sup>1</sup>23 U.S.C.A. § 131.

**§ 5405.6. Outdoor advertising displays exceeding 10 feet in length or width on land or right-of-way owned by Los Angeles County Metropolitan Transportation Authority**

Notwithstanding any other provision of law, no outdoor advertising display that exceeds 10 feet in either length or width, shall be built on any land or right-of-way owned by the Los Angeles County Metropolitan Transportation Authority, including any of its rights-of-way, unless the authority complies with any applicable provisions of this chapter, the federal Highway Beautification Act of 1965 (23 U.S.C.A. Sec. 131), and any local regulatory agency's rules or policies concerning outdoor advertising displays. The authority shall not disregard or preempt any law, ordinance, or regulation of any city, county, or other local agency involving any outdoor advertising display.

**§ 5406. Exemption of segments of highways within incorporated municipalities**

The provisions of Sections 5226 and 5405 shall not apply to bonus segments



display is placed, if the display is upon the same side of the highway as the advertised activity; and if all advertising displays within 660 feet of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251, 5403, and 5415; and except that no advertising display shall be placed after January 1, 1971, if it contains flashing, intermittent, or moving lights (other than that part necessary to give public service information, including, but not limited to, the time, date, temperature, weather, or similar information, or a message center display as defined in subdivision (d)).

(d)(1) Message center displays that comply with all requirements of this chapter. The illumination or the appearance of illumination resulting in a message change of a message center display is not the use of flashing, intermittent, or moving light for purposes of subdivision (b) of Section 5408, except that no message center display may include any illumination or message change that is in motion or appears to be in motion or that changes in intensity or exposes its message for less than four seconds. No message center display may be placed within 1,000 feet of another message center display on the same side of the highway. No message center display may be placed in violation of Section 131 of Title 23 of the United States Code.

(2) Any message center display located beyond 660 feet from the edge of the right-of-way of an interstate or primary highway and permitted by a city, county, or city and county on or before December 31, 1988, is in compliance with Article 6 (commencing with Section 5350) and Article 7 (commencing with Section 5400) for purposes of this section.

(3) Any message center display legally placed on or before December 31, 1996, which does not conform with this section may continue to be maintained under its existing criteria if it advertises only the business conducted, services rendered, or goods produced or sold upon the property upon which the display is placed.

(4) This subdivision does not prohibit the adoption by a city, county, or city and county of restrictions or prohibitions affecting off-premises message center displays which are equal to or greater than those imposed by this subdivision, if that ordinance or regulation does not restrict or prohibit on-premises advertising displays, as defined in Chapter 2.5 (commencing with Section 5490).

(e) Advertising displays erected or maintained pursuant to regulations of the director, not inconsistent with the national policy set forth in subdivision (f) of Section 131 of Title 23 of the United States Code and the standards promulgated thereunder by the Secretary of Transportation, and designed to give information in the specific interest of the traveling public.

#### § 5405.3. Temporary political signs

Nothing in this chapter, including, but not limited to, Section 5405, shall

is visible from the highway without a permit issued pursuant to Section 670 of the Streets and Highways Code.

**§ 5404. Locations of displays**

No advertising display shall be placed outside of any business district as defined in the Vehicle Code or outside of any unincorporated city, town or village, or outside of any area that is subdivided into parcels of not more than 20,000 square feet each in area in any of the following locations or positions, or under any of the following conditions, or if the advertising display is of the following nature:

(a) If within a distance of 300 feet from the point of intersection of highway or of highway and railroad right-of-way lines, except that this does not prevent the placing of advertising display on that side of an intercepted highway that is opposite the point of interception. But in case any permanent building, structure or other object prevents any traveler on any such highway from obtaining a clear view of approaching vehicles for a distance of 300 feet, then advertising displays may be placed on such buildings, structure or other object if such displays will not further obstruct the vision of those approaching the intersection or interception, or if any such display does not project more than one foot therefrom.

(b) If placed in such a manner as to prevent any traveler on any highway from obtaining a clear view of approaching vehicles for a distance of 500 feet along the highway.

**§ 5405. Displays prohibited; exceptions**

Notwithstanding any other provision of this chapter, no advertising display shall be placed or maintained within 660 feet from the edge of the right-of-way of, and the copy of which is visible from, any interstate or primary highway, other than any of the following:

(a) Directional or other official signs or notices that are required or authorized by law, including, but not limited to, signs pertaining to natural wonders and scenic and historical attractions, and which comply with regulations adopted by the director relative to their lighting, size, number, spacing, and any other requirements as may be appropriate to implement this chapter which are consistent with national standards adopted by the United States Secretary of Transportation pursuant to subdivision (c) of Section 131 of Title 23 of the United States Code.

(b) Advertising displays advertising the sale or lease of the property upon which they are located, if all advertising displays within 660 feet of the edge of the right-of-way of a bonus segment comply with the regulations adopted under Sections 5251 and 5415.

(c) Advertising displays which advertise the business conducted, services rendered, or goods produced or sold upon the property upon which the advertising

**§ 5401. Wind resistance**

No advertising structure shall be placed unless it is built to withstand a wind pressure of 20 pounds per square foot of exposed surface. Any advertising structure not conforming to this section shall be removed as provided in Section 5463.

**§ 5402. Obscenity, indecency or immorality**

No person shall display or cause or permit to be displayed upon any advertising structure or sign, any statements or words of an obscene, indecent or immoral character, or any picture or illustration of any human figure in such detail as to offend public morals or decency, or any other matter or thing of an obscene, indecent or immoral character.

**§ 5403. Improper displays**

No advertising display shall be placed or maintained in any of the following locations or positions or under any of the following conditions or if the advertising structure or sign is of the following nature:

- (a) If within the right-of-way of any highway.
- (b) If visible from any highway and simulating or imitating any directional, warning, danger or information sign permitted under the provisions of this chapter, or if likely to be mistaken for any permitted sign, or if intended or likely to be construed as giving warning to traffic, by, for example, the use of the words "stop" or "slow down."
- (c) If within any stream or drainage channel or below the floodwater level of any stream or drainage channel where the advertising display might be deluged by flood waters and swept under any highway structure crossing the stream or drainage channel or against the supports of the highway structure.
- (d) If not maintained in safe condition.
- (e) If visible from any highway and displaying any red or blinking or intermittent light likely to be mistaken for a warning or danger signal.
- (f) If visible from any highway which is a part of the interstate or primary systems, and which is placed upon trees, or painted or drawn upon rocks or other natural features.
- (g) If any illumination shall impair the vision of travelers on adjacent highways. Illuminations shall be considered vision impairing when its brilliance exceeds the values set forth in Section 21466.5 of the Vehicle Code.
- (h) If visible from a state regulated highway displaying any flashing, intermittent, or moving light or lights.
- (i) If, in order to enhance the display's visibility, the owner of the display or anyone acting on the owner's behalf removes, cuts, cuts down, injures, or destroys any tree, shrub, plant, or flower growing on property owned by the department that

from the nearest edge of a commercial or industrial building or activity and which is zoned under authority of state law primarily to permit industrial or commercial activities or an unzoned commercial or industrial area.

**§ 5206. Centerline of the highway**

“Centerline of the highway” means a line equidistant from the edges of the median separating the main traveled way of a divided highway, or the centerline of the main traveled way of a nondivided highway.

**§ 5208. Collier-Z’berg Act**

“Collier-Z’berg Act” refers to Chapter 128, Statutes of 1964 (First Extraordinary Session).

**§ 5208.6. Department**

“Department” means the Department of Transportation.

**§ 5209. Director**

“Director” refers to the Director of Transportation of the State of California.

**§ 5210. Federal Aid Highway Act of 1958**

“Federal Aid Highway Act of 1958” refers to Section 131 of Title 23 of the United States Code, as in effect before October 22, 1965<sup>1</sup>.

<sup>1</sup>23 U.S.C.A. § 131.

**§ 5211. Flashing**

“Flashing” is a light or message that changes more than once every four seconds.

**§ 5212. Freeway**

“Freeway,” for the purposes of this chapter only, means a divided arterial highway for through traffic with full control of access and with grade separations at intersections.

**§ 5213. Highway**

“Highway” includes roads, streets, boulevards, lanes, courts, places, commons, trails, ways or other rights-of-way or easements used for or laid out and intended for the public passage of vehicles or of vehicles and persons.

**§ 5214. Highway Beautification Act of 1965**

“Highway Beautification Act of 1965” refers to Section 131 of Title 23 of the United States Code, as in effect October 22, 1965<sup>1</sup>.

<sup>1</sup>23 U.S.C.A. § 131.

**§ 5215. Interstate highway**

“Interstate highway” means any highway at any time officially designated as





## **Outdoor Advertising Act and Regulations 2011 Edition**

Citations from the California Business and Professions Code,  
And Citations from the California Code of Regulations,  
Title 4: Business Regulations

(Includes Law Changes through January 1, 2010  
and Regulation Changes through February 18, 2011)

EDMUND G. BROWN JR.  
Governor  
State of California

CINDY MCKIM  
Director  
Department of Transportation



Other standards that States have found helpful to ensure driver safety include a default designed to freeze a display in one still position if a malfunction occurs; a process for modifying displays and lighting levels where directed by the State DOT to assure safety of the motoring public; and requirements that a display contain static messages without movement such as animation, flashing, scrolling, intermittent or full-motion video.

### **Conclusion**

This Memorandum is intended to provide information to assist the Divisions in evaluating proposals and to achieve national consistency given the variations in FSAs, State law, and State regulations, policies and procedures. It is not intended to amend applicable legal requirements. Divisions are strongly encouraged to work with their State in its review of their existing FSAs and, if appropriate, assist in pursuing amendments to address proposed changes relating to CEVMS or other matters. In this regard, our Office is currently reviewing the process for amending FSAs, as established in 1980, to determine appropriate revisions to streamline requirements while continuing to ensure there is adequate opportunity for public involvement.

For further information, please contact your Office of Real Estate Point of Contact or Catherine O'Hara ([Catherine.O'Hara@dot.gov](mailto:Catherine.O'Hara@dot.gov)).

This Guidance does not prohibit States from adopting more restrictive requirements for permitting CEVMS to the extent those requirements are not inconsistent with the HBA, Federal regulations, and existing FSAs. Similarly, Divisions are not required to concur with State proposed regulations, policies, and procedures if the Division review determines, based upon all relevant information, that the proposed regulations, policies and procedures are not consistent with the FSA or do not include adequate standards to address the safety of the motoring public. If the Division Office has any question that the FSA is being fully complied with, this should be discussed with the State and a process to change the FSA may be considered and completed before such CEVMS may be allowed on HBA controlled routes. The Office of Real Estate Services is available to discuss this process with the Division, if requested.

If the Division accepts the State's assertions that their FSA permits CEVMS, in reviewing State-proposed regulations, policy and procedures for acceptability, Divisions should consider all relevant information, including but not limited to duration of message, transition time, brightness, spacing, and location, to ensure that they are consistent with their FSA and that there are adequate standards to address safety for the motoring public. Divisions should also confirm that the State provided for appropriate public input, consistent with applicable State law and requirements, in its interpretation of the terms of their FSA as allowing CEVMS in accordance with their proposed regulations, policies, and procedures.

Based upon contacts with all Divisions, we have identified certain ranges of acceptability that have been adopted in those States that do allow CEVMS that will be useful in reviewing State proposals on this topic. Available information indicates that State regulations, policy and procedures that have been approved by Divisions to date, contain some or all of the following standards:

- Duration of Message
  - Duration of each display is generally between 4 and 10 seconds – 8 seconds is recommended.
- Transition Time
  - Transition between messages is generally between 1 and 4 seconds – 1-2 seconds is recommended.
- Brightness
  - Adjust brightness in response to changes in light levels so that the signs are not unreasonably bright for the safety of the motoring public.
- Spacing
  - Spacing between such signs not less than minimum spacing requirements for signs under the FSA, or greater if determined appropriate to ensure the safety of the motoring public.
- Locations
  - Locations where allowed for signs under the FSA except such locations where determined inappropriate to ensure safety of the motoring public.

This Guidance is applicable to conforming signs, as applying updated technology to nonconforming signs would be considered a substantial change and inconsistent with the requirements of 23 CFR 750.707(d)(5). As noted below, all of the requirements in the HBA and its implementing regulations, and the specific provisions of the FSAs, continue to apply.

### **Background**

The HBA requires States to maintain effective control of outdoor advertising adjacent to certain controlled routes. The reasonable, orderly and effective display of outdoor advertising is permitted in zoned or unzoned commercial or industrial areas. Signs displays and devices whose size, lighting and spacing are consistent with customary use determined by agreement between the several States and the Secretary, may be erected and maintained in these areas (23 U.S.C. § 131(d)). Most of these agreements between the States and the Secretary that determined the size, lighting and spacing of conforming signs were signed in the late 1960's and the early 1970's.

On July 17, 1996, this Office issued a Memorandum to Regional Administrators to provide guidance on off-premise changeable message signs and confirmed that FHWA has "always applied the Federal law 23 U.S.C. 131 as it is interpreted and implemented under the Federal regulations and individual Federal/State agreements.". It was expressly noted that "in the twenty-odd years since the agreements have been signed, there have been many technological changes in signs, including changes that were unforeseen at the time the agreements were executed. While most of the agreements have not changed, the changes in technology require the State and FHWA to interpret the agreements with those changes in mind". The 1996 Memorandum primarily addressed tri-vision signs, which were the leading technology at the time, but it specifically noted that changeable message signs "regardless of the type of technology used" are permitted if the interpretation of the FSA allowed them. Further advances in technology and affordability of LED and other complex electronic message signs, unanticipated at the time the FSAs were entered into, require the FHWA to confirm and expand on the principles set forth in the 1996 Memorandum.

The policy espoused in the 1996 Memorandum was premised upon the concept that changeable messages that were fixed for a reasonable time period do not constitute a moving sign. If the State set a reasonable time period, the agreed-upon prohibition against moving signs is not violated. Electronic signs that have stationary messages for a reasonably fixed time merit the same considerations.

### **Discussion**

Changeable message signs, including Digital/LED Display CEVMS, are acceptable for conforming off-premise signs, if found to be consistent with the FSA and with acceptable and approved State regulations, policies and procedures.





U.S. Department  
of Transportation  
Federal Highway  
Administration

# Memorandum

Subject: **INFORMATION**: Guidance on  
Off-Premise Changeable Message Signs

Date: September 25, 2007

From: Original signed by:  
Gloria M. Shepherd  
Associate Administrator for  
Planning, Environment, and Realty

In Reply Refer To:  
HEPR -20

To: Division Administrators  
Attn: Division Realty Professionals

## **Purpose**

The purpose of this memorandum is to provide guidance to Division offices concerning off-premises changeable message signs adjacent to routes subject to requirements for effective control under the Highway Beautification Act (HBA) codified at 23 U.S.C. 131. It clarifies the application of the Federal Highway Administration (FHWA) July 17, 1996 memorandum on this subject. This office may provide further guidance in the future as a result of additional information received through safety research, stakeholder input, and other sources.

Pursuant to 23 CFR 750.705, a State DOT is required to obtain FHWA Division approval of any changes to its laws, regulations, and procedures to implement the requirements of its outdoor advertising control program. A State DOT should request and Division offices should provide a determination as to whether the State should allow off-premises changeable electronic variable message signs (CEVMS) adjacent to controlled routes, as required by our delegation of responsibilities under 23 CFR 750.705(j). Those Divisions that already have formally approved CEVMS use on HBA controlled routes, as well as those that have not yet issued a decision, should re-evaluate their position in light of the following considerations. The decision of the Division should be based upon a review and approval of a State's affirmation and policy that: (1) is consistent with the existing Federal/State Agreement (FSA) for the particular State, and (2) includes but is not limited to consideration of requirements associated with the duration of message, transition time, brightness, spacing, and location, submitted for FHWA approval, that evidence reasonable and safe standards to regulate such signs are in place for the protection of the motoring public. **Proposed laws, regulations, and procedures that would allow permitting CEVMS subject to acceptable criteria (as described below) do not violate a prohibition against "intermittent" or "flashing" or "moving" lights as those terms are used in the various FSAs that have been entered into during the 1960s and 1970s.**



March 18, 2013

Mr. Alan Bell, Deputy Director  
Ms. Daisy Mo, Planning Associate  
City of Los Angeles Department of City Planning  
200 N. Spring St.  
Los Angeles, CA 90012

Dear Mr. Bell and Ms. Mo:

The Los Angeles Outdoor Advertising Coalition would first like to thank the City for convening the Billboard and Visual Landscape Visioning Group. This was a much-needed and productive opportunity for the various government, community, and business stakeholders to come together to share their perspectives on the shape of the future of the City's visual landscape.

Second, we are also writing to offer some additional insights on what other cities have done with respect to the regulation of outdoor digital advertising. Similar to your review of existing off-site digital sign ordinances, the Coalition, too, has examined a number of ordinances from cities across the country that have adopted regulations related to digital signs. Upon review, the ordinances introduced by you at the February 23 meeting (Chicago, San Antonio, Orlando, and West Hollywood), as well as several others provide solid models on which the City should rely to develop a digital sign ordinance for the City.

Through our analysis of the more than 20 cities that have adopted off-site digital sign regulations, we identified several concepts that may be helpful to Planning in organizing and formulating its report to PLUM and subsequent ordinance. These include:

1. Reasonable restrictions on message illumination, duration, and change rate, consistent with existing City standards for on-site signs and sign districts (0.3 foot-candles over ambient light; minimum eight seconds per message; instantaneous change between messages);
2. Provisions for the assurance of public benefits;
3. Clear rules for digital modernizations, take downs, and community benefits; and
4. Opportunities for small outdoor advertising companies to modernize existing inventory.

We found that the ordinances adopted by Sacramento, Dallas, El Paso, and Miami provide particularly good models for addressing the above issues. A brief summary of each issue is provided below, and a complete copy of each ordinance is attached for your convenience in Attachment B. Also enclosed as Attachment A is a table that summarizes each of the concepts that was discussed at the Visioning Group and provides details on how other cities address the concept.

**Reasonable restrictions on digital display illumination, duration, and change rate.** We agree that there should be clear and reasonable restrictions on message duration and change rate. Requiring illumination of 0.3 foot-candles and a minimum of eight seconds per message with an instantaneous change between messages is consistent with public safety, the City's existing rules for on-site digital signs and digital signs in signage districts, and with many other jurisdictions in both California and in other areas of the country.


**Provisions for the assurance of public benefits.** We fully support a public benefits component of any off-site digital sign ordinance and policy. Benefits to the public from off-site digital signage come in many forms, including the removal of existing traditional off-site billboards, free emergency messaging for local, state, and federal authorities, financial payments when sited on public property, and permit and inspection fees. Such benefits could be area-specific, citywide, or a combination of both. Minimum standards for these public benefits could be established based on objective criteria, such as the number of takedowns proposed. Establishing minimum standards for public benefits and standards for how the public benefits are shared would provide for equitable distribution of such public benefits and ensure that the City is not acting arbitrarily. Relocation agreements, especially in California, are a popular tool for negotiating and delivering public benefits to impacted communities.

**Clear rules digital modernizations take-downs of existing traditional signs, and community benefits.** Most cities, including those in California, provide clear rules for required take-downs, conversions, and relocations. While there is considerable variation between cities for the number of traditional signs that need to be removed to install a new digital sign, a three to one exchange rate seems to be the most common. If the City were to adopt a 3:1 exchange rate *and* also require public benefits, the City would certainly be in the lead on ensuring that its residents and its visual environment receive the most benefits from digital sign technology. For example, Sacramento only requires a 1:1 exchange ratio for both number of signs and total square footage, and negotiates exact terms on a case-by-case basis through relocation agreements, while Dallas, San Antonio, Miami, and El Paso have exchange rates that range between 2:1 and 5:1.

**Ensuring opportunities for small companies to secure digital signs.** The outdoor sign industry in the City is full of robust competition between companies with a wide range of inventories and types of signs. As a result, while some companies may have a large number of signs to remove as part of improving the City's visual landscape, others do not. Cities have dealt with this in a number of ways. For example, in Dallas, companies with inventories fewer than a certain number are permitted a limited number of digital conversions without take-downs. The City could adopt a similar provision tailored to Los Angeles that would allow companies with 60 signs or fewer one digital conversion per 20 signs owned without take-downs, provided that additional public benefits are provided.

Thank you again for the opportunity to participate in the Billboard and Visual Landscape Visioning Group meetings and for this opportunity to comment. We look forward to continuing to work with the City and all stakeholders on devising clear, reasonable, and workable ordinances and principles that permit off-site digital signage in Los Angeles and make the City the model for regulating off-site digital signs.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Miller".

Stacy Miller

Los Angeles Outdoor Advertising Coalition (LAOAC)





March 25, 2013

Mr. Alan Bell, Deputy Director  
Ms. Daisy Mo, Planning Associate  
City of Los Angeles Department of City Planning  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Mr. Bell and Ms. Mo:

The Los Angeles Outdoor Advertising Coalition once again thanks the City for convening the Billboard and Visual Landscape Visioning Group, which we think was very successful in bringing a truly broad array of perspectives to the table as we envision the role of digital outdoor advertising in the Los Angeles of the future.

An issue of importance identified by many of the stakeholders during the Visioning process was setting the City on a path toward the rationalization of sign regulation and a reduction of the total signage in the City. The LA Outdoor Advertising Coalition recognizes these goals and supports a variety of creative paths toward overall sign reduction, such as context-sensitive zoning and sign relocation agreements. One important consideration in tackling these projects that was not clearly expressed in the Visioning process, however, is the fact that signs, like other private property in the City, are attended by property rights, and programs to curtail or modernize them must meet legal and constitutional protections for property.

In particular, efficient deployment of the limited resources for sign enforcement have been hindered by the absence of a mechanism to distinguish between older lawful signs for which the City may have trouble finding antiquated permits, and illegal signs that were built without permits or altered in violation of building regulations. The purpose of this letter is to provide some background for a "Building Permit Replacement" plan, which can advance multiple regulatory and community goals while respecting property rights. This plan could be implemented with modest changes to the current Off-Site Sign Periodic Inspection Program Ordinance.

## **1. Summary of the Issue**

Prior to implementing comprehensive off-site sign regulations in 2002, the City historically maintained very poor permit records for signs. As a result, the City is currently unable to locate building permits for hundreds of old billboards, which creates regulatory

confusion because State law regards older signs as presumptively lawful. Enforcement directed at lawful older signs where a permit is missing results in a diversion of City resources from investigating illegal signs and typically leads to expensive and protracted administrative proceedings and litigation.

## **2. Proposed Solution: Building Permit Replacements**

The City's revised sign regulations should include a process for issuing building permit replacements for older, lawfully existing off-site signs where an original building permit cannot be found. Upon satisfactory proof that a sign has been in place for at least 15 years without being subject to enforcement and upon proof that the sign could have been permitted at the time the sign was erected, DBS would issue a replacement permit. Permit replacements would allow the City to focus enforcement against the proliferation of illegal signs, rather than targeting signs that have been a legal part of the cityscape for half a century or longer and are legally entitled to continue.

## **3. Background**

Billboards have been an integral part of the Los Angeles landscape and an important resource for the local business community for well over one hundred years, with signs playing no small part in the City's remarkable twentieth-century expansion. Hundreds of the billboards that once advertised the films of Hollywood's Golden Age and Ford's Model A are still standing today. Hundreds more, built after the Second World War to greet the westward baby boom, are still standing. These signs have benefited the local economy for decades and have also been an important income source for local property owners who have often bequeathed sign leases to their children and their grandchildren.

It was not until 1986 that the City government adopted its first comprehensive regulation of off-site signs (billboards) as a distinct form of communication from on-site signs. It would be another sixteen years, until 2002, before the City would amend the Municipal Code to limit the installation of new billboards. Also in 2002, the City initiated the Off-Site Sign Periodic Inspection Program ("OSSPIP") to document the number and size of signs in the City and to ensure compliance with the new comprehensive regulations.

Until the late 1990s and early 2000s, one of the significant impediments to effective sign regulation has been the City's historically deficient building records for signs. DBS and the City have admitted, on numerous occasions, that the City's permit files are incomplete and in disarray. Indeed, one of the factors motivating a punishing (and legally unsustainable) sign inspection fee implemented in 2002 was to seek to bring DBS resources to contend with its shoddy recording keeping.

For example, the motion to build a citywide sign inventory, which was adopted by the City Council on January 16, 2002, states, "No one seems to know how extensive the problem is, where the billboards are, whether they have permits." At the Council meeting regarding this motion, Councilmember Hal Bernson explained that "I wanted to tell you that Building and Safety doesn't have records of some of this stuff." Councilmember Hahn concurred:

“sometimes our own department of Building and Safety doesn’t have the records on what’s legal and what’s not legal. I think that’s a problem.”

This was borne out during litigation concerning the City’s inspection fee. In 2005, the Chief of the DBS Code Enforcement Bureau Chief at the time, David Keim, testified that the absence of a permit in the City’s files did not necessarily indicate that a sign was not lawfully erected. Bradley Neighbors, then a Principal Inspector, testified that there had been instances where an Order to Comply had been issued to a sign company to have permits turn up later. Several years later, Councilmember Weiss explained on the November 28, 2006 episode of AirTalk that “a lot of the other problems lie in the fact that the City of LA has never kept good records about its billboards. The City itself doesn’t seem to know, the City’s Building and Safety Department doesn’t seem to know which signs are legal and which signs are not legal.”

The City’s incomplete records have presented an acute challenge for DBS as it has sought to build the OSSPIP sign inventory particularly with respect to older signs. In particular, in the years prior to any regulation of off-site signs in 1986, and even prior to ban on new off-site signs in 2002, the companies that owned the signs had no independent reason to maintain permit records (because signs were rarely subject to efforts to have them removed and, besides, owners could always re-apply for new permits if any permitting issue came up). On top of that, many older permits are stored on microfiche, which is incomplete and mislabeled, or have long since been warehoused outside of the City and lost. Not only that, all signs present a challenge because permits are often not matched with the correct parcel and are frequently associated with a variety of different street addresses. DBS has in the past issued blanket orders to comply for permitting violations only to rescind the vast majority of them when the sign-owner was able to find a mis-filed permit.

Los Angeles is not the only city with old billboards, of course, and it is not the only City with these recordkeeping challenges. For this very reason, the California Business and Professions Code includes special provisions to protect older signs from being wrongfully condemned: section 5216.1 of the Business and Professions Code establishes an evidentiary presumption that any sign that has been in place for five years or more without ever receiving written notice of a violation is presumed to be lawfully erected and may not be curtailed without the payment of just compensation to the sign owner. Thus, where a sign owner has evidence that her sign has been in place for decades and has not been the subject of enforcement, the City cannot take away her property without payment for the sign, unless of course the City has evidence that the sign is illegal. But, by the City’s own admission, the absence of a building permit in its 2013 archives is simply not evidence that a sign built in 1933 did not receive all of the approvals required eighty years ago.

For the past few years, older signs where a permit cannot be found have therefore been in state of limbo. DBS and property owners both deserve clarity as to the status of these signs. Given the presumptively lawful status of these signs, the City does not have a strong likelihood of success if it chooses an adversary process. Moreover, the law requires that the property owner first exhaust all of the City’s administrative review processes and then file lawsuit before receiving compensation. The City should take action to avoid these unnecessary costs.



Simply, there is no public policy justifying the City to initiate hugely expensive litigation over every antiquated sign in the City and no significant public demand for such measures. DBS has long recognized and acted upon its discretion to accept documentation concerning a sign's lawful construction in lieu of permits that could not be located. As David Keim testified in 2004: "The other thing we do by policy is – is not only search all of our records thoroughly, we will try to establish how long the sign has been there in some cases. If it is an electrified sign for lights we may ask sometimes for DWP records, but we will also ask the sign company if they can produce any kind of documentation to show that it was lawfully erected." In fact, in a citywide inventory of off-site signs that DBS compiled in November 2012, DBS has for hundreds of signs noted that the signs are "presumed lawful pursuant to California Bus. & Prof. Code 5216.1."

Despite these promises to accept substitute documentation in lieu of a building permit, administrative and court battles continue concerning the City's efforts to remove older signs without the payment of compensation, draining countless resources from far more pressing enforcement concerns.

#### **4. Legislative Proposal**

To facilitate the Department of Building and Safety's inspection and enforcement efforts, the City should create a process to issue Building Permit Replacements for older off-site signs, provided that the sign owner or operator can demonstrate that the sign was lawfully erected under the provisions of the Municipal Code in effect at the time the sign was erected or subsequently modified. Replacement permits would help DBS and sign operators alike to maintain consistent records and facilitate DBS's triennial OSSPIP inspection process.

Proposed revisions to the City's OSSPIP ordinance are attached as Attachment A, which shows the proposed changes to the current language in redline format. In plain terms, the Building Permit Replacement program would work as follows:

- If DBS concludes that a sign was erected before July 1, 1986, when the City first began distinguishing between on-site and off-site signs, and that any subsequent modifications to the sign could have been lawfully made at the time the modifications were made, then the sign would be entitled to be issued a replacement permit.
- If the sign was erected or modified after July 1, 1986 but prior to July 1, 1998, during a time when the City's permit records were still grossly inadequate, the sign's owner or operator would be entitled to obtain a Building Permit Replacement, but only if DBS concludes that the sign could have been lawfully erected under the provisions of the Municipal Code in effect at the time the sign was erected, and that any subsequent modifications could also have been lawfully made at the time they were made.
- If a sign was erected or modified in the last fifteen years, *i.e.*, after July 1, 1998, it would not be entitled to a building permit replacement through this process.

The Building Permit Replacement proposal builds upon and streamlines a program that began in City of San Francisco, which has had to confront many of the same challenges in harmonizing modern sign enforcement goals, poor record keeping, and substantial vested property rights in old signs. S.F. Municipal Code section 604.1(c). Under the San Francisco



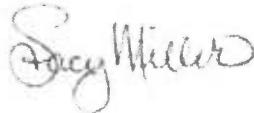
program, sign owners are entitled to “in lieu” permits in comparable circumstances where the City cannot rebut the presumption that a sign is lawfully erected.

Whether the City of Los Angeles uses the term “in lieu” or the term “replacement building permit” the policy principle that a city should not and may not exploit its own poor record keeping to deprive a property owner of a valuable property right remains unassailable.

Besides ensuring basic fairness and respect for longstanding property rights, Los Angeles will find, as San Francisco has found, that replacement permitting allows a City to synchronize rigorous modern day regulation with the realities of older signs in a manner that will actually help to ensure that the signs are operated in accordance with the appropriate conditions specified in the replacement permits. And, instead of targeting decades-old signs that pre-date the City’s ban on new off-site signs, replacement permits would free the City to concentrate enforcement resources on instances where unscrupulous actors have flouted the law and erected new structures after the City had announced its policy of limiting new signs

Thank you again for the opportunity to participate in the Billboard and Visual Landscape Visioning Group meetings and for this opportunity to comment. We look forward to continuing to work with the City and all stakeholders on devising clear, reasonable, and workable ordinances and principles that permit off-site digital signage in Los Angeles and make the City the model for regulating off-site digital signs.

Sincerely,

A handwritten signature in cursive script that reads "Stacy Miller".

Stacy Miller  
Los Angeles Outdoor Advertising Coalition (LAOAC)

## **ATTACHMENT A**

### **91.6205.18. Off-Site Sign Periodic Inspection Program.**

**91.6205.18.1. General.** All off-site sign structures as defined in Section 14.4.2 of the LAMC and subject to the provisions of Chapter I of the LAMC, are subject to regular inspection. Inspection shall occur once in the initial three year period starting on February 1, 2009 and subsequent inspections shall be conducted in three year intervals by the Superintendent or an authorized representative. Inspections may also be complaint-based.

**91.6205.18.2. Fees for Inspection.** This fee shall be known as the "**Off-Site Sign Periodic Inspection Fee**". The person in control of an off-site sign structure subject to inspection shall pay a regulatory fee of \$186.00 to the Department and provide a copy of a valid permit issued by the City of Los Angeles for each off-site sign structure, ~~or~~ a copy of a valid permit issued by the appropriate jurisdiction if the lot was annexed to the City of Los Angeles or a Building Permit Replacement issued pursuant to Sec. 91.6205.18.6 of this division. The person in control of an off-site sign structure shall pay a regulatory fee of \$342.00 if valid permits or Building Permit Replacements are not provided.

The regulatory fee shall be due on February 1 every three years starting on February 1, 2009. If the fees are not paid on or before the last day of the month in which they are due, a monthly penalty equal to five percent of any outstanding fees, but not less than \$10.00, shall be added to those fees each month until the outstanding fees are paid. Should the person in control fail to pay the required fee, the City of Los Angeles will recover it, plus accrued penalties, utilizing any remedies provided by law.

The Department shall cause all money collected pursuant to this section to be deposited into the Off-Site Sign Periodic Inspection Fee Trust Fund described in Section 5.111.17 of the Los Angeles Administrative Code for purposes of disbursement as that section permits. The Department of Building and Safety shall report to the City Council on the actual costs of the regulatory program at the end of each three year cycle no later than June 30 of the third year.

The regulatory fee shall be used to finance the costs of administering the inspection program, including but not limited to, inspection, issuance of inspection certificates and maintenance of an off-site sign structure database. Payment of the fee shall not create a presumption that the sign is lawfully erected, as that term is defined in Section 91.6205.18.7 of this division.

**91.6205.18.3. Inspection Certificate.** The Department shall issue a certificate of compliance when appropriate fees have been paid, inspections have been conducted and the off-site sign structure has been determined to be in compliance the terms of the permit described in Sec. 91.6205.18.2 of this division and with all applicable regulations at the time the permit was issued or the terms of the Building Permit Replacement

described in Sec. 91.6205.18.6 of this division. A new certificate of compliance shall be issued every three years for each off-site sign structure following each subsequent inspection conducted pursuant to this program provided the off-site sign structure remains in compliance.

The certificates shall be attached to the exterior surface of the off-site sign structure in a location that will be visible from ground level.

**91.6205.18.4. Frequency of Inspection.** Each off-site sign structure shall be inspected once every three years.

**91.6205.18.5. Off-Site Sign Inventory.** The Department shall maintain a database containing the following information on all off-site sign structures subject to inspection pursuant to Section 91.6205.18 of this division. The database shall contain: building permit or Building Permit Replacement number, size of sign as shown on the building permit or Building Permit Replacement, issuance date, any subsequent building permits or Building Permit Replacement issued for that sign, and any information required pursuant to this chapter or obtained pursuant to inspection.

**91.6205.18.6. Building Permit Replacement.** If the Department or the person in control of an off-site sign structure cannot locate a building permit for an off-site sign subject to inspection, the person in control of such structure may apply for Building Permit Replacement (BPR) from the Department. The Department shall issue a BPR for the sign structure if the structure was, more likely than not, lawfully erected at the time it was installed at its current location, based on evidence submitted to or possessed by the Department or the City. Such evidence may include, but is not limited to, a deed, a lease, a certificate of occupancy, an electrical permit, construction records, advertising records, tax records, and/or other similar records.

For structures that were erected before July 1, 1986, the Department shall issue a BPR for the structure provided that the structure has not been modified since July 1, 1986, or any subsequent modifications could have been lawfully made at the time the sign structure was modified.

For structures that were erected between July 1, 1986 and December 31, 1998, the Department shall issue a BPR for the structure if the sign structure could have been lawfully erected, as defined in Section 91.6205.18.9 of this division, in its original condition at the time of its construction and any subsequent modifications could have been lawfully made at the time the sign structure was modified.

If any sign structure that was lawfully erected at the time it was constructed has been subsequently modified in a manner that was not lawful at the time the modification was made, the person in control of the sign structure shall bring the structure into compliance with all applicable sections of this Code in effect at the



time it was modified before the Department shall issue a BPR. If site characteristics make such compliance infeasible or impractical, the Department shall issue a BPR if the structure does not deviate more than 10 percent from the height, size, shape, projection, location, or clearance requirements in effect at the time the modification was made or 10 feet from the height or clearance requirements, whichever is greater.

91.6205.18.7. Building Permit Replacement Application Fee. The person in control of an off-site sign structure subject to inspection shall pay a regulatory fee of \$342 to the Department upon the submission of an application for a Building Permit Replacement pursuant to 91.6205.18.6. The applicant shall also provide the address of the sign structure, the date the structure was erected, a description of all subsequent modifications and the dates such modification were made, if known, and all supporting evidence in the applicant's possession.

The Department shall cause all money collected pursuant to this section to be deposited into the Off-Site Sign Periodic Inspection Fee Trust Fund described in Section 5.111.17 of the Los Angeles Administrative Code for purposes of disbursement as that section permits. The regulatory fee shall be used to finance the costs of administering the inspection program, including but not limited to, inspection, issuance of permits, Building Permit Replacements and inspection certificates, and maintenance of an off-site sign structure database.

91.6205.18.6.91.6205.18.8. Orders. If, upon inspection, the Superintendent or an authorized representative observes one or more violations of the LAMC, the Superintendent shall issue an Order to Comply. The person in control of the sign shall eliminate all violations by the compliance date stated on the Order to Comply.

91.6205.18.7.91.6205.18.9. Violations. If the Department determines that an off-site sign structure was not lawfully erected, then the off-site sign structure shall have its sign face removed and replaced with blank panels until the off-site sign structure is made to comply with the applicable provisions of the LAMC. The term "lawfully erected" means an off-site sign structure that was erected in compliance with the provisions of the LAMC in effect at the time of its erection or which was subsequently brought into full compliance with the provisions of the LAMC, except that the term does not apply to any off-site sign structure whose use was modified after erection in a manner that caused it to become illegal. A Building Permit Replacement issued pursuant to Sec. 91.6205.18.6 of this division shall be evidence that a sign was lawfully erected.





LA OUTDOOR ADVERTISING  
COALITION

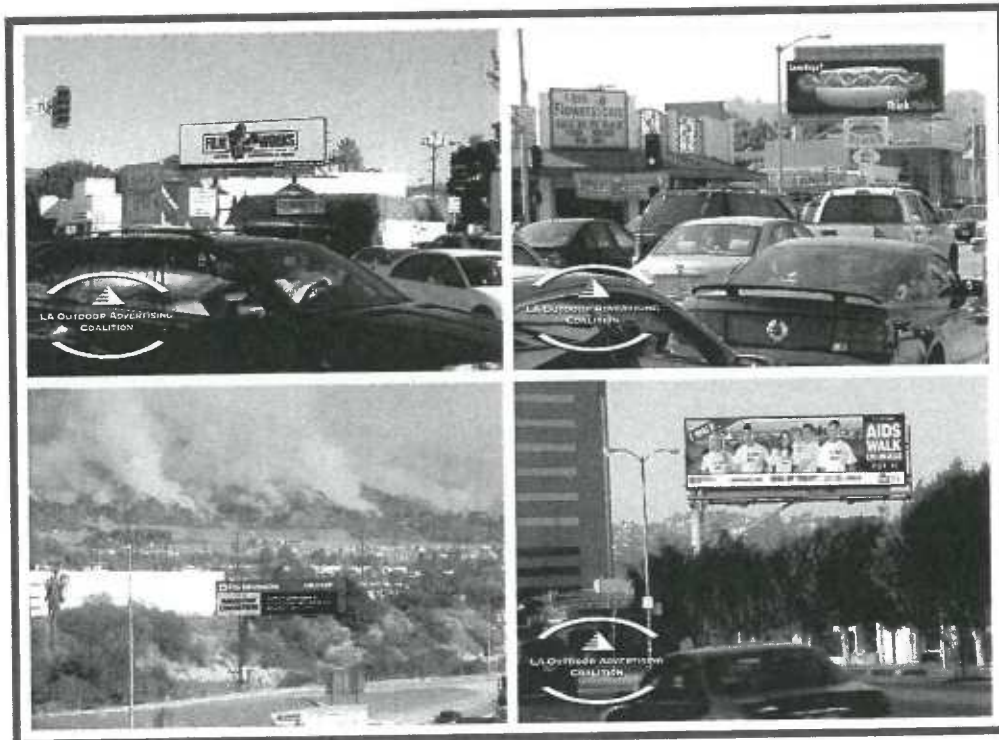
## DIGITAL BILLBOARDS

CREATE JOBS

SUPPORT SMALL BUSINESS

PROMOTE PUBLIC SAFETY

SUPPORT NONPROFIT ORGANIZATIONS



Date: 6/24/14

Submitted in PLUM Committee

Council File No: #1

Item No.: 08-2020, 11-1705

Deputy: Comm from Public



LA OUTDOOR ADVERTISING  
COALITION

## DIGITAL BILLBOARDS PROMOTE PUBLIC SAFETY

**LAPD ALERT!**  
Call 911 WANTED Christopher Jordan Dornier  
05 Nissan Titan - Lic: 8D83987

**FLASH FLOOD WARNING** [www.alerts.weather.gov](http://www.alerts.weather.gov)  
Flash Flood Warning in effect for Madison Fire Area.  
Mandatory evacuations for K-Rail areas.

Blue Nissan  
Lic. # 6WCU986  
Hannah Anderson  
Female Age 16 years old Blonde hair AMBER  
Any info call: 856-565-6266 SUSPECT



**WHAT IS THE LA OUTDOOR ADVERTISING COALITION (LAOAC)?**

The LA Outdoor Advertising Coalition (LAOAC) is comprised of companies that collectively own more than 90% of the billboards in Los Angeles, including CBS Outdoor, Clear Channel Outdoor, Lamar Advertising, Van Wagner, Daktronics and YESCO.

For more information, please contact  
Stacy Miller Public Affairs at  
(213) 995-6115 or [Stacy@StacyMillerPA.com](mailto:Stacy@StacyMillerPA.com)



A mile a minute....  
*that is how fast your child can disappear.*

■ KLAASKIDS FOUNDATION  
P.O. BOX 925, SAUSALITO, CA 94966  
PHONE: (415) 331-6867 ■ FAX: (415) 331-5633  
E-MAIL: info@klaaskids.org  
WEBSITE: www.klaaskids.org



January 20, 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

The mission of the KlaasKids Foundation is to stop crime against children. One objective is to provide communities with pro-active steps for creating safer neighborhoods. With many children found or helped when information has been included on a digital billboard, we feel the digital advertising industry has been a critical partner in protecting our children.

For a long time now, national and regional law enforcement agencies have used digital signage with great success. They have been critical in delivering time-sensitive alerts and emergency notifications, including Amber Alerts and wanted fugitive bulletins; disaster or weather advisories and traffic information. More than 50 criminals have been arrested as a result of tips received from postings on digital boards. The fact that messages can be immediately changed remotely contributes greatly to the city's disaster preparedness and survival.

As the father of a child who was kidnapped and murdered by a violent recidivist offender I understand the need to do whatever is possible to protect America's children. Please keep their safety in mind when you consider this critical issue. The KlaasKids Foundation supports the LAOAC's effort and hope your vote will help our city join other communities using technology to work for the betterment of all.

Sincerely,

A handwritten signature in cursive script that reads "Marc Klaas".

Marc Klaas  
President, KlaasKids Foundation



January 17, 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring St., Room 430  
Los Angeles, CA 90012

Dear Honorable Council President Wesson,

As advocates for crime victims and their families, educating the public is one of Crime Survivors biggest responsibilities. We work in communities to make victims' rights a top priority, facilitating communication and cooperation across various public service, government and nonprofit organizations to ensure rights are understood and services delivered.

The digital billboard industry has been a critical partner in spreading our message and has helped us reach out to thousands of victims of crime. For a long time now, national and regional law enforcement agencies have used digital signage with great success. They have been critical in delivering time-sensitive alerts and emergency notifications, including Amber Alerts and wanted fugitive bulletins; disaster or weather advisories and traffic information. More than 50 criminals have been arrested as a result of tips received from postings on digital boards. The fact that messages can be immediately changed remotely contributes significantly to their effectiveness in public safety.

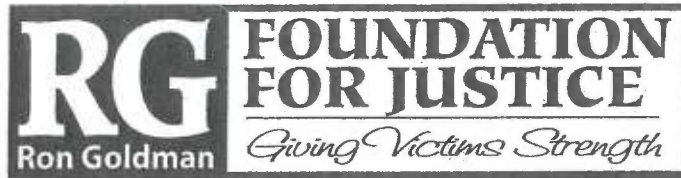
Please keep the rights of all crime victims in mind when you consider this critical issue. With digital billboards carrying our critical message that all victims of crime have the right and responsibility to survive, we can help so many people.

Sincerely,

Patricia Wenskunas  
Founder, CEO  
Crime Survivors, Inc.

**Crime Survivors, Inc.**

P.O. Box 54552 • Irvine, CA 92619-4552  
Office: (949) 872-7895 • Fax: (775) 245-4798  
Email: crimesurvivors@aol.com • www.crimesurvivors.com



January 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring St., Room 430  
Los Angeles, CA 90012

Dear Honorable Council President Wesson,

My name is Kim Goldman and I am advocate for crime victim's rights. I have assumed this role, not by choice, but rather as a result of the horrific events that surrounded the murder of my brother, Ron Goldman and Nicole Brown, almost 20 years ago.

While tremendous progress has been made at the federal and state levels in securing some protections for victims of crime, there is much more work that remains to be done at the local level, to ensure just and adequate support for crime victims and for those who will invariably follow in our footsteps.

The outdoor advertising industry has done a tremendous amount in support of victims of crime, alerting those involved to programs and services to help them. I am writing in support of common sense regulations supported by the Los Angeles Outdoor Advertising Coalition (LAOAC), which could result in reasonable regulation of both traditional and digital billboards.

The public safety benefits that electronic billboards can, and do, provide result in substantial community benefits to individuals, families and communities who have, are, or will face insurmountable situations

Digital billboards allow real-time emergency information to be delivered directly to the community from federal, state and local law enforcement and other public agencies free of charge. Think about Amber Alerts - a father's plea to return his abducted daughter, or the family targeted for 'elimination' from a mad man or a father seeking justice for the murder of his eldest child - those people are 'community benefits' worthy of electronic billboards.

This is not only about how much revenue a business can earn, but also about the emotional revenue, generated by human life and restoring our faith in humanity. This is about allowing us to be good neighbors, good humans and good protectors of each other. I'm asking you to please support these suggested changes and vote to support the continued safety of our neighborhoods.

Sincerely,

Kim Goldman



COMPRISED OF  
THE POLICE OFFICERS  
OF THE CITY  
OF LOS ANGELES

## LOS ANGELES POLICE PROTECTIVE LEAGUE

A PROFESSIONAL POLICE UNION

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LOS ANGELES, CALIFORNIA 90017  
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FACSIMILE (213) 251-4566  
www.lapd.com

### BOARD OF DIRECTORS

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DIRECTOR

April 22, 2013

Mayor Antonio Villaraigosa  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Mayor Villaraigosa:

On behalf of the Police Protective League and the 9,900 dedicated and professional sworn members of the Los Angeles Police Department, we urge you to develop a legislative solution for digital signs that could positively impact this year's budget, keep police and fire personnel on the street, save civilian jobs in the Department and maintain the level of public safety worthy of the City of Los Angeles.

Public Safety in the City of Los Angeles has suffered from far-reaching cuts in recent years as a result of budget shortages. Cuts to fire, police and 911 services cannot continue if we want to maintain the current level of protection for our neighborhoods and families.

The only way we can avoid these cuts and negative impacts to our public safety is by bringing new revenues into the City and a legislative solution for digital signs can bring that much needed revenue. This solution is long overdue and should be resolved in this budget cycle.

Currently, more than 43 states and 450 localities have already adopted policies that allow for and regulate digital signs, providing significant economic benefits and revenue generation opportunities. Our City can no longer afford to delay adopting a common sense digital sign policy that protects public safety jobs and pensions though added revenues.

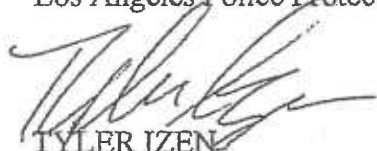


You can ensure law enforcement remains a priority in our city through the adoption of reasonable digital sign policy that brings much needed revenue, promotes public safety and protects the jobs of our police officers and department personnel.

If you have any questions please feel free to contact the League's City Hall representative, Peter Repovich at 213-792-1086 or [peterrepovich@lappl.org](mailto:peterrepovich@lappl.org).

Sincerely,

BOARD OF DIRECTORS  
Los Angeles Police Protective League



TYLER IZEN  
President



# United Firefighters of Los Angeles City

Local 112, International Association of Fire Fighters

June 23, 2014

Honorable Herb Wesson, Jr.  
President, Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

On behalf of the 3,000 Firefighters, Paramedics, Dispatchers, Inspectors, and Pilots of the United Firefighters of Los Angeles City (UFLAC) who I am honored to represent, I'm writing to support a simplified ordinance regulating the billboard industry in Los Angeles. A common sense ordinance that provides a reasonable balance for both traditional and digital displays, such as the one supported by the Los Angeles Outdoor Advertising Coalition (LAOAC), will provide public safety benefits and still respect the concerns of the residents that we serve.

For a long time now, national and regional law enforcement agencies have successfully used digital signage. Whether the signs are used in a natural or manmade disaster, they provide firefighters and police an effective, immediate way to communicate with the general public to provide urgent, emergency information at a time of need. The fact that messages can be immediately changed remotely contributes greatly to the City's disaster preparedness and survival. This is especially important for Los Angeles City Firefighters given the regular Red Flag Warnings that we experience and the critical need that we have to communicate with the public about fire related concerns.

A sensible outdoor signage policy will provide desperately needed new revenue to the City that can alleviate budget shortfalls, allowing departments like the LAFD to continue to provide the service and protection our residents have come to expect.

This is an issue where the greater benefit to the community must be given more weight than a small, vocal opposition. Swift action on this issue would ensure reasonable regulation of digital off-site signs, while reducing the number of traditional signs and providing a benefit through enhanced public safety. It's a win-win compromise for everyone involved. We support the LAOAC's effort to bring this to the Council and hope your vote will help our City join other communities using technology to work for the betterment of all.

Thank you for your careful consideration of this critical issue.

Sincerely,

A handwritten signature in black ink that reads "Frank V. Lima".

Frank Lima  
President  
United Firefighters of Los Angeles City

FL/mr  
opeiu #537 / afl-cio-clc

CC: Honorable Jose Huizar, Chairman PLUM Committee  
Honorable Mitch Englander, PLUM Committee  
Honorable Gil Cedillo, PLUM Committee  
Honorable Paul Krekorian, Chairman Budget & Finance Committee

1571 Beverly Blvd., Suite 201 • Los Angeles, California 90026-5704 • telephone 800-252-8352 • facsimile 213-250-5678

Affiliated with: California Professional Firefighters • California Labor Federation • Los Angeles County Federation of Labor • IAFF • AFL-CIO-CLC



children's bureau

January 27, 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street, Room 430  
Los Angeles, CA 90012

Dear Council President Wesson:

On any given day, a friend of the Children's Bureau will let us know with excitement that they saw one of our billboards...on the streets of Los Angeles, or a bus shelter, in a shopping mall or while driving on a local freeway. For those who don't know us, it inspires them to visit our website to learn more. That's how Lori, a single career woman, found Children's Bureau and pursued her dream of becoming a parent through our adoptions program. Lori recently finalized the adoption of teenager Samantha.

Several Los Angeles outdoor companies, including Lamar, CBS, Clear Channel, VanWagner and Regency have generously sponsored Children's Bureau's outdoor advertising campaign for many years with millions of dollars worth of pro bono space. These outdoor ads allow us to promote Children's Bureau in a far-reaching manner to potential donors, supporters and friends. We could not achieve this on our own and deeply appreciate their partnership in furthering our mission.

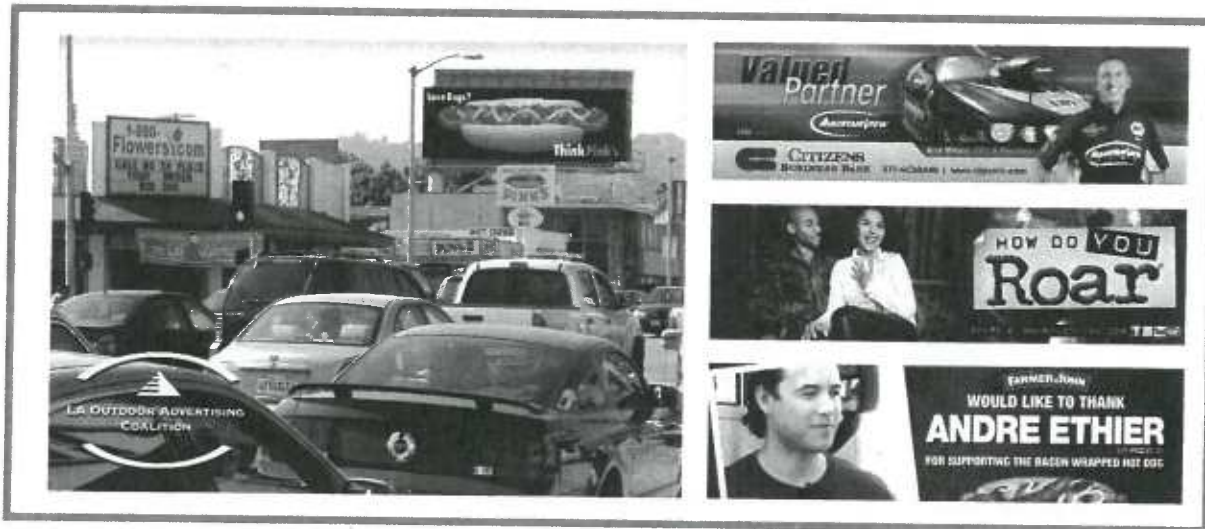
With 92 percent of our families living at or below the poverty level, it is vital that Children's Bureau continue its innovative work to prevent and treat child abuse. We greatly appreciate and applaud the ongoing support of the outdoor companies in helping us to reach so many families in need and to work on strengthening vulnerable communities.

Sincerely,

Alex Morales  
President & CEO  
Children's Bureau  
1910 Magnolia Avenue  
Los Angeles, CA 90007



## DIGITAL BILLBOARDS SUPPORT SMALL BUSINESS





# B U S I N E S S

## **IMPACT OF OUTDOOR ADVERTISING ON BUSINESS AND THE ECONOMY**

While interest in outdoor advertising by national advertisers has grown steadily, billboards are essentially a local media with small businesses accounting for 70% of total spending. Their ability to create a big brand feel with a nominal investment is one of outdoors's strongest assets. More than 6,000 local companies use billboards as an affordable means to market their businesses.

---

## **CURRENT BUSINESS SUPPORT LIST**

Los Angeles Area Chamber of Commerce  
Los Angeles County Business Federation (Biz Fed)  
Arons Manufacturing  
Regional Black Chamber of Commerce  
Macdonald Media  
VICA  
Billboard Connection  
Association of Independent Commercial Producers - AICP  
Greater San Fernando Valley Chamber of Commerce  
Motion Picture Association of America - MPAA  
Ad Council



LA OUTDOOR ADVERTISING  
COALITION



*“Outdoor advertising is a vital part  
of our community and an affordable  
marketing resource for our members”*

Coby King, Chair and  
Stuart Waldman, President, VICA



*“This issue is one where the greater good  
of the community must be considered  
over a small, but vocal opposition.”*

Madame MC Townsend, President/CEO  
The Regional Black Chamber of Commerce  
San Fernando Valley



LOS ANGELES AREA  
CHAMBER OF COMMERCE

*“Eighty percent of our members are  
small businesses, and we encourage you  
to help them expand, add jobs, and  
fuel economic growth”*

Gary Toeppen, President & CEO,  
Los Angeles Area Chamber of Commerce

BillboardConnection  
The Outdoor Advertising Experts

*“Digital billboards have proven  
effective in helping cities fight crime,  
alert neighbors of hazardous conditions  
and communicated with drivers when  
traffic becomes a challenge”*

John Rodriguez, Franchise Owner  
Billboard Connection Northridge



*“The outdoor industry in our community is  
baseline essential to helping improve the  
health, safety education and quality of life for  
all citizens within the City of Los Angeles”*

John Boal, Ad Council



*“The proposed regulations will bring Los Angeles  
in line with hundreds of other communities across  
the country that have embraced billboards and their  
evolution as technology advances.”*

Nancy Hoffman Vanyek, CEO,  
Greater San Fernando Valley Chamber of Commerce



**WHAT IS THE LA OUTDOOR ADVERTISING COALITION (LAOAC)?**

The LA Outdoor Advertising Coalition (LAOAC) is comprised of companies that collectively own more than 90% of the billboards in Los Angeles, including CBS Outdoor, Clear Channel Outdoor, Lamar Advertising, Van Wagner, Daktronics and YESCO.

For more information, please contact  
Stacy Miller Public Affairs at  
(213) 995-6115 or [Stacy@StacyMillerPA.com](mailto:Stacy@StacyMillerPA.com)



May 20, 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

As business owners in our growing, competitive city, we would like to express our support for a reasonable, common sense approach to billboard regulation, as proposed by the Los Angeles Outdoor Advertising Coalition (LAOAC). Pink's Hot Dogs, a Hollywood legend, has been serving Angelenos since 1939. Many of our satisfied customers have come to our doors guided by our billboard on La Brea Avenue and we count ourselves among the many fortunate businesses in Los Angeles have been able to grow and thrive using these valuable resources.

The majority of small business owners depend on billboards to drive customers to their doors, which in turn helps their companies create jobs and support the local economy. According to the Outdoor Advertising Association of America, at least seven out of 10 billboard messages promote local advertisers and the typical business relying on billboard advertising employs 35 workers. Billboards have unique advantages that can't be found in other advertising media and remain an affordable way to promote a business – it's technology that fits even a limited budget.

The regulations proposed by LAOAC will bring Los Angeles in line with more than 450 communities in 43 states that have embraced billboards and their evolution as technology advances. Billboards can also result in public benefits that will provide funding for improvements and services negatively impacted by budget cuts.

An overwhelming majority of local residents accept both traditional and digital billboards as a part of the landscape. This issue is one where the benefit of the greater good must be given more weight than a small, vocal minority. We encourage the Council to consider taking immediate action to implement the reasonable regulations proposed by LAOAC.

Sincerely,

Richard Pink  
Co-Owner, Pink's Hot Dogs

PINK'S FAMOUS HOT DOGS  
709 N. La Brea, Los Angeles, CA 90038  
Visit us on the world-wide-web at: [www.pinkshollywood.com](http://www.pinkshollywood.com)



# REGIONAL BLACK CHAMBER OF COMMERCE SFV



February 3, 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

As advocates for hundreds of businesses in the Los Angeles area, the Regional Black Chamber of Commerce of the San Fernando Valley is critically aware of the importance of advertising and marketing and the part that billboards play in our urban landscape. The Los Angeles Outdoor Advertising Coalition (LAOAC)'s proposal for common sense regulation of billboards and digital signage is one we support completely. It is important to establish reasonable standards that embrace traditional and technologically advanced resources that will benefit neighborhoods and business communities.

Part of the proposed ordinance includes the community benefits that can be used to fund improvements in the neighborhood of the signs, such as planting trees, fixing sidewalks, undergrounding utilities and increasing police and fire protection. In today's challenging economy, this could provide funding when budget cuts have eliminated such programs. Such improvements will also draw visitors, who will feel safe and welcome, willing to invest in our local economy.

This issue is one where the greater good of the community must be considered over a small, but vocal opposition. An overwhelming majority of city residents accept both traditional and digital billboards as a part of the landscape. In addition, billboards allow small businesses to advertise their products, drive customers to their locations and grow their companies, creating jobs and stimulating the local economy. For these companies, billboards offer a better return on investment than any other advertising medium available and without them, sales would most likely decrease by nearly twenty percent.

We encourage the Council to take immediate action to implement the reasonable regulations proposed by LAOAC. Doing so will put us on par with 450 other cities across the nation who have embraced the positive effects of digital signage.

Sincerely,

**Madame MC Townsend-President/CEO**

**President/cbcc's COUNCIL OF CHAMBERS-SACRAMENTO**

The Regional Black Chamber of Commerce of San Fernando Valley

16133 Ventura Blvd Ste # 700 - Encino, California 91436 - 818 464 3484  
[www.regionalblackchambersfv.info](http://www.regionalblackchambersfv.info)



January 28, 2014

The Honorable Herb Wesson, Jr.  
Los Angeles City Council  
200 N. Spring Street, Room 470  
Los Angeles, CA 90012

**SUBJECT: Support for Legislative Solution Regarding Digital Signage**

Dear Council President Wesson,

The Valley Industry and Commerce Association strongly supports the efforts of the Los Angeles Outdoor Advertising Coalition (LAOAC) to work with the City Council toward reasonable regulation of billboards.

Outdoor advertising is a vital part of our community and an affordable marketing resource for our members. Many of these companies are small businesses that are struggling to expand and survive in a competitive and over-regulated city.

The ultimate goal of this sign ordinance must be to develop a policy that addresses unlawful and potentially hazardous signs through proper enforcement mechanisms, while promoting our city as a modern metropolis and entertainment capital of the world. We believe that there is middle ground where the needs of all can be met.

Reasonable regulation of the digital sign industry will maximize the public benefit by embracing the latest technology. Proposed legislation should include a variety of community benefit options and define appropriate combinations of sign removal and alternative public benefits that can respond appropriately to specific community needs throughout the city. We ask that you seriously consider digital billboards as a resource to fill the gaps left by the challenging economy, budget cutbacks and the loss of Community Reinvestment and Redevelopment funding.

It is important that the City of Los Angeles find a legislative solution that will allow the digital sign industry to thrive under a comprehensive sign ordinance that covers all aspects of outdoor advertising opportunities. We urge you to work with the business community in resolving this situation and allowing our city to move forward in helping our business community grow and thrive.

Sincerely,

Coby King  
Chair

Stuart Waldman  
President

CC: Honorable Members of the Los Angeles City Council



LOS ANGELES AREA  
CHAMBER OF COMMERCE  
125th anniversary

Honorable Herb Wesson, Jr.  
President  
Los Angeles City Council  
200 N. Spring Street, Room 470  
Los Angeles, CA 90012

**Re: The Value of Digital Signs in Los Angeles and Support for a Legislative Solution**

Dear Honorable Council President Wesson:

On behalf of the Los Angeles Area Chamber of Commerce and our 1,600 member organizations employing 700,000 individuals throughout our region, I write to express support for the outdoor advertising industry's efforts to work with the City to find a legislative solution regarding digital signs in the City of Los Angeles. With the existing digital signs being forced to go dark, businesses, nonprofit groups and public safety agencies that rely on these signs are feeling the impact and we urge the City Council to take action to restore the use of digital signs.

Critical to ensuring a long-term legislative solution can be achieved is the rejection of the motion by Summit Media requesting the demolition of pre-existing sign structures. We urge the City Council to oppose demolition of the signs. Demolition would greatly diminish the City's opportunity to bring revenues to the City and provide public benefits, and could potentially result in the permanent loss of digital signage in the City.

Outdoor advertising plays a unique and invaluable role for many businesses seeking to market their events, services and products. In the LA media market, billboard advertising costs 86% less than TV, and 66% less than newspapers. Eighty percent of our members are small businesses, and we encourage you to help them expand, add jobs, and fuel economic growth through the development of clear and consistent guidelines for the use of digital billboards.

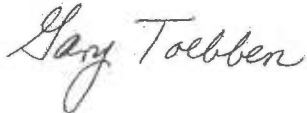
Whether it is the use of digital signs in notifying the community in emergency-situations, supporting outreach efforts for local nonprofits or helping Los Angeles area businesses grow and create jobs, outdoor advertising companies are community partners that provide a tremendous value and service to Angelenos.

It is imperative that the City of Los Angeles find a legislative solution that will allow for the permitting of existing digital signs, as well as establish a comprehensive sign ordinance that allows for the fair and reasonable use of modern digital technology. By establishing a reasonable ordinance - similar to the policies that exist in more than 450 localities in 43 states - the City can take advantage of the significant economic, community and public safety benefits digital signs provide.

We encourage the City Council and city staff to work with the industry to restore the use of digital signs and craft a policy for the fair and reasonable use of digital signs, and in a timely manner. By

doing so, the City Council will ensure that valued community partners are able to continue supporting the Los Angeles civic and business community.

Sincerely,

A handwritten signature in cursive script that reads "Gary Toebben". The signature is written in dark ink and is positioned above the typed name and title.

Gary Toebben  
President & CEO

CC: Honorable Members of the Los Angeles City Council



# BillboardConnection<sup>®</sup>

*Your Source for Successful Advertising*

January 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,


As specialists in a variety of out-of-home outdoor advertising venues, Billboard Connection is supporting the Los Angeles Outdoor Advertising Coalition (LAOAC) desire for a common sense approach to billboard regulations. Many advertisers doing business in Los Angeles depend on billboards to grow and create jobs and the proposed changes will help them continue to make economic progress.

As our name suggests, most of our clients use billboards - both traditional and cutting-edge digital signs - to get their messages across to consumers. Recent studies have proven that new technology draws attention, providing a high profile approach to delivering an advertising message at an affordable cost even for small businesses. A recent study by the U.S. Department of Transportation's Federal Highway Agency shows that digital billboards do not distract drivers, as opponents may claim, nor do they create a traffic hazard. The study also points out that a digital billboard attracts more attention than a traditional one, but in a safe way, underlining their importance in a changing media landscape.

In addition, digital billboards have proven effective in helping cities fight crime, alert neighbors of hazardous conditions and communicated with drivers when traffic becomes a challenge. Common sense regulations will bring Los Angeles in line with hundreds of other communities that have embraced billboards and their evolution as technology advances. We also ask that you also approve the public benefit component of LAOAC's proposal, which could fund improvements and services negatively impacted by budget cuts.

This issue is one where the benefit of the greater good must be given more weight than a small, vocal minority. An overwhelming majority of local residents accept both traditional and digital billboards as a part of the landscape. We encourage the Council to take immediate action to implement the reasonable regulations proposed by LAOAC.

Sincerely,

  
John Rodriguez-Franchise Owner  
Billboard Connection Northridge

2828 Cochran St, #491 • Simi Valley, CA 93065  
(818) 572-9405 • Fax (818) 396-8544 • [www.BuyBillboardAds.com](http://www.BuyBillboardAds.com)



February 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

The Greater San Fernando Valley Chamber of Commerce would like to express our support for a reasonable, common sense approach to billboard regulation, as proposed by the Los Angeles Outdoor Advertising Coalition (LAOAC). We strongly believe that many businesses in Los Angeles have been able to grow and thrive using these valuable resources.

The majority of small business owners depend on billboards to drive customers to their doors, which in turn helps their companies create jobs and support the local economy. Billboards have unique advantages that can't be found in other advertising media and remain an affordable way to promote a business - its technology that fits even a limited budget.

The proposed regulations will bring Los Angeles in line with hundreds of other communities across the country that has embraced billboards and their evolution as technology advances. Billboards can also result in public benefits that will provide funding for improvements and services negatively impacted by budget cuts.

We encourage the Council to consider taking immediate action to implement the reasonable regulations proposed by LAOAC.

Sincerely,

Nancy Hoffman Vanyek  
Chief Executive Officer



John Bnal  
 Managing Director, Western Region

**February 18, 2014**

Honorable Council President Herb Wesson, Jr.  
 City of Los Angeles  
 200 N. Spring Street  
 Los Angeles, CA 90012

Dear Council President Wesson:

As the Managing Director in the West for the nonprofit Ad Council — the nation's largest producer of Public Service Announcements or PSAs --- I've been privileged to fulfill this position for the last 14 years.

Now in our 72<sup>nd</sup> year, the Ad Council provides all Southern California media with high-quality content — Spots for TV & Radio; PDFs for Newspapers & Magazines; Eco-Posters, Digital Jpegs, Bulletins & Bus Shelter copy for Outdoor and Banners for Websites — free of charge that they arbitrarily self-select and air or post at their discretion. There is no money transacted between us and the media.

For the Outdoor industry in Southern California, we are truly fortunate as Los Angeles is the #1 DMA in the nation for running Ad Council PSAs. Collectively for all Outdoor companies in Los Angeles in 2009, this donation of space for English and Spanish PSAs totaled \$30.4 million.

Recent years since have shown similar amounts of donated space improving the quality of life for all Angelenos. These is just a brief list of issues that have been addressed:

- \* Buzzed Driving Prevention (Ran 24/7 on 50 Digital Boards last week of year in 2011 & 2012)
- \* Childhood Obesity Prevention
- \* Community Engagement (For United Way of Greater Los Angeles)
- \* Emergency Preparedness (Digital board was localized to [www.ReadyLA.org](http://www.ReadyLA.org))
- \* High School Dropout Prev. (These posters were localized to Los Angeles)
- \* Hunger Prevention
- \* Veteran Support
- \* Wildfire Preparedness
- \* Wildfire Prevention (With Smokey Bear)

The Advertising Council  
 250 N. G Street Blvd.  
 Burbank, CA 91502

818.248.1376  
[www.adcouncil.org](http://www.adcouncil.org)

© 2014 Ad Council

In addition, both Clear Channel Outdoor and CBS Outdoor in Los Angeles have earned the Ad Council's coveted "Silver Bell" Award as the nation's best local outdoor company for supporting our public service messages. No other city in the nation has had two "Silver Bell" Awards.

Other national recognition for extraordinary support of community messages has been sent to Clear Channel Outdoor by the following organizations:

- \* Department of the Army ..... For support of its High School Dropout campaign
- \* Iraq & Afghanistan Veterans of America ..... For Veterans Support campaign
- \* National Highway Traffic & Safety Administration ... For Buzzed Driving is Drunk Driving

With outdoor companies, there is no federal or state regulation to run any PSAs at all, nor does the outdoor medium receive any kind of tax deduction for posting public service announcements.

*All outdoor companies post our community messages at no charge for the space, or for the labor costs of putting up and taking down the Bus Poster, Eco-poster or Vinyl. These are very high costs to absorb, but the Outdoor industry has a strong tradition of incurring these costs as they believe it's the right thing to do for Los Angeles. (Not all outdoor companies are so generous as many across the nation will charge a posting fee.)*

In Los Angeles, the Outdoor industry is a primary medium for keeping our community well-informed by helping Southern California veterans with resources to reduce the chances of post-traumatic stress disorder; for offering digital literacy by directing residents to a Los Angeles Library for free Internet training classes; for inspiring residents to donate food to the Los Angeles Regional Food Bank; for being prepared for an earthquake through ReadyLA.gov; for encouraging the public to adopt a pet from a Los Angeles shelter; for inspiring youth to graduate from a Los Angeles Unified High School and for having Smokey Bear remind the public that 9 out of 10 Southern California wildfires are started by fellow residents.

The Outdoor industry in our community is baseline essential to helping improve the health, safety, education and quality of life for all citizens within the City of Los Angeles.

Sincerely,







Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

Thank you for exploring regulation of electronic (digital) billboards. As you consider this important matter, I am writing to offer two key points. First, this new technology has earned regulatory acceptance nationwide. Second, please call upon us for additional information about regulatory norms as the City of Los Angeles proceeds toward regulation.

Nearly all states with billboards, along with hundreds of localities, have taken steps to regulate digital billboards. Typical display times are six or eight seconds, in conformance with federal guidance issued in 2007.

Federal research based on analysis of drivers' eye glances shows that digital billboards are not distracting (the Federal Highway Administration's report was released December 30, 2013). A broad range of government entities -- federal, state, and local -- use digital billboards to communicate with the public, including emergency messaging.

For advertisers, digital billboards are a valued new communications tool, featuring flexibility and speed. Interestingly, one of the biggest customers of digital billboards is other media.

In sum, the out of home advertising industry supports regulation of digital billboards, in line with longstanding federal guidance to assure reasonable spacing of signs, reasonable display time of static images, and to adjust lighting levels to avoid glare.

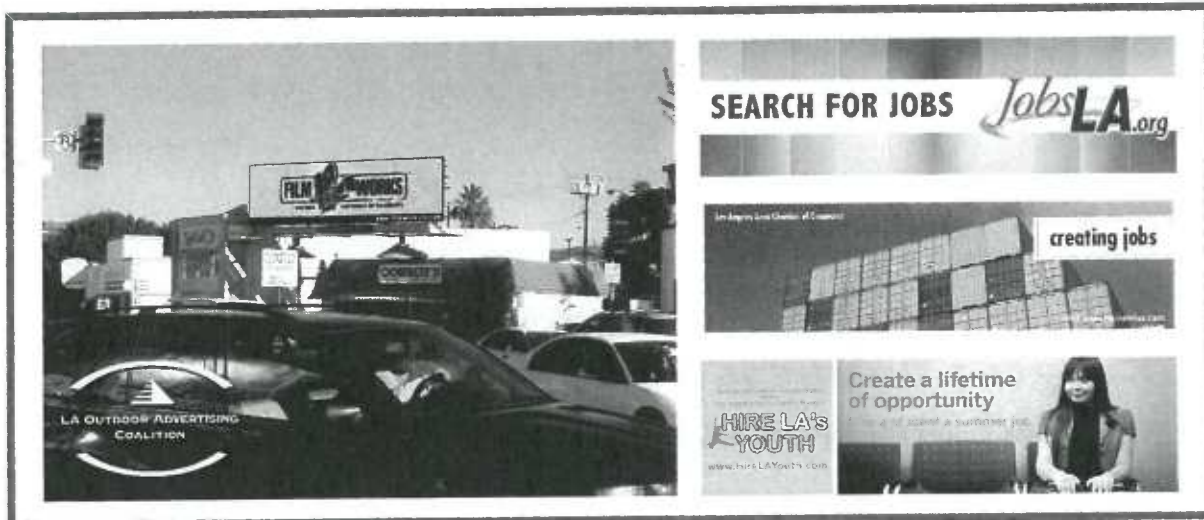
We look forward to serving as a resource to you, your colleagues, and staff.

Sincerely,

Nancy Fletcher  
President & CEO



## DIGITAL BILLBOARDS CREATE JOBS



# L A B O R

## **IMPACT OF OUTDOOR ADVERTISING ON LABOR**

The issue of a revised and reasonable billboard ordinance is critical to many of the 140,000 laborers living in Los Angeles. With hundreds of thousands of people currently unemployed, the potential of putting skilled tradespeople back to work via the development of digital billboards is critical to labor in Los Angeles.

## **CURRENT BUSINESS SUPPORT LIST**

Los Angeles County Federation of Labor, AFL-CIO

Los Angeles Police Protective League

Los Angeles/Orange County Building and Construction  
Trades Council

Ironworkers Local 433



*"...a common-sense legislative solution for digital signage has the potential of putting many skilled tradespeople back to work."*

Piedmont Brown, President,  
Ironworkers Local 433



*"...digital signboards provide information critical to public safety, such as time-sensitive alerts and emergency notifications...There are so many benefits in the proposed change that you must consider the greater good of the community.."*

Ron Miller, Executive Secretary,  
Los Angeles/Orange County Building  
and Construction Trades Council



*"You can ensure that law enforcement remains a priority in our city through the adoption of reasonable digital sign policy that brings much needed revenue, promotes public safety and protects the jobs of our police officers and department personnel"*

Tyler Izen, President,  
Los Angeles Police Protective League



LOS ANGELES COUNTY  
FEDERATION OF LABORS  
AFL-CIO

*"We support a digital sign ordinance because it will create jobs for the hardworking members of the building trades who have project labor agreements with several of the large sign companies"*

Maria Elena Durazo, Executive Secretary Treasurer,  
L.A. Union





**WHAT IS THE LA OUTDOOR ADVERTISING COALITION (LAOAC)?**

The LA Outdoor Advertising Coalition (LAOAC) is comprised of companies that collectively own more than 90% of the billboards in Los Angeles, including CBS Outdoor, Clear Channel Outdoor, Lamar Advertising, Van Wagner, Daktronics and YESCO.

For more information, please contact  
Stacy Miller Public Affairs at  
(213) 995-6115 or [Stacy@StacyMillerPA.com](mailto:Stacy@StacyMillerPA.com)



LOS ANGELES COUNTY  
FEDERATION OF LABOR,  
AFL-CIO

February 28, 2014

Re: Digital Sign Ordinance, City of Los Angeles

Council President Herb J. Wesson Jr.  
Los Angeles City Council  
200 North Spring Street, Room 430  
Los Angeles, California 90012

Dear Council President Wesson:

On behalf of the members of Los Angeles County Federation of Labor, AFL-CIO, I ask for your support of an ordinance that provides reasonable regulation for digital signage in the City of Los Angeles.

We support such an ordinance for several reasons. First of all, we join the United Firefighters of LA City and the Police Protective League in supporting an ordinance that would allow them to utilize digital signs during public emergencies. These signs play important roles in the management of a natural disaster or at times when public safety is in jeopardy, such as during an Amber alert. Secondly, we support a digital sign ordinance because it will create jobs for the hardworking members of the building trades who have project labor agreements with several of the large sign companies.

We encourage the Council to take action to implement digital sign regulations and join hundreds of other cities across the nation that have embraced the positive effects of digital signage. Your support will help put many Angelenos back to work.

Sincerely,

Maria Elena Durazo  
Executive Secretary Treasurer

Cc: Ron Miller  
Frank Lima  
Tyler Izen



NATIONAL OFFICERS

February 18, 2014

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Moxie Pictures  
Chairman

Jerry Solomon  
Epoch Films  
Vice Chairman

Rich Carter  
GARTNER  
Immediate Past Chairman

Matthew Miller  
AICP  
President & CEO

Mark Androw  
STORY  
Treasurer

Robert L. Sacks  
Kane Kessler, P.C.  
Secretary & Legal Counsel

The Honorable Herb Wesson, Jr.  
President, Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

The Association of Independent Commercial Producers joins a growing list of concerned stakeholders regarding the regulation of both traditional and digital billboards placed within the City of Los Angeles. This issue not only affects our partners in the advertising industry, it affects local business and public safety in Los Angeles.

PAST CHAIRMEN

Rich Carter  
GARTNER  
Immediate Past Chairman

Bob Fisher  
Celsius Films

Mark Androw  
STORY

Frank Scherma  
@radical.media

Nick Wöllner  
Link Entertainment/1919 LLC

Jon Kamen  
@radical.media

We are writing in support of the Los Angeles Outdoor Advertising Coalition (LAOAC)'s proposal for common sense guidelines. The promotion of ads utilizing both traditional and digital billboards is not only a tradition in Los Angeles, it's a necessity in our competitive regional climate.

As a collective voice for the \$5 billion commercial production industry since 1972, the AICP sees these proposed regulations as good for all parties involved. Using billboards to promote the sale of goods and services will contribute to the continued employment of more than half a million jobs in LA, which result in more than \$6 billion in state and local taxes. We view digital signage as an important outlet in the future of media consumption and an important vehicle for the creative product that our members produce for marketers of products and services.

In addition, we ask that the council consider the public benefit of billboards and digital displays, both in disseminating information immediately in cases of disaster and crime prevention, as well as the public benefit available to the city in funding police, fire or other community services. The Council has the power to enact an ordinance that will establish reasonable restrictions on message illumination, duration and change rate; make provisions for public benefits and ensure that there are opportunities for all outdoor companies to secure digital signs.

Los Angeles has long been known as the entertainment capital of the world. By implementing reasonable regulation of both traditional and digital off-site signs, you will secure the future success of our industry and our City.

Sincerely,

Matt Miller  
President & CEO

NATIONAL OFFICE/HQ

3 West 18th Street  
5th Floor  
New York, NY 10011  
(212) 929-3000  
(212) 929-3359 Fax

AICP CHAPTERS

DIGITAL

EAST  
New York

FLORIDA  
Miami

HAWAII  
Honolulu

MIDWEST  
Chicago

MINNESOTA  
Minneapolis

SOUTHEAST  
Atlanta

SOUTHWEST  
Dallas

WEST  
Los Angeles



# United Firefighters of Los Angeles City

Local 112, International Association of Fire Fighters

June 23, 2014

Honorable Herb Wesson, Jr.  
President, Los Angeles City Council  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

On behalf of the 3,000 Firefighters, Paramedics, Dispatchers, Inspectors, and Pilots of the United Firefighters of Los Angeles City (UFLAC) who I am honored to represent, I'm writing to support a simplified ordinance regulating the billboard industry in Los Angeles. A common sense ordinance that provides a reasonable balance for both traditional and digital displays, such as the one supported by the Los Angeles Outdoor Advertising Coalition (LAOAC), will provide public safety benefits and still respect the concerns of the residents that we serve.

For a long time now, national and regional law enforcement agencies have successfully used digital signage. Whether the signs are used in a natural or manmade disaster, they provide firefighters and police an effective, immediate way to communicate with the general public to provide urgent, emergency information at a time of need. The fact that messages can be immediately changed remotely contributes greatly to the City's disaster preparedness and survival. This is especially important for Los Angeles City Firefighters given the regular Red Flag Warnings that we experience and the critical need that we have to communicate with the public about fire related concerns.

A sensible outdoor signage policy will provide desperately needed new revenue to the City that can alleviate budget shortfalls, allowing departments like the LAFD to continue to provide the service and protection our residents have come to expect.

This is an issue where the greater benefit to the community must be given more weight than a small, vocal opposition. Swift action on this issue would ensure reasonable regulation of digital off-site signs, while reducing the number of traditional signs and providing a benefit through enhanced public safety. It's a win-win compromise for everyone involved. We support the LAOAC's effort to bring this to the Council and hope your vote will help our City join other communities using technology to work for the betterment of all.

Thank you for your careful consideration of this critical issue.

Sincerely,

A handwritten signature in black ink that reads "Frank V. Lima".

Frank Lima  
President  
United Firefighters of Los Angeles City

FL/mr  
opeiu #537 / afl-cio-clc

CC: Honorable Jose Huizar, Chairman PLUM Committee  
Honorable Mitch Englander, PLUM Committee  
Honorable Gil Cedillo, PLUM Committee  
Honorable Paul Krekorian, Chairman Budget & Finance Committee

1571 Beverly Blvd., Suite 201 • Los Angeles, California 90026-5704 • telephone 800-252-8352 • facsimile 213-250-5678  
Affiliated with: California Professional Firefighters • California Labor Federation • Los Angeles County Federation of Labor • IAFF • AFL-CIO-CLC





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THE POLICE OFFICERS  
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www.lapd.com

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DIRECTOR

April 22, 2013

Mayor Antonio Villaraigosa  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Mayor Villaraigosa:

On behalf of the Police Protective League and the 9,900 dedicated and professional sworn members of the Los Angeles Police Department, we urge you to develop a legislative solution for digital signs that could positively impact this year's budget, keep police and fire personnel on the street, save civilian jobs in the Department and maintain the level of public safety worthy of the City of Los Angeles.

Public Safety in the City of Los Angeles has suffered from far-reaching cuts in recent years as a result of budget shortages. Cuts to fire, police and 911 services cannot continue if we want to maintain the current level of protection for our neighborhoods and families.

The only way we can avoid these cuts and negative impacts to our public safety is by bringing new revenues into the City and a legislative solution for digital signs can bring that much needed revenue. This solution is long overdue and should be resolved in this budget cycle.

Currently, more than 43 states and 450 localities have already adopted policies that allow for and regulate digital signs, providing significant economic benefits and revenue generation opportunities. Our City can no longer afford to delay adopting a common sense digital sign policy that protects public safety jobs and pensions through added revenues.

You can ensure law enforcement remains a priority in our city through the adoption of reasonable digital sign policy that brings much needed revenue, promotes public safety and protects the jobs of our police officers and department personnel.

If you have any questions please feel free to contact the League's City Hall representative, Peter Repovich at 213-792-1086 or [peterrepovich@lappl.org](mailto:peterrepovich@lappl.org).

Sincerely,

BOARD OF DIRECTORS  
Los Angeles Police Protective League

A handwritten signature in black ink, appearing to read 'Tyler Izen', written over the printed name.

TYLER IZEN  
President



**RON MILLER**  
Executive Secretary

# *Los Angeles / Orange Counties Building and Construction Trades Council*

*Affiliated with the Building & Construction Trades Dept., AFL-CIO*

1626 Beverly Boulevard  
Los Angeles, CA 90026-5784  
Phone (213) 483-4222  
(714) 827-6791  
Fax (213) 483-4419

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The Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street, Room 430  
Los Angeles, CA 90012

Dear Council President Wesson,

The issue of a revised and reasonable billboard ordinance and digital billboard solution is critical to many of the 140,000 working men and women living in Los Angeles, many of them members of the 52 unions that make up the Los Angeles/Orange Counties Building & Construction Trades Council (AFL-CIO). With hundreds of people currently unemployed and the potential of putting skilled tradespeople back to work to construct, maintain or remove billboards, we are asking that you support the approval of an ordinance that offers reasonable regulation for the industry.

Nearly 70 percent of local businesses depend on billboards to drive customers to their doors. Billboard advertising remains affordable, allowing small businesses to grow, create jobs and expand services. The boards themselves are iconic symbols of Los Angeles, known worldwide. The Los Angeles Outdoor Advertising Coalition (LAOAC)'s proposal for common sense regulation of billboards and digital signage is one I support wholeheartedly.

In addition, digital signboards provide information critical to public safety, such as time-sensitive alerts and emergency notifications, Amber Alerts and "wanted" bulletins, disaster information and traffic updates. Polls indicate that 70 percent of the local residents accept both traditional and digital billboards as a part of the landscape.

There are so many benefits in the proposed changes that you must consider the greater good of the community over a small, vocal opposition. Your support and approval of this measure will make a positive difference in our city's future.

As a member of the 20/20 Commission to which you appointed me, I think this is one of the benefits to the City that in the scheme of things will make the City a better place to live, and the ordinance could be fashioned in a way which could help reduced the City's budget deficit.

We encourage the Council to take immediate action to implement reasonable regulations and join hundreds of other cities across the nation that have embraced the positive effects of digital signage. Your support will help put many Angelenos back to work.

Sincerely,

Ron Miller  
Executive Secretary, Los Angeles/Orange Counties Building and Construction Trades Council



# Ironworkers Local 433

International Association of Bridge, Structural &  
Ornamental Iron Workers A.F.L.-C.I.O.

17495 HURLEY STREET EAST

CITY OF INDUSTRY, CALIFORNIA 91744

PHONE: (626) 964-2500

FAX: (626) 964-1754

pedmont@ironworkers433.org

March 3, 2014

**PIEDMONT BROWN**

President

Business Agent

The Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

On behalf of the hardworking members of Ironworkers Local 433 I ask that you support the development of a comprehensive digital billboard ordinance for the City of LA as it could help put to work many of my local members. With double digit unemployment in Los Angeles, a common-sense legislative solution for digital signage has the potential of putting many skilled trades people back to work.

The Building Trades have a county-wide project labor agreement with Lamar Outdoor Advertising as well as Clear Channel-two of the largest sign companies in Los Angeles. As such, upon enactment of a comprehensive digital sign ordinance, union Ironworkers will get the opportunity to both erect new digital signs and demo existing static signs.

We encourage the Council to take immediate action to implement reasonable regulations and join hundreds of other cities across the nation that has embraced the positive effects of digital signage. Your support will make a positive difference in our city's future.

Sincerely,

Piedmont Brown

President

Ironworkers Local 433





February 20, 2014

Stacy Miller  
Executive Director  
Los Angeles Outdoor Advertising Coalition (LAOAC)  
Sent via email

Dear Ms. Miller:

FilmL.A., Inc. would like to express our thanks on behalf of our clients, the County and City of Los Angeles, for the continued support of the Los Angeles Outdoor Advertising Coalition (LAOAC) and its members, Clear Channel Outdoor, CBS Outdoor and Lamar Advertising.

LAOAC's past and present support has been crucial to Film Works™, a major initiative of FilmL.A., Inc. creating awareness of the need of keeping production jobs in our state and regional economy. Film Works' effectiveness is greatly enhanced through the use of traditional and digital billboards in Los Angeles. The philanthropic contributions of the LAOAC to provide visibility to our campaign will help educate the public as we enter a very crucial year in the drive to keep production jobs in Los Angeles.

Los Angeles has long been considered the entertainment capital of the world and FilmL.A. is proud to be part of the production team. As a public benefit agency that coordinates and processes film permits for on-location movie, television and commercial shoots, we know the importance of the industry to Los Angeles County's financial success.

According to a 2012 report from the Los Angeles Economic Development Corporation, the entertainment industry provides more than 586,000 jobs, or \$43 billion in labor income, as well as \$6 billion annually in state and local taxes.

We look forward to seeing Film Works' messages displayed on both traditional and digital off-site signs in our region. With your help we hope to help preserve LA's title as "the Entertainment Capital of the World".

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Kudley", is written over the typed name and title.

Paul Kudley  
President



Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

As a business owner in Los Angeles, I am critically aware of the importance of advertising and marketing and the part that billboards play in our urban landscape. The Los Angeles Outdoor Advertising Coalition (LAOAC)'s proposal for common sense regulation of billboards and digital signage is one I support wholeheartedly.

Our company, Arons Manufacturing, opened its doors in Los Angeles in 1908. We create leather goods for the apparel and gift industry and have provided leather goods for the Los Angeles Police and Fire Departments for nearly a century. Approving digital billboards will mean I can hire more employees, offer better benefits and increased wages and improve my facilities – in other words, we stand waiting to invest in the local economy with your support of reasonable standards such as those proposed by the coalition.

Part of the proposed ordinance includes the community benefits that can be used to fund improvements in the neighborhood of the signs, such as planting trees, fixing sidewalks, undergrounding utilities and increasing police and fire protection. With the possibility of billboards filling in the funding gap that forced program closures, we hope you will make the right decision that will not only help business, but will welcome visitors and improve our communities and neighborhoods.

I encourage the Council to take immediate action to implement the reasonable regulations proposed by LAOAC. Doing so will put us on par with 450 other cities across the nation who have embraced the positive effects of digital signage and allow me to grow my 106-year old business.

Sincerely,

Arnold Arons  
Arons Manufacturing

Mayor Eric Garcetti  
Honorable LA City Councilmembers  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Mayor Garcetti and Honorable Councilmembers,

My family had three digital billboards on their private property that were all forced to go dark by a recent city ruling. The loss of income from these boards has created a hardship for my family and I am asking for your help in resolving this issue. I have become aware of some reasonable regulations being proposed by the Los Angeles Outdoor Advertising Coalition that would provide a good resolution for all involved and I am writing to ask you to support them.

Digital billboards are the future of outdoor advertising and as income generators, are important to advertisers, small businesses, charities and families like mine. I feel that the ordinance with changes supported by the LAOAC that protects single-family homes and drivers on our area roads would be the best solution.

Turning the billboards back on is easy and can be done by imposing simple restrictions on brightness and message frequency that respect neighborhoods and traffic. Along with restoring my family's income, billboards can help fund public benefits such as neighborhood improvements or supporting public safety services.

Signs can alert people about disasters, broadcast Amber Alerts and wanted fugitive bulletins and advise drivers when traffic is impacted in a certain area. Surely this new ordinance will have reasonable regulations that will help the industry stay in line while helping the communities they serve.

Please act now and provide a win-win situation by enacting common sense regulation of the billboard industry in Los Angeles. Billboards help small businesses, and nonprofit groups who provide services in my neighborhood. I hope you will bring sign regulations up to date, allowing for traditional and digital billboards. I appreciate your support and attention to this matter.

Sincerely,



Jeffrey Serber



# DIGITAL BILLBOARDS SUPPORT NONPROFIT ORGANIZATIONS





# N O N P R O F I T

## **IMPACT OF OUTDOOR ADVERTISING ON NONPROFITS & THE COMMUNITY**

The outdoor advertising industry donates \$6 million in public service announcement space to charities and nonprofit organizations every year. Billboards enhance awareness of and increase visibility for community groups and clients who may not have access to traditional media have been helped via information on billboards in the community.

## **CURRENT BUSINESS SUPPORT LIST**

San Fernando Valley Rescue Mission  
Hollywood Fringe Festival  
Pacific Battleship Center-USS Iowa  
Burbank International Film Festival  
Art Share LA  
New Horizons  
Film LA  
Los Angeles Downtown Arts District  
Film Independent  
Foundation for a Better Life  
Gay Men's Chorus of Los Angeles



LA OUTDOOR ADVERTISING  
COALITION

THE FOUNDATION  
FOR A BETTER LIFE

*"Getting a positive message out to the public is very important to our organization. Our "Pass It On" campaign...has been one of the most successful public service programs in the history of outdoor advertising"*

Gary Dixon  
The Foundation for a Better Life



MOTION PICTURE ASSOCIATION  
OF AMERICA

*"Our member companies value the flexibility to advertise their product creatively with the newest available technology, in an effort to maximize revenue and sustain and create jobs."*

Melissa Patack, Vice President & Senior Counsel,  
State Government Affairs. MPAA



*"As a nonprofit organization, we also depend on the support of the outdoor industry to get out our message of free expression"*

Rick Robinson, Board President,  
Art Share L.A.



*"Overall, billboard companies have proven that they are good neighbors who make contributions to their neighborhoods while providing an essential business service."*

Jonathan Williams  
Pacific Battleship Center- Battleship Iowa

### SAN FERNANDO VALLEY RESCUE MISSION

An Outreach Ministry of  


*"Billboards not only encourage donations, but also advise potential clients of available services, playing a critical part in the health and welfare of our neighborhoods."*

Wade Trimmer, Executive Director,  
San Fernando Valley Rescue Mission



**WHAT IS THE LA OUTDOOR ADVERTISING COALITION (LAOAC)?**

The LA Outdoor Advertising Coalition (LAOAC) is comprised of companies that collectively own more than 90% of the billboards in Los Angeles, including CBS Outdoor, Clear Channel Outdoor, Lamar Advertising, Van Wagner, Daktronics and YESCO.

For more information, please contact  
Stacy Miller Public Affairs at  
(213) 995-6115 or [Stacy@StacyMillerPA.com](mailto:Stacy@StacyMillerPA.com)



®

MOTION PICTURE ASSOCIATION OF AMERICA, INC.  
15301 VENTURA BOULEVARD, BUILDING E  
SHERMAN OAKS, CA 91403  
Main: (818) 995-6600

MELISSA PATAACK  
Vice President & Senior Counsel  
State Government Affairs

818.935.5838 – direct  
818.292.2784 – cell  
Melissa\_Pataack@mpaa.org

February 20, 2013

The Honorable Herb Wesson  
President, Los Angeles City Council  
City of Los Angeles  
200 N. Spring St., Room 430  
Los Angeles, CA 90012

Dear Council President Wesson:

On behalf of the Motion Picture Association of America, Inc. and our member companies\*, I am writing to encourage the Council to take action to implement reasonable regulation of both traditional and digital off-site signs in the City of Los Angeles.

Digital billboards present an efficient and attractive opportunity for our member companies to advertise their motion pictures and television shows. This technology provides a convenient way to keep advertisements current and up-to-date. For example, following major awards or a highly successful opening weekend, a motion picture company can modify an advertisement on a digital billboard to reflect and incorporate an achievement of a particular film.

We support an ordinance that will establish reasonable time, place, and manner restrictions for off-site digital signage, and that will allow our member companies to take advantage of a technology that successfully improves the advertising of movies and television programs.

---

\* The Motion Picture Association of America, Inc. includes: The Walt Disney Studios Motion Pictures; Paramount Pictures Corporation; Sony Pictures Entertainment Inc.; Twentieth Century Fox Film Corporation; Universal Studios LLC; and Warner Bros. Entertainment Inc.



Council President Wesson

February 20, 2014

Page 2

As you so well appreciate, the motion picture and television business represents a major industry for Los Angeles, providing much needed jobs and revenues to the City. Our member companies value the flexibility to advertise their product creatively with the newest available technology, in an effort to maximize revenue and sustain and create jobs.

Thank you for your consideration. I am available to discuss this, should you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melissa Patrek".



*Leading the way in education, advocacy,  
and public policy for children and adults  
with developmental disabilities.*

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Seth Weisbord, Esq.

4401 CRENSHAW BOULEVARD

SUITE 215

LOS ANGELES, CA 90043

OFFICE 323.291.7100

FAX 323.291.7104

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

I am writing to express my support of the Los Angeles Outdoor Advertising Coalition (LAOAC)'s proposal of common sense regulation of billboards and digital signage. As the founder of the Special Needs Network, I have first-hand experience with the positive results billboards have provided when we reached out to our community in the South Los Angeles – Crenshaw area. With the industry's support, we have been able to promote our mission of social justice, equality and dignity for all children with disabilities.

The billboard companies involved in LAOAC have been strong supporters of many local charities for several years, and allow us to provide essential services, such as raising awareness and promote education and resources for parents. In Los Angeles, the billboard industry donates \$6 million in public service announcements every year. Billboards not only encourage donations, but also advise potential clients of available services, playing a critical part in the health and welfare of our neighborhoods.

Many of our clients have responded to information posted on billboards – taking that resource away could have serious consequences. We realize the value of billboard promotions for our programs and those of other charities to impact public policy and provide support to our populations. Billboard companies have proven that they are good neighbors who make contributions to their neighborhoods while providing an essential business service.

You can make a difference in our city's health and welfare by taking immediate action to implement reasonable regulation of both traditional and digital off-site signs. Our belief is that doing so will result in a better working environment for charities, businesses and public safety overall.

Sincerely,

Areva Martin  
President and Founder  
Special Needs Network, Inc.



April 9, 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

As the 2012 Roastee, you know that the American Diabetes Association's (ADA) mission to find a cure for diabetes and provide a wide variety of programs and outreach to those afflicted with this devastating disease. Like other health related non-profit organizations, the ADA is always searching for effective ways to deliver our services.

The outdoor advertising industry, by providing free public service messages, has been a vital partner in carrying our message of how to prevent diabetes and how to seek help if one has the first symptoms of diabetes.

We have found that digital billboards have been very effective tools for these public service messages which include health fair announcements, where to get glucose testing, etc.

On behalf of the American Diabetes Association, I am writing to express support for common sense regulation of billboards and digital signage as supported by the Los Angeles Outdoor Advertising Coalition (LAOAC).

We encourage the City Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Our belief is that doing so will result in a better working environment for nonprofit organizations, businesses, residents and neighborhoods across the city.

With appreciation for your efforts,

A handwritten signature in black ink, appearing to read 'T. Hutson Morris-Irvin', with a long horizontal line extending to the right.

T. Hutson Morris-Irvin  
Director of Marketing & Communication  
American Diabetes Association  
[tmorrisirvin@diabetes.org](mailto:tmorrisirvin@diabetes.org)  
323-966-2890 ex 7502

Los Angeles Office  
611 Wilshire Blvd. Suite 900  
Los Angeles, CA 90017  
Tel: 323-966-2890

Diabetes Information  
1-800-DIABETES (1-800-342-2383)  
[www.diabetes.org](http://www.diabetes.org)  
The Association gratefully accepts gifts through your will.

The Mission of the American Diabetes Association is to prevent and cure diabetes and to improve the lives of all people affected by diabetes.



# National Organization of Parents Of Murdered Children, Inc.

*For the families and friends of those who have died by violence.*

---

**National Office:**

4960 Ridge Avenue, Suite 2 • Cincinnati, OH 45209 • (513) 721-5683

Fax: (513) 345-4489 • [www.pomc.org](http://www.pomc.org) • Email: [natlpomc@pomc.org](mailto:natlpomc@pomc.org)

**Satellite Office:**

Dan Levey, Executive Director • P.O. Box 625 • Phoenix, AZ 85001

Phone: (602) 492-9205 • Email: [dlevey@pomc.org](mailto:dlevey@pomc.org)

April 22, 2014

Honorable Council President Herb Wesson, Jr.

City of Los Angeles

200 N. Spring Street

Los Angeles, CA 90012

Dear Council President Wesson,

When a loved one is murdered, surviving family and friends so often feel alone in their grief and outrage. The National Organization of Parents of Murdered Children (POMC) makes a difference through on-going emotional support, education, prevention, advocacy, and awareness. If a murderer is at large, any resource to help law enforcement find the guilty parties, including billboards, is essential.

It is in this spirit that POMC offers its support to a common sense digital and static billboard ordinance, with reasonable regulations such as those proposed by the Los Angeles Outdoor Advertising Coalition (LAOAC).

Billboards – especially quick-changing digitals - offer immediate information that can result in an arrest or warn people when there is a threat in their neighborhood. Sometimes the eyes and ears of the community are just what's needed to quickly apprehend a criminal. Your support of a simplified, streamlined ordinance for billboards that brings digital displays back to life will return a critical resource to the community. National and regional law enforcement agencies have long used digital signage with great success. They have been critical in delivering time-sensitive alerts and emergency notifications, including Amber Alerts and wanted fugitive bulletins.

POMC was founded in 1978, in Cincinnati, Ohio and currently has over 60 chapters and 100 contact people throughout the United States providing services to family and friends of those killed by violence. POMC's vision is to provide support and assistance to all survivors of homicide victims while working to create a world free of murder is enhanced.

POMC supports the LAOAC's effort to bring this to the Council and hope your vote will help Los Angeles join other communities using technology to work for the betterment of all residents.

Sincerely,

Dan Levey  
Executive Director



THE FOUNDATION  
FOR A BETTER LIFE

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

On behalf of The Foundation for a Better Life, we are writing to express our support for common sense regulation of billboards and digital signage as supported by the LA Outdoor Advertising Coalition.

Getting a positive message out to the public is very important to our organization, The Foundation for a Better Life. Our "Pass It On" campaign, which highlights positive values practiced by heroes of our time, has been used since 2001 in schools and communities to promote good and has been praised by the Outdoor Advertising Association of America as "one of the most successful public service programs in the history of outdoor advertising." While our messages are also broadcast on television and online, as well as in print, their presentation on billboards deserves much credit for the campaign's effectiveness.

It is my understanding that in Los Angeles, the billboard industry donates \$6 million in public service announcements every year. We are pleased that the billboard companies involved in LAOAC have been strong supporters of our organization since its inception and allow us to continue to produce our messages of encouragement. It is our hope that these billboards will be inspiring and add to the already rich culture of Los Angeles.

We encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Our belief is that doing so will result in a better working environment for businesses, residents and neighborhoods across the city.

Sincerely,



Gary Dixon  
The Foundation for a Better Life  
[www.values.com](http://www.values.com)



January 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles, Room 403  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Honorable Council President Wesson,

Los Angeles has long been a haven for artists, from the solo painter to the street corner musician, all the way up to the movie stars that grace the billboards of our town. For many years, artists have been supported by those companies that put up those billboards and now, Art Share LA would like to return that favor. We support the efforts of the Los Angeles Outdoor Advertising Coalition (LAOAC) to work with the City Council toward reasonable regulation of billboards, both traditional and digital.

Art Share LA is a sanctuary for the arts in downtown LA, offering lofts, studios, community programs, exhibits and events centered around the city's artistic roots. Our classes, galleries and performance spaces are community based and depend on a variety of media outlets to get the word out. As a nonprofit organization, we also depend on the support of the outdoor advertising industry to get out our message of free expression.

The billboard companies involved in LAOAC have been strong supporters of many local charities for several years, donating \$6 million in public service announcements every year. Community benefits proposed by LAOAC could go a long way in providing funding for much-needed neighborhood improvements and support of programs that bring artists to our area. Billboards not only encourage donations, but also advise potential clients of available services and cultural opportunities, playing a critical part in the health and welfare of our neighborhoods.

We encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Doing so will create a better working environment for the arts, business and public services for the betterment of all.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rick Robinson', with a long horizontal flourish extending to the right.

Board President

Rick Robinson

[www.artsharela.org](http://www.artsharela.org)



February 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

**HONORARY BOARD CHAIR**  
PRESIDENT GEORGE H.W. BUSH

**NATIONAL ADVISORY BOARD**

ADM JEROME L. JOHNSON, USN (Ret.)  
RADM STUART F. PLATT, USN (Ret.)  
RADM GERALD GNECKOW, USN (Ret.)  
RADM MICHAEL GIORGIONE, USN (Ret.)  
RADM MICHAEL SEWARD, USCG (Ret.)  
CAPT WILLIAM HAYES III, LAPD  
CAPT RICHARD MCKENNA, USN (Ret.)  
KATHRYN NIELSEN  
DR. WILLIAM L. STEARMAN  
HONORABLE RUDY SVORINICH  
JAYME WILSON

**BOARD OF DIRECTORS**

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BECKY BEACH (Secretary)  
VANESSA LEWIS  
TOM EPPERSON  
RADM G.E. GNECKOW, USN (Ret.)  
DOUGLAS HERMAN  
CRAIG JOHNSON  
NATE JONES  
PATRICK KOHLER  
JONATHAN WILLIAMS (Pres./COO)

As a new nonprofit organization that has seen the benefit of billboard advertising in the successful rededication of the Battleship Iowa, I am writing to support the Los Angeles Outdoor Advertising Coalition (LAOAC)'s proposal of common sense regulation of billboards and digital signage. It is important to establish reasonable standards that embrace traditional and technologically advanced outdoor advertising that will benefit our neighborhoods and its nonprofit organizations.

The billboard companies involved in LAOAC have been strong supporters of our mission of celebrating the American spirit daily by bringing the Battleship Iowa alive for our guests. As we depend on admissions, memberships and donations, we appreciate the contributions made by the outdoor advertising industry. In Los Angeles, the billboard industry donates \$6 million in public service announcements every year and we are proud to be one of those helped by their generosity.

Billboards do more than provide visual advertising for businesses and charities; national and regional law enforcement agencies have used digital signage with great success, delivering time-sensitive alerts and emergency notifications, including Amber Alerts and wanted fugitive bulletins as well as victim services and support groups. Overall, billboard companies have proven that they are good neighbors who make contributions to their neighborhoods while providing an essential business service.

I encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Doing so will result in a better working environment for charities, businesses and public safety overall.

Sincerely,

Jonathan Williams  
Pacific Battleship Center- Battleship Iowa



**SAN FERNANDO VALLEY**  
**RESCUE MISSION**  
*An Outreach Ministry of*  


January 31, 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring St., Room 430  
Los Angeles, CA 90012

Dear Honorable Council President Wesson,

I am writing to encourage you to support common sense regulation of billboards and digital signage and express my support of the Los Angeles Outdoor Advertising Coalition (LAOAC).

The San Fernando Valley Rescue Mission serves thousands of homeless and hungry people with our shelter and outreach programs. As a charitable organization that is supported completely by private donations, grants and proceeds from three thrift stores, we depend on the generosity of companies such as those in the LAOAC.

The outdoor advertising industry has provided us critical space on billboards, helping spread the word about services and hope. Billboards not only encourage donations, but also advise potential clients of available services, playing a critical part in the health and welfare of our neighborhoods.

Many of our clients have responded to information posted on billboards and taking that resource away could have dire consequences. Because so many of our clients may not have access to other media – newspapers, radio, television or computers – billboards may be the only way they find out about the services we provide.

I encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Our belief is that doing so will result in a better working environment for charities, businesses and public safety overall.

Sincerely,



Wade Trimmer  
Executive Director





**new horizons**  
60<sup>TH</sup> ANNIVERSARY

*Serving Individuals with Special Needs*

**officers** February 14, 2014

John D. Bunzel  
*Chairman*

Sue Weitkamp  
*Vice Chair*

Stuart L. Jaffe  
*Treasurer*

Ken Miles  
*Secretary*

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

**directors** Dear Council President Wesson,

- Fred Aboody
- David Adelman
- Glenn Baker
- Mary Ann Cummins-Prager
- Colin Donahue
- Mitchell Englander
- Mary K. Fischer
- Judy Fisher
- David Lillington
- Burt Margulis
- Dana K. Martin
- Erica Nord
- Kurt Peter
- Sister Colleen Settles
- Gene Siciliano
- Joel Simon
- Mark Studner
- Christine Ward
- Gary Washburn

On behalf of New Horizons, we are writing to express our support for common sense regulation of billboards and digital signage as supported by the LA Outdoor Advertising Coalition.

New Horizons is a nonprofit organization that empowers individuals with special needs to fulfill their dreams. Working with our community to educate and advocate for our clients, we are able to create an atmosphere where our clients are accepted as active participants in our community. Getting that message out is critical and billboards have helped us accomplish that.

The billboard companies involved in LAOAC have been strong supporters of our organization since its inception and allow us to continue to produce our messages of hope and encouragement. It is my understanding that in Los Angeles, the billboard industry donates \$6 million in public service announcements every year. Billboards not only encourage donations to charitable groups, but also advise potential clients of available services, playing a critical part in the health and welfare of our neighborhoods.

We encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Our belief is that doing so will result in a better working environment for businesses, residents and neighborhoods across the city.

Sincerely,

Cynthia Sewell, President/CEO  
New Horizons-San Fernando Valley

**honorary directors**

- Paula Boland
- Peggy Carr
- Julie Kavner
- John Lithgow
- Jonathan Murray
- Julie Newmar
- Charlotte Rae
- William Schallert
- Michael Tilson Thomas



The Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

As President/Festival Director for the Burbank International Film Festival and filmmaker whose industry depends on outdoor advertising, I am writing to express my support of digital and traditional sign regulations as supported by the Los Angeles Outdoor Advertising Coalition (LAOAC). It is vital to establish reasonable standards that embrace traditional and technologically advanced outdoor advertising that will benefit local non-profit organizations like our festival.

The Burbank International Film Festival's mission is to promote up and coming filmmakers, providing not only an audience for their films, but also distribution and industry seminars to help them achieve greater exposure and possible investment in their projects. We do this using every media source available, including both traditional and digital billboards to attract sponsors and participants, all for the benefit of our creative artists. and whose industry depends on outdoor advertising,

The billboard companies involved in LAOAC have been strong supporters of our organization as well as many other local charities for several years, which allow us to provide essential services. Billboard companies have proven that they are good neighbors who make contributions to their neighborhoods while providing an essential business service.

I encourage the City to take action to implement reasonable regulation of both traditional and digital off-site signs. Your support of balanced, common sense regulations will help us continue our support of new filmmakers and the growth of an industry critical to Los Angeles' future.

Sincerely,

Jeff Rector  
President/Festival Director  
Burbank International Film Festival  
[www.BurbankFilmFest.org](http://www.BurbankFilmFest.org)

# FILM INDEPENDENT

## BOARD OF DIRECTORS

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Laura Dern  
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DeVon Franklin  
Javier Fuentes-León  
Sid Ganis  
Vondie Curtis Hall  
Michael Helfant  
Michael Joe  
Laura Kim  
Sue Kroll  
David Linde  
Michael Lombardo  
Alix Madigan-Yorkin  
Allan Mayer  
Gail Mutrux  
Tom Ortenberg  
Cathy Schulman  
Nancy Utley  
Forest Whitaker

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Don Cheadle  
Peter Rice  
Ted Sarandos

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Josh Welsh

## GENERAL COUNSEL

Michael Donaldson

March 2014

Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street  
Los Angeles, CA 90012

Dear Council President Wesson,

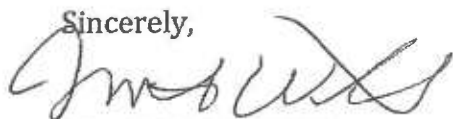
Film Independent, a nonprofit organization that helps new filmmakers develop their craft, is concerned about an issue that affects our industry, local businesses and public safety in Los Angeles, and that is the regulation of billboards, both traditional and digital. As billboards are important elements of our marketing, we hope that the Council adopts common sense guidelines that make them a resource available to all.

The outdoor advertising industry has long been a supporter of entertainment, donating more than \$6 million in public service announcement space to help along groups such as ours. With our mission of helping filmmakers make their movies, build audiences and work to diversify the film industry, their contributions are much appreciated. Our hope is that this great corporate citizenship can continue, as well as help maintain the thousands of projects and jobs provided by the entertainment industry.

We produce the city's largest film event, the Los Angeles Film Festival, held each June downtown. Outdoor billboards play a critical role in attracting the more than 75,000 people who attend the Festival. Film Independent supports any Council action that will result in reasonable restrictions on message illumination, duration and change rate; make provisions for public benefits and ensure that there are opportunities for all outdoor companies to secure digital signs.

Los Angeles has long been known as the entertainment capital of the world. By implementing reasonable regulation of both traditional and digital off-site signs in the city, we will secure the future success of our industry and our city.

Sincerely,



Michael Winchester  
Managing Director, Film Independent

# GMCLA

GAY MEN'S CHORUS OF LOS ANGELES

February 10, 2014

The Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street, Room 430  
Los Angeles, CA 90012

Dear Mr. Council President,

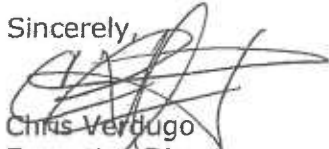
Our performing arts group, the Gay Men's Chorus of Los Angeles, would like to ask for your support of reasonable regulation of the billboard industry, as requested by the Los Angeles Outdoor Advertising Coalition (LAOAC). The Chorus uses outdoor advertising to promote our concerts and programs and would like to see digital boards returned to the landscape.

The billboard companies involved with LAOAC have been strong supporters of the Gay Men's Chorus of Los Angeles for several years. Billboards have helped us achieve our mission of creating musical experiences that strengthen our role as leaders among the LGBT and performing arts organizations, as well as enrich our member-artists, support LGBT youth, challenge homophobia and expose new communities to our message of equality.

Billboards play a critical part in the health and welfare of our neighborhoods as well. We can honestly say that without billboards, participation in our events would be compromised and we would be challenged to fulfill our mission.

We encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Our belief is that doing so will result in a better environment for charities, businesses and public safety overall.

Sincerely,



Chris Verbugo  
Executive Director  
Gay Men's Chorus of Los Angeles



HOLLYWOOD  
**FRINGE**

January 22, 2014

Honorable Herb Wesson, Jr.  
President, Los Angeles City Council  
200 N. Spring Street, Room 470  
Los Angeles, CA 90012

Honorable Council President Wesson:

As Los Angeles' largest performing arts festival and a nonprofit arts group that depends on publicity to survive, we are writing in support of the Los Angeles Outdoor Advertising Coalition (LAOAC)'s request for common sense regulation of billboards and digital signage. Outdoor advertising is a critical part of the landscape in LA, and our arts community depends on them. We are asking that the council establish reasonable standards that embrace traditional and technologically advanced outdoor advertising that will benefit our neighborhoods and its nonprofit organizations.

The Hollywood Fringe Festival is an annual, open-access, community-derived event celebrating freedom of expression and collaboration in the performing arts. During the festival, theaters, parks, clubs, churches, restaurants and other spaces host hundreds of productions by local, national and international arts companies as well as independent performers. The financial draw to Los Angeles during the festival is sizeable and we have found outdoor advertising to be an effective way to direct patrons to get involved.

We encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Doing so will create a better working environment for the arts, business and public services for the betterment of all.

Sincerely,



Ben Hill  
Festival Director  
Hollywood Fringe Festival



Los Angeles Downtown Arts District Space

March 19, 2014

The Honorable Council President Herb Wesson, Jr.  
City of Los Angeles  
200 N. Spring Street, Room 403  
Los Angeles, CA 90012

Dear Council President Wesson,

The Los Angeles Downtown Arts District Space (LADADSpace) is a critical part of the rebirth of the historic and cultural center of our city. With the involvement of many visual, performing and musical artists, the area is turning the tide on what once was an abandoned neighborhood. Part of that heritage and equally important to its renewal, are billboards – both traditional and digital. Outdoor advertising is an art form of its own and we are writing to express our support of the Los Angeles Outdoor Advertising Coalition (LAOAC)'s request for common sense regulation of billboards and digital signage.

The billboard companies involved in LAOAC have been strong supporters of many local charities for several years, donating \$6 million in public service announcements every year. Community benefits proposed by LAOAC could go a long way in providing funding for much-needed neighborhood improvements and support of programs that bring artists to our area. Billboards not only encourage donations, but also advise potential clients of available services and cultural opportunities, playing a critical part in the health and welfare of our neighborhoods.

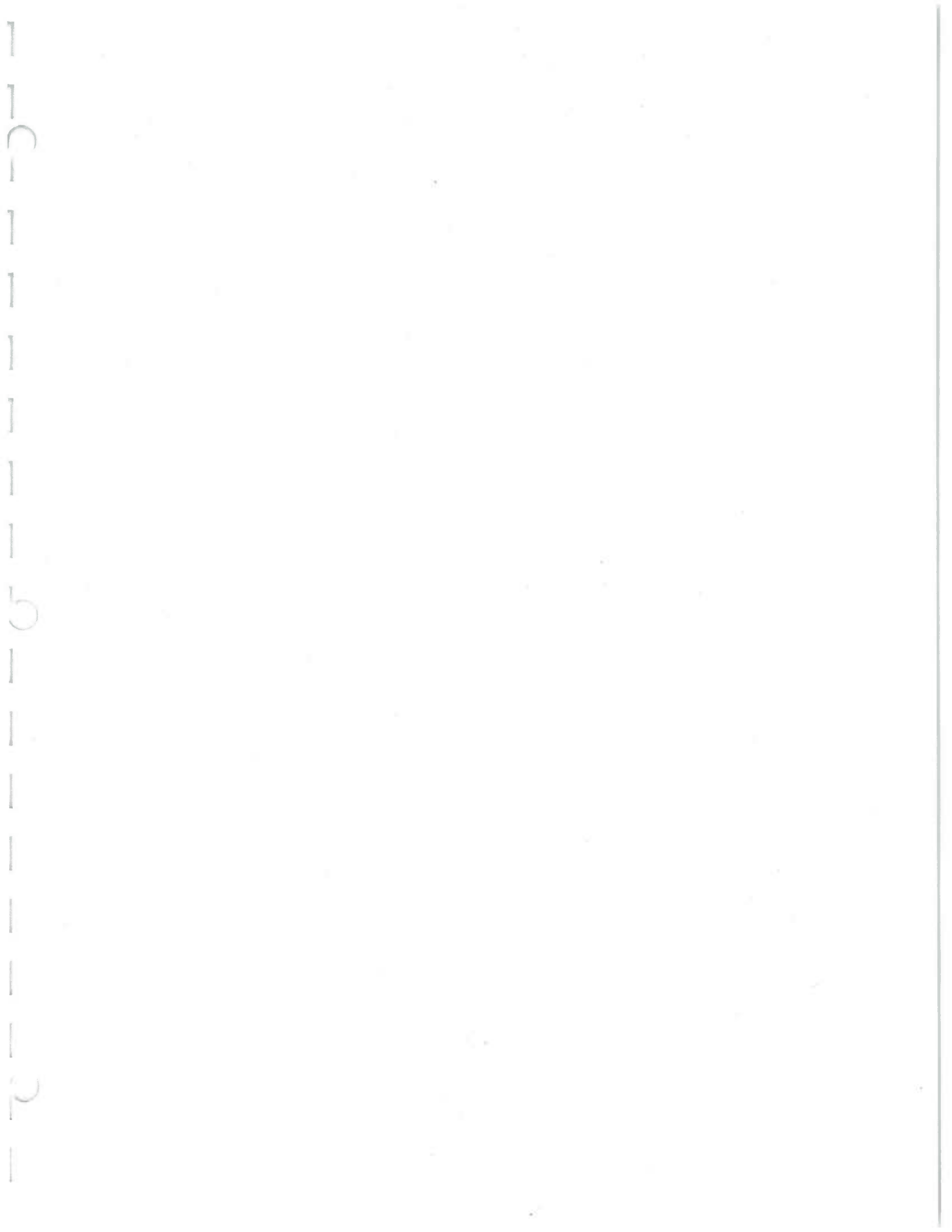
We encourage the Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Doing so will create a better working environment for the arts, business and public services for the betterment of all.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Jerald'.

Jonathan Jerald  
Secretary, Founding Board Member  
Los Angeles Downtown Arts District Space









## **What Others Are Saying About Digital Signs in Los Angeles**

"First of all, we join the United Firefighters of LA City and the Police Protective League in supporting an ordinance that would allow them to utilize digital signs during public emergencies. These signs play important roles in the management of a natural disaster or at times when public safety is in jeopardy, such as during an Amber alert. Secondly, we support a digital sign ordinance because it will create jobs for the hardworking members of the building trades who have project labor agreements with several of the large sign companies"

***Maria Elena Durazo, Executive Secretary Treasurer  
Los Angeles County Federation of Labor, AFL-CIO***

"For a long time now national and regional law enforcement agencies have used digital signage with great success. They have been critical in delivering time-sensitive alerts and emergency notifications, including Amber Alerts and wanted fugitive bulletins... The KlaasKids Foundation supports the LAOAC's effort and hopes your vote will help our city join other communities using technology to work for the betterment of all."

***Marc Klaas, President  
KlaasKids Foundation***

"On behalf of the hardworking members of Ironworkers Local 433, I ask that you support the development of a comprehensive digital billboard ordinance for the City of LA as it could help put to work many of my local members. With double digit unemployment in Los Angeles, a common-sense legislative solution for digital signage has the potential of putting many skilled trades people back to work"

***Piedmont Brown, President  
Ironworkers Local 433***

"Many of our clients have responded to information posted on billboards – taking that resource away could have serious consequences. We realize the value of billboard promotions for our programs and those of other charities to impact public policy and provide support to our populations."

***Areva Martin, President and Founder  
Special Needs Network, Inc.***

"The outdoor advertising industry has done a tremendous amount in support of victims of crime, alerting those involved to programs and services to help them. I am writing in support of common sense regulations supported by the Los Angeles Outdoor Advertising Coalition (LAOAC), which could result in reasonable regulation of both traditional and digital billboards.

"The public safety benefits that electronic billboards can, and do, provide result in substantial community benefits to individuals, families, and communities who have, are, or will face insurmountable situations."

***Kim Goldman, Co-Chair of the Board***  
**Ron Goldman Foundation for Justice**

"On any given day, a friend of the Children's Bureau will let us know with excitement that they saw one of our billboards... on the streets of Los Angeles, or a bus shelter, in a shopping mall or while driving on a local freeway. For those who don't know us, it inspires them to visit our website to learn more... These outdoor ads allow us to promote Children's Bureau in a far-reaching manner to potential donors, supporters, and friends. We could not achieve this on our own and deeply appreciate their partnership in furthering our mission."

***Alex Morales, President & CEO***  
**Children's Bureau**

"In time of crisis, billboards have been able to convey a message with immediacy to audiences that may not have access to other media. Right now, the billboard industry in Los Angeles, which is one of our strong supporters, needs your help and action to implement reasonable, common sense regulation for both traditional and digital signage.

"Most recently, the outdoor advertisers involved with LAOAC have helped us attract significant support for our most recent AIDS Walk Los Angeles, an event that raised millions for our programs. In addition, they have helped to broadcast our prevention messages at no cost and, as an industry, contribute more than \$6 million annually to nonprofit organizations like ours."

***Craig E. Thompson, Executive Director***  
**AIDS Project Los Angeles**

"The outdoor advertising industry, by providing free public service messages, has been a vital partner in carrying our message of how to prevent diabetes and how to work to seek help if one has the first symptoms of diabetes.

"We encourage the City Council to take immediate action to implement reasonable regulation of both traditional and digital off-site signs in the city. Our belief is that doing so will result in a better working environment for nonprofit organizations, businesses, residents and neighborhoods across the city."

***T. Hutson Morris-Irvin***  
**American Diabetes Association**

"The issue of a revised and reasonable billboard ordinance and digital billboard solution is critical to many of the 140,000 working men and women living in Los Angeles... With hundreds of people currently unemployed and the potential of putting skilled tradespeople back to work to construct, maintain or remove billboards, we are asking that you will support the approval of an ordinance that offers reasonable regulation for the industry.

As a member of the 2020 Commission... I think this is one of the benefits to the City that in the scheme of things will make the City a better place to live, and the ordinance could be fashioned in a way which could help reduce the City's budget deficit."

*Ron Miller, Executive Secretary*

**Los Angeles/Orange Counties Building and Construction Trades Council**

"I am writing to encourage you to support common sense regulation of billboards and digital signage and express my support of the Los Angeles Outdoor Advertising Coalition (LAOAC)... The outdoor advertising industry has provided us critical space on billboards, helping spread the word about services and hope. Billboards not only encourage donations, but also advise potential clients of available services, playing a critical part in the health and welfare of our neighborhoods."

*Wade Trimmer, Executive Director*

**San Fernando Valley Rescue Mission**

"The Los Angeles Outdoor Advertising Coalition (LAOAC)'s proposal for common sense regulation of billboards and digital signage is one we support completely. It is important to establish reasonable standards that embrace traditional and technologically advanced resources that will benefit neighborhoods and business communities... In addition, billboards allow small businesses to advertise their products, drive customers to their locations and grow their companies, creating jobs and stimulating the local economy."

*Madame MC Townsend, President/CEO*

**The Regional Black Chamber of Commerce of San Fernando Valley**

"With hundreds of people currently unemployed and the potential of putting skilled tradespeople back to work to construct, maintain or remove billboards, we are asking that you support the approval of an ordinance that offers reasonable regulation for the industry.

"Billboards – especially quick-changing digitals – offer immediate information that can result in an arrest or warn people when there is a threat in their neighborhood. Sometimes the eyes and ears of the community are just what's needed to quickly apprehend a criminal. Your support of a simplified, streamlined ordinance for billboards that brings digital displays back to life will return a critical resource to the community. National and regional law enforcement agencies have long used digital signage with great success. They have been critical in delivering time-sensitive alerts and emergency notifications, including Amber Alerts and wanted fugitive bulletins."

*Dan Levey, Executive Director*

**National Organization of Parents of Murdered Children, Inc.**



“Los Angeles has long been a haven for artists, from the solo painter to the street corner musician, all the way up to the movie stars that grace the billboards of our town. For many years, artists have been supported by those companies that put up those billboards and now, Art Share LA would like to return that favor. We support the efforts of the Los Angeles Outdoor Advertising Coalition (LAOAC) to work with the City Council toward reasonable regulation of billboards, both traditional and digital.”

***Rick Robinson, Board President***  
**Art Share LA**

“The Billboard companies involved with LAOAC have been strong supporters of the Gay Men’s Chorus of Los Angeles for several years. Billboards have helped us achieve our mission of creating musical experiences that strengthen our role as leaders among LGBT and performing arts organizations, as well as enrich our member-artists, support LGBT youth challenge homophobia, and expose new communities to our message of equality.”

***Chris Verdugo, Executive Director***  
**Gay Men’s Chorus of Los Angeles**

“The billboard companies involved in LAOAC have been strong supporters of many local charities for several years, donating \$6 million in public service announcements every year. Community benefits proposed by LAOAC could go a long way in providing funding for much-needed neighborhood improvements and support of programs that bring artists to our area. Billboards not only encourage donations, but also advise potential clients of available resources and cultural opportunities, playing a critical part in the health and welfare of our neighborhoods.”

***Jonathan Jerald, Secretary, Founding Board Member***  
**Los Angeles Downtown Art District**

“Outdoor advertising plays a unique and invaluable role for many businesses seeking to market their events, services, and products. In the LA media market, billboard advertising costs 86% less than TV, and 66% less than newspapers. Eighty percent of our members are small businesses, and we encourage you to help them expand, add jobs, and fuel economic growth through the development of clear and consistent guidelines for the use of digital billboards.”

***Gary Toebben, President & CEO***  
**Los Angeles Area Chamber of Commerce**

“On behalf of the Police Protective League and the 9,900 dedicated and professional sworn members of the Los Angeles Police Department, we urge you to develop a legislative solution for digital signs that could positively impact this year’s budget, keep police and fire personnel on the street, save civilian jobs in the Department and maintain the level of public safety worthy of the City of Los Angeles.”

***Tyler Izen, President of the Board***  
**Los Angeles Police Protective League**



“LAOAC’s past and present support has been crucial to Film Works™, a major initiative of FilmL.A., Inc. creating awareness of the need of keeping production jobs in our state and regional economy. Film Works’ effectiveness is greatly enhanced through the use of traditional and digital billboards in Los Angeles. The philanthropic contributions of the LAOAC to provide visibility to our campaign will help educate the public as we enter a very crucial year in the drive to keep production jobs in Los Angeles.”

***Paul Adley, President  
FilmL.A., Inc.***

“Film Independent, a nonprofit organization that helps new filmmakers develop their craft, is concerned about an issue that affects our industry, local businesses and public safety in Los Angeles, and that is the regulation of billboards, both traditional and digital. As billboards are important elements of our marketing, we hope that the Council adopts common sense guidelines that make them a resource available to all.”

***Michael Winchester, Managing Director  
Film Independent***

“The majority of small business owners depend on billboards to drive customers to their doors, which in turn helps their companies create jobs and support the local economy. Billboards have unique advantages that can’t be found in other advertising media and remain an affordable way to promote a business – it’s technology that fits even a limited budget.”

***Nancy Hoffman Vanyek, Chief Executive Officer  
Greater San Fernando Valley Chamber of Commerce***

“As Los Angeles’ largest performing arts festival and a nonprofit arts group that depends on publicity to survive, we are writing in support of the Los Angeles Outdoor Advertising Coalition (LAOAC)’s request for common sense regulation of billboards and digital signage. Outdoor advertising is a critical part of the landscape in LA, and our arts community depends on them.”

***Ben Hill, Festival Director  
Hollywood Fringe Festival***

“Los Angeles has long been known as the entertainment capital of the world. By implementing reasonable regulation of both tradition and digital off-site signs, you will secure the future success of our industry and our City. The promotion of ads utilizing both traditional and digital billboards is not only a tradition in Los Angeles, it’s a necessity in our competitive regional climate.”

***Matt Miller, President & CEO  
Association of Independent Commercial Producers, Inc.***

“The Valley Industry and Commerce Association strongly supports the efforts of the Los Angeles Outdoor Advertising Coalition (LAOAC) to work with the City Council toward reasonable regulation of billboards. Outdoor advertising is a vital part of our community and an affordable marketing resource for our members. Many of these companies are small businesses that are struggling to expand and survive in a competitive and over-regulated city.”

***Coby King, Chair & Stuart Waldman, President  
Valley Industry and Commerce Association***

"Working with our community to educate and advocate for our clients, we are able to create an atmosphere where our clients are accepted as active participants in our community. Getting that message out is critical and billboards have helped us accomplish that... Billboards not only encourage donations to charitable groups, but also advise potential clients of available services, playing a critical part in the health and welfare of our neighborhoods."

***Cynthia Sewell, President/CEO***  
**New Horizons – San Fernando Valley**

"Recent studies have proven that new technology draws attention, providing a high profile approach to delivering an advertising message at an affordable cost even for small businesses. A recent study by the U.S. Department of Transportation's Federal Highway Agency shows that digital billboards do not distract drivers, as opponents may claim, nor do they create a traffic hazard. The study also points out that a digital billboard attracts more attention than a traditional one, but in a safe way, underlining their importance in a changing media landscape."

***John Rodriguez, Franchise Owner***  
**Billboard Connection Northridge**

"The digital billboard industry has been a critical partner in spreading our message and has helped us reach out to thousands of victims of crime... Please keep the rights of all crime victims in mind when you consider this critical issue. With digital billboards carrying our critical message that all victims of crime have the right and responsibility to survive, we can help so many people."

***Patricia Wenskunas, Founder, CEO***  
**Crime Survivors, Inc.**

"Digital billboards present an efficient and attractive opportunity for our member companies to advertise their motion pictures and television shows. This technology provides a convenient way to keep advertisements current and up-to-date..."

"We support an ordinance that will establish reasonable time, place, and manner restrictions for off-site digital signage, and that will allow our member companies to take advantage of a technology that successfully improve the advertising of movies and television programs."

***Melissa Patack, Vice President & Senior Counsel, State Government Affairs***  
**Motion Picture Association of America**

"Our 'Pass It On' campaign, which highlights positive values practiced by heroes of our time, has been used since 2001 in schools and communities to promote good and has been praised by the Outdoor Advertising association of America as 'one of the most successful public service programs in the history of outdoor advertising.' While our messages are also broadcast on television and online, as well as in print, their presentation on billboards deserves much credit for the campaign's effectiveness."

***Gary Dixon***  
**The Foundation for a Better Life**