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**STEVEN S. PRETSFELDER**  
Executive Vice President and  
General Counsel

**Van Wagner**

October 18, 2011

The Honorable Ed Reyes  
Chairman, PLUM Committee  
City of Los Angeles  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012

Date: 10/18/11  
Submitted in PLUM Committee  
Council File No: 08-2020, 11-1705  
Item No.: 3  
Deputy: Comm from Public

Re: Citywide Sign Ordinance

Dear Chairman Reyes:

Van Wagner Communications, LLC ("Van Wagner") is submitting this letter in response to the most recent draft sign ordinance circulated by the Department of City Planning ("New Draft Ordinance") dated October 5, 2011. We are pleased that the City is moving forward in its efforts to update the existing sign ordinance. While we greatly appreciate your leadership on this issue and the hard work undertaken by the Planning Department over the past two and a half years, we remain concerned by a number of provisions in the New Draft Ordinance. We respectfully ask that your Committee consider the following comments prior to sending the New Draft Ordinance to the full City Council for adoption.

**The City has Created an Unfair Competitive Environment Which Must be Addressed**

The New Draft Ordinance continues to fail to address the fundamentally unfair competitive landscape that resulted from the City's settlement agreement entered into in 2006 with four outdoor advertising companies that sued the City. That agreement rewarded those companies which sued the City to obtain permits and modernize their sign inventory, including installation of digital signs.

However, the City has refused to allow sign companies that refrained from suing the City the same opportunities. The New Draft Ordinance furthers those inequities by limiting opportunities for new inventory Citywide. Non-settlement companies continue to stand on the sidelines and watch while the parties to the settlement agreement reap a windfall based on the City's unfair actions. Though the settlement agreements were recently voided by a state court decision, the court did not require the removal of the new or enhanced signs that were installed through the settlement agreement process. Although the state court's decision is being appealed, the process will take several years, and the companies are allowed to continue operating their digital and other enhanced signs, reaping significant financial benefit while the rest of the industry is prohibited from doing so. In its report, the Planning Department acknowledges that a method needs to be developed to deal legislatively with existing digital signs (those owned by certain of the



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settlement agreement companies) in a way that is fair and does not harm the City's sign ordinance or visual environment. However, it continues to ignore the plight of the sign companies that refrained from suing the City that are not part of the settlement agreement and that are not permitted to own or operate any digital signs. We believe this issue - parity for the companies not part of the settlement agreement - is the issue that needs to be addressed *immediately*; not at a later date, so that the New Draft Ordinance includes reasonable provisions that level the playing field for *all* sign companies in the City. Sign companies that chose not to fight the City should not continue to be economically disadvantaged while the Council takes years to continue to study the issue. Moreover, the City should not perpetuate a hostile business environment where winners and losers are determined by back room deals. As the City prepares to move this New Draft Ordinance forward, we urge you to direct the Planning Department, City Attorney and any other departments, to address immediately the issue of parity for the sign companies that did not sue the City and yet are prohibited from operating digital signs, and to report back to the PLUM committee within 30 days.

#### **Sign Districts, Sign Reduction and Community Benefits**

The New Draft Ordinance's provisions that significantly limit the areas of the City where sign districts can be created are overly broad, and we believe work against the best interests of the City. Under the New Draft Ordinance, it appears that several Council Districts would have limited opportunity to create sign districts and the standards for establishing sign districts would be even more restrictive than those currently in effect. In fact, sign districts can serve as a necessary economic development tool to spur investment in blighted or other underperforming areas in Los Angeles. The Hollywood Sign District is a good example of an area where off-site signage was an essential catalyst to rejuvenating downtrodden areas. The recent negotiations for the football stadium in downtown contemplate sign revenue as an important factor in enabling the convention center/football stadium deal. Without that revenue, the project and the improvements to the convention center that the City is eager to realize could not be achieved. Each Councilmember should have the flexibility to work with the community and developers to create special sign districts as a means to spur economic development activity in his/her district. Prohibiting or making it unduly burdensome to create a sign district in an area that can benefit from the revenue and business generation that a sign district can provide, limits economic growth and works to the detriment of the City as a whole.



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The New Draft Ordinance now includes provisions for Community Benefits as an alternative only if the decision maker finds that sign reduction is infeasible or impractical. While we are pleased with the added option of Community Benefits, we believe this option should always be available and should not be dependent on the findings of a City "decision maker." The Council Offices should have the flexibility to work with the local community to address the unique and specific needs of their respective communities. The local Council Office and local community understand what will work best for their community and should be the ones who make these decisions.

In addition, the New Draft Ordinance also adds the requirement that (i) any application to remove an existing sign to obtain sign credits include the signature of the owner of the property on which the sign is located, and (ii) the sign credits will be assigned to the property owner on which the sign is located, not to the owner of the sign that is being taken down. These new requirements depart from existing practice which assigns the credit to the owner of the sign and does not require the owner of the property on which the sign is located to sign the application. Ironically, these new provisions, if passed into law, would have the practical effect of reducing rather than increasing the number of signs that would be taken down in a SUD. In almost all cases it is the sign operator that owns the sign structure, rather than the owner of the property on which the sign is located. Under other provisions of the ordinance, once a sign structure is removed it cannot be replaced. Therefore, the only incentive a sign owner has to remove a sign in a SUD is the right to erect a sign in another location in that SUD. If the sign owner does not receive credit in exchange for removing the sign it owns and does not have the ability to replace the removed sign with another sign in the SUD, it will have no incentive to remove the sign. Similarly, the property owner will have no incentive to agree to allow a sign in a SUD to be removed and, therefore, it is extremely unlikely that it will sign an application to remove the sign. As a result, if adopted these new proposed provisions would end up undermining the key objective of the SUD sign reduction feature. Instead, the new ordinance should continue to award the sign credit to the sign owner and should not require the signature of the property owner on which the sign is located for removal of the sign.

Finally, we believe that the provisions contained in the New Draft Ordinance should be applied to future SUDs, not those that have already been applied for and are proposed to be "grandfathered."



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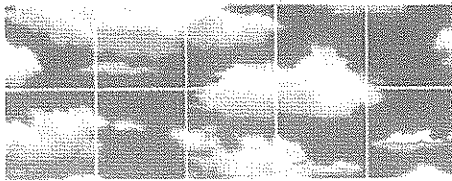
**Comprehensive Sign Program Provisions in the New Draft Ordinance are Overly Restrictive in Several Respects**

The New Draft Ordinance also includes provisions for Comprehensive Sign Programs (CSP) for unique projects and uses with a need for flexible and innovative sign regulations. We continue to be very concerned about limiting the number of off-site signs to 10% of the overall signage. With off-site sign visibility restrictions as proposed in this Ordinance, there is no reason for this. A self contained, "closed" project should have the flexibility to determine the appropriate amount of off-site signage on a project-by-project basis. An enclosed shopping mall or entertainment center may well benefit from, or even require, a significant amount of off-site signage. There is no reason to impose limitations on the amount of off-site signage in the CSPs

**Increasing Administrative Civil Penalties Without Increasing Enforcement Capabilities**

Van Wagner supports the City's existing Off Site Sign Periodic Inspection Program and the City's effort to enforce the sign code. However, over the past few years, the City has faced significant fiscal challenges in implementing the inspection program and enforcing its sign ordinance. We understand the Los Angeles currently has only three dedicated sign inspectors, making it almost impossible for the City to achieve its enforcement objectives. Given the dire economic state of the City, the City does not currently have the resources to increase its inspection force and will require significant additional revenue sources to do so.

The New Draft Ordinance provides the City with an opportunity to generate exactly such an additional revenue stream. The New Draft Ordinance imposes significantly increased fines against both sign companies and property owners for illegal signs. However, the New Draft Ordinance earmarks these funds for the City's general fund, and not to hire more Building & Safety Department inspectors. Unless the fines are dedicated to enhance the sign enforcement program, there will be no meaningful enforcement of the sign ordinance. We respectfully ask the City to consider directing collected fines to Building & Safety and the City Attorney, not the general fund.



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We thank you for your consideration and we look forward to continuing to work with the City.

Sincerely,

  
Steven S. Pretsfelder

SSP:SKT

cc Hon. Jose Huizar  
Hon. Paul Krekorian  
Alan Bell, Department of City Planning  
Daisy Mo, Department of City Planning

#3



Date: 10/12/11  
Submitted in PLUM Committee  
Council File No: 08-2020, 08-3386-S1  
Item No.: 3  
Deputy: Comm from Public

October 17, 2011

Honorable Councilman Ed Reyes  
Chair, Planning and Land Use Management Committee  
City Hall  
200 N. Spring Street, Room 410  
Los Angeles, CA 90012

Re: Draft Citywide Sign Ordinance; Council File 08-2020; 08-3386-S1

Dear Councilman Reyes:

We appreciate your leadership in protecting on-site sign rights. We also greatly appreciate the Planning Department's thorough efforts to solicit and incorporate stakeholder input. As you know, signage is the most cost-effective form of advertising for businesses, and we are encouraged that the City recognizes that now is not the time to make it harder to do business in Los Angeles by reducing on-premise sign rights. We believe that this draft is a significant improvement over the proposed ordinance we saw two years ago, which could have slashed sign rights by up to seventy five percent.

However, we still have outstanding concerns in several areas, as described below.

**Sec. 13.11 -- Sign Districts**

This section requires that a Sign District contain at least 5,000 linear feet of street frontage or 15 acres in area. This is a drastic increase in minimum area from what is required under current law -- 1 block or 3 acres.

These changes effectively mean that very few new sign districts will form due to the feasibility of achieving such thresholds. This may very well be the intent of some interests in the City. However, it does not take into consideration that a "one size fits all" approach rarely works for a city as large and diverse as Los Angeles.

Any proposed sign district must still go through the rigorous City review processes and be approved by the full City Council. Requiring such high minimum thresholds to even be considered for approval by the Council, ties the hands of the decision makers and removes options for our various communities. If adopted, these provisions will effectively take away a Councilmember's authority to decide whether a proposed SUD is appropriate for their own district. That discretion should rest with our policymakers, not Department staff.

Minimum Area

The minimum area required for a Sign Districts set forth in the Planning Department proposal is excessive. Currently, only one block or three acres is required. Planning's proposal is a fivefold increase in the required minimum size for Sign Districts. Such an increase is neither legally, nor rationally required (the Ninth Circuit Court of Appeals has upheld the current law).

Planning's proposal requires 5,000 linear feet of street frontage (or a minimum acreage, as discussed below). This minimum requirement could necessitate the approval of 25-30 property owners within the proposed district to even qualify to submit an application for consideration, which would be extremely difficult to obtain.

As an alternative to street frontage, Planning's proposal offers a minimum threshold of 15 acres. We believe that this requirement is also excessive. It is our understanding that the 15 acre standard was based on experience with oversized blocks. Many blocks have a smaller area, but because of their existence as cohesive blocks, have place-making capability. Our research has identified eight proposed Sign Districts in various locations of the City. Of these eight proposed Sign Districts (with approximate acreage of 3, 4, 5, 6, 11.5, 14, 19 and 391 acres), only two would be permitted under the current proposal if submitted today. The proposed Sign Districts are as follows:

Name	Case Number	Acreage
Fig/Olympic Sign District	CPC-2007-842-SN	4.18
Wilshire/Grand Sign District	CPC-2009-3416-TDR-CUB-CU-CUW-ZV-SN-DA-ZAD-SPR-GB	3.2
Hollywood Sign District Amendment	CPC-2007-5866-SN	Exist
Mid Town Crossing	CPC-2008-2614-SN	18.635
Metropolis	CPC-2008-4557	6.3
Universal Evolution Plan	CPC-2007-251-GPA-ZC-DA-SP	391
Metro Universal	CPC-2008-3512-GPA-ZC-HD-BL-SN-CUB-CUW-CU-ZAD-SPR	14.3
23rd street/Harbor Freeway		4.96
Washington/Hoover		11.59

This excessively large threshold threatens to undermine the very objective Planning states it is trying to achieve. In other words, such a requirement would *encourage* the formation of oversized districts that would be more likely to extend into sensitive uses.

**Sec. 14.4.22 -- Sign Adjustments and 14.4.24 -- Comprehensive Sign Programs**

We are grateful that staff worked to create a new three-tiered system of relief mechanisms for entitlements specific to signage. Although this proposed system will provide greater options for permit applicants, as well as ease the burden on the Planning Department, we are concerned that the Sign Adjustment process will be prohibitively expensive for the majority of its intended

applicants, and have the unintended consequence of serving as a disincentive for common sense solutions at the counter (and likely result in an increase in illegal signs).

Most applicants will require a Sign Adjustment for relatively minor requests for deviations on small signs. Yet the proposed cost of a Sign Adjustment (\$5,730 plus surcharges and other fees) exceeds the average cost of a sign (approximately \$5,000). This is more expensive than a Conditional Use Permit application was before the August 2011 Planning fee increases. In addition, it is not clear whether the Sign Adjustment fee will be in addition to the permit application fee.

We understand that the Planning Department is working under a full cost recovery model and that this fee was estimated based on the fee for Zoning Administrator adjustments. However, per State law, the cost of any such fee may not exceed the reasonable value of the service provided. [Gov Code Section 66014]. The Sign Adjustment process (especially for a minor deviation, which we believe will be the majority of applications) will be less intensive than the ZA adjustment process. Hence, we respectfully request that the fee for Sign Adjustments be revisited.

Similarly, Planning has recommended a prohibitively high fee for a Comprehensive Sign Program -- over \$31,000. We question whether this fee complies with the State mandate that such fees may not exceed the reasonable value of the service provided, since \$31,000 would be sufficient to pay the salary of an entry-level employee for an entire year. We respectfully request that this fee be revisited as well.

#### **Sec. 14.4.19 -- Digital Display**

##### **Brightness Levels**

We appreciate Planning's commitment to revisit its original recommendations on digital brightness levels -- 3500 candelas during the day, and 600 candelas at night and to explore inserting language that would require automatic dimming technology on digital signs.

A limit of 3500 daytime candelas is too restrictive, and would result in limited visibility during the day. To our understanding, people are not concerned with electronic message center brightness in the daytime. If automatic sensors are required for every display, the dimming capability would increase/decrease based on sun rising/setting and account for fog, rainy day, etc, and provide ample protection for neighborhoods. In addition, under current State law (Title 24) signs are already subject to dimming controls. We request that Planning be given the opportunity to report back to PLUM on this item before sending the ordinance to the full City Council.

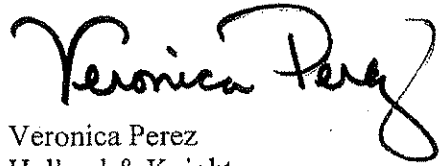


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We thank you for your consideration and for the opportunity to continue working with you.

Sincerely yours,

*Jeffrey L. Aran*  
Legal Counsel, California Sign Association



Veronica Perez  
Holland & Knight

cc: Councilman Paul Krekorian  
Councilman Jose Huizar

#3

**BRENTWOOD RESIDENTS COALITION**  
**ZONING | LAND USE | PLANNING | ENVIRONMENTAL**

September 30, 2011

Alan Bell  
Deputy Director of Planning  
200 North Spring Street  
City Hall, Room 525E  
Los Angeles, CA 90012

Date: 10/18/11  
Submitted in PLUM Committee  
Council File No: 08-2020  
Item No.: 3  
Deputy: Comm from Public

**Re: Proposed Revisions to Draft City-Wide Sign Ordinance  
Council File No. 08-2020**

Dear Alan:

On behalf of the coalition of community organizations that met with you on September 15, 2011, we express our appreciation for your taking the time to discuss the most recent draft of the proposed City-Wide Sign Ordinance. As discussed at the meeting, we have put together a number of proposed revisions to the Draft Ordinance for the Planning Department's consideration. We ask that you consider including our suggestions in the next version of the Draft Ordinance. Our proposals are as follows:

**1. No Sign Districts Along Scenic Highways.** The Ordinance fails adequately to protect scenic highways from commercial blight by not making clear that Sign Districts cannot abut any type of scenic highway, whether designated as such on a state or local basis. To correct this deficiency, Section 11(B)(3)(b) of the Sign Ordinance should be revised as follows:

(b) abut a ~~major~~ highway ~~or secondary~~ highway identified as a scenic highway, ~~parkway or corridor~~ as designated or otherwise identified on an adopted State or local Planning Document, including but not limited to General, Community or Specific Plans;

**2. No Sign Districts in Areas Subject To Specific Signage Restrictions.** The Ordinance does not unambiguously state that Sign Districts cannot be established in areas subject to Planning Documents that regulate signage. To eliminate any ambiguity, Section 11(B)(3) should be modified by adding the following subpart (d), stating that the boundaries of an "SN" Sign District shall not:

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(d) fall within an area governed by a Planning Document that regulates signage, including but not limited to Specific Plans, Overlay Districts, or conditions imposed under any discretionary approval, permit, development agreement or entitlement.

**3. No Sign Districts Adjacent To Schools, Parks, Libraries, Museums, Historic-Cultural Monuments, Historic Districts or Residential Properties.** The Ordinance does not prohibit Sign Districts within 1,000 feet of schools, parks and recreational facilities, libraries, museums, Historic-Cultural Monuments, Historic Districts, or residentially-zoned properties. To provide this protection, Section 11(B)(3) should be amended by adding subpart (e), stating that the boundaries of an "SN" Sign District shall not:

(e) fall within 1,000 feet of a school, park or recreational facility, library, museum, Historic-Cultural Monument, Historic District or residentially-zoned property.

**4. Sign District Findings Must Accommodate Residential Interests.** The proposed mandated findings for approving an "SN" Sign District do not unambiguously protect nearby residential properties. First, Section 11(B)(4)(d), which requires that Sign Districts be "compatible with the surrounding environment," must be revised to make clear that adjacent residential properties must be considered part of the surrounding environment, as in the Core Findings:

The surrounding environment shall be comprised of other nearby signs, other elements of street and site furniture, and adjacent and surrounding properties, including residential areas;

Second, a new subsection (g) should be added to Section 11(B)(4):

(g) No signs within a Sign District shall be visible from any adjacent or surrounding residential property, nor shall it create light trespass into any adjacent or surrounding residential property. As used in this article, the word "visible" means that signs or light emitted from such signs are able to be seen.

**5. No "Donor" Signs.** The definition of "Donor Sign" in Section 14.4.2 should be deleted in its entirety.

**6. Restrictions on Exemption for Interior Signs.** The Ordinance exempts from regulation signs that face an interior courtyard bounded by non-

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translucent walls or buildings. This would allow off-site commercial signs in public parks and recreational areas, museums, and other areas frequented by children, who are often targeted by advertising. This expansive exemption, however, is far broader than intended, as reflected in the May 26, 2009 motion (Weiss), specifying that this exemption was intended to apply to 40 acre or more "Campus" development type properties. The Section 14.4.3.A, SCOPE (EXCEPTION) for "interior" signs should therefore be modified as follows:

**EXCEPTION:** Signs or sign support structures shall not be considered exterior if **(1) they face an interior court bounded on all sides by one or more non-translucent buildings or walls on the property, (2) no sign is higher than any of the surrounding buildings or walls, (3) the interior court is not situated on or within a park or recreational facility, library, museum, or Historic-Cultural Monument, and (4) the property on which the interior court is located falls within a Sign District as defined in Sec. 91.6216.4.3 or a Comprehensive Sign Program as defined in Section 14.4.24.** Surrounding walls may have necessary openings for ingress and egress provided the signs are not visible from any public right of way or public or private property.

**7. Planning-Documents Regulations Prevail Over Less-Restrictive Sign Ordinance Provisions.** The Ordinance does not unambiguously state that Planning Documents that regulate signage prevail over the Ordinance's less restrictive regulations. To remedy this ambiguity, Section 14.4.3(F) should be modified as follows:

**F. Relationship to Other Provisions of this Code.** If the provisions of this article are different from, more restrictive than or more permissive than any other provisions of this Code related to signs, then the provisions of this article shall prevail and supersede those provisions, **except that any provision of a Planning Document (including but not limited to Specific Plans, Overlay Districts, or conditions imposed under any discretionary approval, permit, development agreement or entitlement) regulating signage that is more restrictive than provided under this article shall prevail.**

**8. Sign Illumination Limitations Must Consider Cumulative Impacts.** The Ordinance should regulate the impacts of cumulate light intensities on residentially zoned property, not just the light intensity of a single sign. Section 14.4.4(F) (SIGN ILLUMINATION LIMITATIONS) should be revised as follows:

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**Sign Illumination Limitations.** No one sign or grouping of two or more signs shall be arranged and illuminated in a manner that will produce a light intensity of greater than 0.3 foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.

**9. Wall Signs Cannot Cover Doors or Windows.** The Sign Ordinance should prohibit wall signs that cover windows or doors (or other means of ingress/egress), regardless of whether the fire department certifies that such coverings present no safety hazard. Section 14.4.9 (WALL SIGNS) should not therefore include the Planning Department's Recommended Changes dated August 10, 2011. Section 14.4.9(C)(3) & (4) should read as follows (redlined from August 10, 2011 recommendations):

3. No wall sign shall be placed over the exterior surface of any opening of a building, including its windows, doors, and vents, ~~unless the Fire Department determines that the sign would not create a hazardous condition.~~

4. No wall sign shall cross the perimeter of any opening of a building, including its windows, doors, and vents, at any point 24 inches or less of the exterior building face measured perpendicularly to the surface of the opening, ~~unless the Fire Department determines that the sign would not create a hazardous condition.~~

**10. Digital Displays Require Additional Regulations.** Section 14.4.19 should be expanded to include additional subparagraphs regulating other problematic characteristics of digital displays, including the following:

**D. The distance and spacing between digital signs.**

**E. Hours of sign operation (preferably absolute AM and PM limits; other static measurements could be based on zoning, property size, building height, street width and classification, or traffic speed).**

**F. Light trespass or spillover effects on residentially zoned property.**

**G. Limits on energy use and mandate reductions in carbon footprints.**

**H. Glare.**

**I. The timing of message transition periods when multiple signs are in close proximity (i.e., a specified number of yards) to each other.**

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**11. Sign Adjustment/Variance Findings Must Accommodate Residential Interests.** The findings for sign variances and adjustments do not unambiguously protect adjacent or surrounding residential properties. To do so, the last sentence of Section 14.4.22(B)(2) should be revised as follows:

The surrounding environment shall be comprised of other nearby signs, other elements of street and site furniture, and adjacent **and surrounding** properties, **including residential areas**;

And the last sentence of Section 14.4.22(B)(4) should be revised as follows:

The surrounding environment shall be comprised of other nearby signs, other elements of street and site furniture, and adjacent **and surrounding** properties, **including residential areas**;

**12. No Comprehensive Sign Programs Where Planning Documents Regulate Signage, Along Scenic Highways, or Adjacent to Historic Districts/Monuments.** The eligibility requirements for a “comprehensive sign program” do not clearly prohibit such programs within areas where Planning Documents regulate such signage, along scenic highways, or adjacent to Historic Districts or Historic-Cultural Monuments. This may be corrected by revising Section 14.4.24(B)(2) as follows:

A comprehensive sign program cannot be requested for property **situated on, within, or within 1,000 feet of (1) an established Sign District, ~~or within the~~ (2) an area of any governed by a Planning Document (including but not limited to Specific Plans ~~or~~, Overlay Districts, or conditions imposed under any discretionary approval, permit, development agreement or entitlement) that contains special signage regulations, or (3) any school, park or recreational facility, library, museum, Historic-Cultural Monument, or Historic District.**

**13. No Off-Site Signs in Comprehensive Sign Program Areas.** The Sign Ordinance’s general prohibition of off-site signs should not be lifted for Comprehensive Sign Program areas. This requires that Section 14.4.24(D), listing prohibited signs within Comprehensive Sign Program areas, be revised as follows:

D. Prohibited Signs. A comprehensive sign program may not include any signs prohibited by Section 14.4.C of this Code, ~~except that off-site signs may be allowed, so long as they~~

## **BRENTWOOD RESIDENTS COALITION**

~~are consistent with the purpose of this section and are not visible from any public right of way or adjacent property.~~

The last sentence of Section 14.4.24(E)(1) should be stricken in its entirety; Section 14.4.24(E)(5) should be deleted in its entirety; and subparagraph (d) of Section 14.4.24(E)(6) (FINDINGS) should be delete in its entirety.

**14. “Grandfathered” Sign Districts Must Be Subject to The Ordinance’s “Take Down” Requirements.** The proposed grandfathering of 14 large-scale Sign Districts, which are not entitled to grandfathering as a matter of vested rights, creates the risk of significant environmental impacts under CEQA and also threatens to undermine the Sign Ordinance’s requirements for Sign Districts under the standards articulated by the Ninth Circuit. The Section 13.11 “grandfathering,” as further detailed by the Planning Department’s Additional Recommended Changes dated August 10, 2011, should therefore be modified to read:

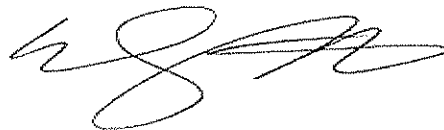
- Initiated or Applied for Sign Districts: Any initiated or applied for Sign District shall be subject to the Sign District regulations in this Code as of August 9, 2011, rather than to subsequently updated regulations, **except that any initiated or applied for Sign District shall be subject to the updated Sign Reduction regulations set forth in Section 13.11(C) of this article.**

On behalf of the many organizations that met with you on September 15, we again express our gratitude for your work on this project and the public outreach efforts that you have made. If you have any questions about these proposed revisions, please do not hesitate to call us. We look forward to working with you as the public process proceeds.

Sincerely,



Thomas R. Freeman



Wendy-Sue Rosen

cc: Councilmember Rosendahl  
City Attorney Ken Fong  
City Attorney Jane Usher

Craig Lawson & Co., LLC  
Land Use Consultants

#3

October 18, 2011

Honorable Ed P. Reyes  
Councilmember, First District  
Chair, Planning and Land Use Management Committee  
200 North Spring Street, Room 410  
Los Angeles, CA 90012

Date: 10/18/11  
Submitted in PLUM Committee  
Council File No: 08-2020  
Item No.: 3  
Deputy: Comm from Public

**RE: Council File No. 08-2020; 08-3386-S1  
PLUM Committee Hearing: October 18, 2011  
Proposed Ordinance Revising the Citywide Sign Regulations**

Dear Chairman Reyes and Members of the PLUM Committee:

I am writing as a representative of the property owners who have applied for the Figueroa and Olympic Signage Supplemental Use District ("Figueroa & Olympic Sign District"), which encompasses the city block bounded by Figueroa Street, Olympic Boulevard, Flower Street, and 9<sup>th</sup> Street in downtown Los Angeles, across the street from LA Live.

As you may know, the Figueroa & Olympic Sign District was applied for and accepted by the L.A. City Planning Department for consideration in February of 2007, and was approved by the L.A. City Planning Commission on December 11, 2008. It was recommended for approval by your Committee on February 10, 2009, and the final draft of the ordinance is expected to return to your Committee (for the second time) in the near future.

As you consider the Proposed Citywide Sign Ordinance, please be aware that Staff has proposed a significant change to the Sign District "Grandfathering" Provisions which will affect all pending Sign Districts, including the pending Figueroa and Olympic Sign District. This change, which can be found in Section 14 of the Proposed Citywide Sign Ordinance (see Page 44, under "Initiated or Applied for Sign Districts"), as attached to Planning's October 5, 2011 report, would require pending Sign Districts to make two additional findings originating out of the legal decision in *World Wide Rush v. City of Los Angeles*. These two findings would need to be supported by Sign Reduction and/or Community Benefits.

We support the "Grandfathering" Provisions of the Proposed Citywide Sign Ordinance as well as the concept of requiring Sign Reduction and/or Community Benefits in order to make the required findings. In fact, the pending Figueroa & Olympic Sign District satisfies both the Sign Reduction requirement and the alternative Community Benefits requirement. Over 18,000 square feet of previously existing, legally-permitted off-site signage has already been removed from the properties within the proposed Figueroa & Olympic Sign District (in connection with the development of the property within the proposed Sign District), and the new proposed signage will result in a net reduction of signage as compared to the signs previously existing on the property. In addition, the property owners have provided a number of Community Benefits in connection with the recent, pending, and proposed developments within the proposed Figueroa & Olympic Sign District.



However, we are very concerned with the recommended language in the Proposed Citywide Sign Ordinance, as currently written, as it would require that the Sign Reduction requirement "only be met through the demolition of existing, legally permitted off-site signs, including nonconforming off-site signs, in existence as of the effective date of the ordinance establishing the Sign District." (Emphasis added; see Section 13.11.C.1.f. on Page 5 of the Proposed Citywide Sign Ordinance, under "Sign Reduction and Community Benefits"). As mentioned above, the legally permitted off-site signs which previously existed on the proposed Figueroa & Olympic Sign District property have already removed. While the existence of these signs was fully documented through photographic evidence prior to their removal, all signs have been removed from the site to make room for the new buildings that have been developed on the site in recent years (construction began in 2005). Efforts to gain approval of the Figueroa & Olympic Sign District preceded this construction, and the developments were designed to include the proposed signage. It has always been the intent for the Figueroa & Olympic Sign District to receive credit for these signs that have been removed.

It is important to take into account that although this signage has already been removed from the Figueroa & Olympic Sign District property, the removal of the signs, together with the Community Benefits provided, meets the intent of these findings. The intent of the findings is to show evidence that signage impacts on aesthetics and traffic safety have been counterbalanced by improvements in terms of aesthetics, blight reduction, or traffic safety. Not allowing these signs to qualify for the required Sign Reduction Credit, simply because they no longer "exist", would be unfair and would create an unforeseen hardship for the property owners.

Therefore, we respectfully request that the language in proposed Section 13.11.C.1.f. on Page 5 of the Proposed Citywide Sign Ordinance be amended, and suggest the addition of the following language at the end of this Section for your consideration:

*f. However, the sign reduction requirement established by this subsection may also be met through photographic and/or other documented evidence verifying that legally permitted off-site signs previously existed on, and have already been removed from, the property on which the Sign District shall be established.*

We feel that the above language would capture the uniqueness of the Figueroa & Olympic Sign District without exempting it altogether from the Sign Reduction requirement. We also request that your Committee postpone any action on the Proposed Citywide Sign Ordinance to allow Staff more time to resolve this concern and other concerns with the proposed Ordinance in general.

Thank you for your consideration of our request.

Sincerely,



Craig Lawson, President

cc. Honorable Jose Huizar, Council District 14  
Honorable Paul Krekorian, Council District 2  
Marie Rumsey, Office of Councilmember Jan Perry, Council District 9  
Michael Espinosa, Office of the City Clerk  
Alan Bell, Department of City Planning  
Daisy Mo, Department of City Planning



October 18, 2011

Honorable Ed Reyes  
and Members of the Planning and Land Use Committee  
City of Los Angeles  
200 North Spring Street  
Los Angeles, California 90012-2601

Date: 10/18/11  
Submitted in PLUM Committee  
Council File No: 08-2020  
Item No.: 3  
Deputy: Comm from Public

RE: Council File 08-2020 Citywide Sign Ordinance

Dear Councilmembers Reyes, Huizar and Krekorian:

On behalf of the Los Angeles Chapter of the American Institute of Architects (AIA|LA), we are writing to offer specific recommendations to IMPROVE the proposed revisions to the citywide sign ordinance for Los Angeles. Overall, the sign ordinance asks, "what do we want our city to look like?"

While we understand that the current draft is a consensus-based ordinance that balances the concerns of a diverse constituency, AIA|LA would like to encourage additional refinements be made so that our sign ordinance helps contribute as positively as possible to making the City of Los Angeles a world-class destination.

The revised sign ordinance should:

- Require the removal of existing billboards at a MORE than ONE to ONE square footage ratio in exchange for any new billboards or other types of off-site advertising signs.
- Provide absolute protection for city parks and other public facilities from commercial advertising.
- Require any pending sign district applications not yet approved by the City Planning Commission to conform to the take-down provision and other future provisions of the sign ordinance.
- Prohibit digital signage until comprehensive regulations are in place to protect communities from light pollution, traffic hazards, excess energy use, and change in community character.

The AIA|LA applauds the efforts of the Department of City Planning. We realize that crafting this ordinance has been quite challenging and complex. However, we feel the above additional considerations need to be made to ensure that this ordinance will help make the City of Los Angeles a better place to live, work and play. We look forward to further working with you and the Department of City Planning on this complex endeavor.

Very truly yours,

Nicci Solomons, Hon. AIACC  
Executive Director

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

October 18, 2011

Honorable City Council Members  
Ed Reyes  
Jose Huizar  
Paul Krekorian

**Sent by Email**

**Re: Proposed City Sign Ordinance 08-2020**

Dear Councilmembers:

I am the appointed representative for the Studio City Neighborhood Council (SCNC) with regard to the City Sign Ordinance. I am unable to attend the hearing today. Please accept this letter as our recommendations on this ordinance.

The SCNC concurs with the letter hand delivered to you from John P. Given.

The current proposed sign ordinance has no resemblance to the ordinance diligently compiled by the City Planning Commission. The inclusion of 10 additional 'grandfathered' sign districts is inconsistent with CEQA. Many other issues for which the City Planning Commission discussion and decided upon have been removed. Other issues are added without discussion by the City Planning Commission.

Please return Council File 08-2020 to the City Planning Commission for continued discussion with stakeholders through-out the City of Los Angeles.

Thank you for considering of our position. If you have any questions, please do not hesitate to contact us.

Very truly yours,

Lisa Sarkin, Vice President  
Studio City Neighborhood Council

LS/ls

Date: 10/18/11  
Submitted in PLUM Committee  
Council File No: 08-2020  
Item No.: 3  
Deputy: Comm from Public

#3

355 South Grand Avenue  
Los Angeles, California 90071-1560  
Tel: +1.213.485.1234 Fax: +1.213.891.8763  
www.lw.com

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October 18, 2011

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

**City Council File No. 08-2020; 02-3386-S1**

Re: PLUM Agenda Item No. 3: Citywide Sign Ordinance – Scope: Exempt Interior Signs

Dear Chairman Reyes and Councilmembers Huizar and Krekorian:

We appreciate the opportunity on behalf of our client the Los Angeles Dodgers to provide comments to your Committee concerning the Department of City Planning’s proposed revisions to the City’s sign regulations (“Sign Ordinance”). We submit this letter to request that Planning clarify in LAMC Section 14.4.3.A that interior sign such as the Dodger Stadium scoreboards and other interior signs at the Stadium are not regulated by the exterior sign provisions of the Sign Ordinance. Despite this Committee’s consistent direction that interior signs are not intended to be regulated by the Sign Ordinance, the current version of the draft Sign 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. Moreover, the October 2011 version of the Sign Ordinance adds a new provision stating that the sign illumination from an interior sign may not be visible from any public right of way or any property other than the subject property. Sign illumination and light intensity are regulated by several Code sections, which will address any impacts to other properties.

Pursuant to LAMC Section 14.4.3.A, the City’s Sign Regulations in Article 4.4 are only applicable to exterior signs. The draft Sign Ordinance proposes language to clarify 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 May 2009 version of the draft Sign Ordinance specified:

Section 14.4.3 Application

Date: 10/18/11  
 Submitted In PLUM Committee  
 Council File No: 08-2020  
 Item No.: 3  
 Deputy: Comm from Public

A. Scope. All exterior signs and sign support structures shall conform to the requirements of this article and all other applicable provisions of this Code.

EXCEPTION: Signs or sign support structures shall not be considered exterior if they face an interior court bounded on all sides by one or more buildings and no sign is higher than the surrounding building walls.

The May 2009 version of the draft Sign Ordinance did not include the limitation required in the October 2011 version of the draft Sign Ordinance currently before this Committee that the interior sign or the interior sign illumination not be visible from any public right of way or any property other than the subject property. Consistent with your previous direction, we respectfully request that this Committee direct Planning staff to modify proposed LAMC Section 14.4.3.A with the language previously adopted by this Committee in May 2009.

If this Committee determines to proceed with the current, proposed LAMC Section 14.4.3.A, further clarification is necessary to ensure that the Sign Ordinance will not apply to and prevent interior signs located on the interior of larger properties such as the Dodger Stadium property. Accordingly, we respectfully request that LAMC Section 14.4.3.A be modified as follows:

#### Section 14.4.3 Application

A. Scope. All exterior signs and sign support structures not located entirely in the public right-of-way shall conform to the requirements of this article and Article 7 of Chapter 5 of this Code.

EXCEPTION: A sign or sign support structure shall be considered interior and not exterior if it is ~~enclosed~~ bounded by ~~permanent,~~ opaque architectural features on the project site such as building walls, freestanding walls, roofs, or overhangs, or other visual obstructions such as landscaping or varying topography where such features may have necessary openings for ingress and egress or architectural design; provided that the sign face and any sign illumination are predominantly viewable from the subject property and not merely incidentally visible from any public right of way or any property other than the subject property.

The October 2011 version of the draft Sign Ordinance added the new provision that interior sign illumination not be visible from any public right of way or any property other than the subject property. Illumination from interior signs within larger, open air properties likely will be part of the ambient lighting for the property. The Sign Ordinance proposes LAMC Sections 14.4.4.F (existing LAMC Section 14.4.4.E), 14.4.10 (existing LAMC Section 14.4.11),

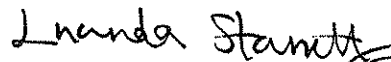
LATHAM & WATKINS LLP

and 14.4.19 to regulate illumination and light intensity, which will address any impacts to other properties.

The proposed modifications will provide the necessary clarification to ensure that the Dodger Stadium scoreboards and other interior signs at the Stadium property, which face the interior of Dodger Stadium, are exempt from the Sign Ordinance.

We sincerely appreciate your consideration of this critical issue concerning interior signs before taking action on the Sign Ordinance.

Very truly yours,



Lucinda Starrett  
of LATHAM & WATKINS LLP



Cc: Howard Sunkin, Los Angeles Dodgers  
Beth Gordie, Latham & Watkins

#3

# Tarzana Property Owners Association

October 14, 2011

Planning and Land Use Management Committee  
Los Angeles City Hall  
200 North Spring Street  
Los Angeles, CA 90012

Date: 10/18/11  
Submitted by: PLUM Committee  
Council File No.: 08-2020  
Item No.: 3  
Deputy: Comm from Public

**Subject: Council Files 08-2020, 08-3386-S1: Citywide Sign Ordinance**

The latest revisions proposed by the Planning Department for the ordinance to revise and amend the Los Angeles Municipal Code regulating signs contains a number of very positive attributes including:

- Prohibition of balloon signs except in sign districts,
- Adoption of a fair appeals hearing process,
- Establishment of rules for a fair determination of "legal" signs,
- A plan to map all off-site signs,
- Prohibition of signs covering exterior windows except in sign districts,
- Prohibition of sandwich signs except in sign districts, and
- Prohibition of digital signs in A and R zones.

The Tarzana Property Owners Association strongly supports those provisions. However, we feel that the proposed ordinance has a number of serious flaws which we sincerely hope the PLUM Committee will remedy.

**Sign Districts.** We are strongly opposed to the grandfathering of additional special Sign Districts. Sign Districts that have currently been approved at the PLUM level should be allowed to continue under the provisions in place at the time of their submission. All others must be subject to the regulations of the proposed ordinance.

**Comprehensive Sign Program.** Again, we fail to see any justification for exceptions for larger developments. Larger developments would have, almost without exception, longer street footages and thus be allowed larger signs than would be the case for small developments. The blighting and safety issues would remain the same as is the case for signs exterior to the developments. The argument for the need for larger signs interior to a larger development makes little sense. While the explanation of the Planning Department is slanted toward signs on college campuses, museums, stadiums, etc, the ordinance language is clearly meant to allow excess signage in commercial areas.

**Sign Modification.** The current proposal refers to variances of up to 20% increases in height and area as "minor". That is certainly a misnomer and a serious loophole. All modifications that increase the sign height or area should be subjected to the sign variance process.

**Right of Private Action.** We do not understand the position against legitimate right of private action. The City of Los Angeles has a well documented reluctance to initiate legal action,

despite flagrant violation of the municipal code. Budget constraints may exacerbate the City's failure to act. "Frivolous" lawsuits seem rather unlikely given the cost of filing and the lack of potential monetary gain to the civic minded groups likely to file such an action. Delay in action until all courses of remedy are exhausted equates to a free ride for years for the offending parties.

**Digital Signs.** We applaud the Planning Department's new provision which would prohibit digital signage in R and A zones. However, the suggestion to delay consideration of any restrictions to the conversion of existing signs to digital or erection of new digital signs is truly unfortunate. These signs are a substantial safety hazard, a distraction to drivers and pedestrians in the area, a light invasion of adjacent homes, and an unconscionable waste of electric energy. The proposed regulations on brightness, message, and duration are fine for existing digital signs, but ignore the real problems created by the signs. We propose a moratorium on any new digital signage or conversion until a comprehensive set of regulations is adopted and subjected to public scrutiny.

**Sign Reduction and Community Benefits in Sign Districts.** The original provisions of the ordinance called for removal of more than one square foot of existing signage for every new sign in a Sign District. The current revision emasculates the requirement by allowing substitution of an ill-defined "public benefit". Essentially all of the postulated public benefits are currently required by existing code provisions. The proposed substitution of these ill defined and unnecessary "public benefits" is simply a ploy by the sign industry to gain additional signage without the need to remove any existing signs. The CPC and Planning Department recognized the lack of utility of public benefits in prior versions of the proposed ordinance.

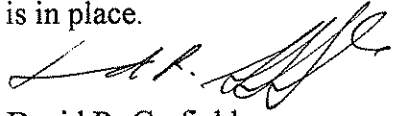
**Removal of Existing Unlawful Signs.** Removal of existing illegal signs is not adequately covered in the proposed ordinance or any prior proposals to amend signage regulation: elimination of existing unlawful signs. That is, signs erected without a permit or which violate the terms of the permit issued. As noted above, we support the suggestion of a study to ascertain a fair method of determining the legal status of older signs whose status may be uncertain. We need to remove the remaining illegal large signs such as billboards, pole signs and roof signs, but a reasonable method must be adopted. We also support the proposal that violators be given 15 days to remove large signs designated (and owner notified) as illegal. Small signs, such as sandwich signs and window signs, must be removed within one day of notice. The on-going city-wide effort to identify unlawful signage and the proposed study to map all off-site signs will provide the required information on which signs are unlawful.

**Sign Unit Funding.** We are not sure that the proposal to create a separate funding source for a sign unit is a good idea. We are absolutely appalled at the proposal to fund the unit by private donations. Comparison of this version of the proposed ordinance jointly developed by the Planning Department and the CPC to the current version shows the overwhelming influence the sign lobby already exerts. **How can anyone even contemplate allowing them the additional leverage gained by funding the organization that is supposed to regulate the industry?**

In summary, we urge the PLUM and later the City Council to abide by that old adage: **KIS, keep it simple:** eliminate the Comprehensive Sign Program and grandfathering of additional special sign districts, pass an ordinance incorporating the provisions that the citizenry of Los Angeles is



crying out for, and, perhaps most important, vigorously enforce the provisions of the law once it is in place.



David R. Garfinkle  
President, Tarzana Property Owners Association  
[president@tarzanapropertyowners.org](mailto:president@tarzanapropertyowners.org)  
[www.tarzanapropertyowners.org](http://www.tarzanapropertyowners.org)  
P.O. Box 571448  
Tarzana, CA 91357

cc. Councilman Dennis P. Zine

Date: 10/18/11

Submitted in PLUM Committee

Council File No: 08-2020

Greater Los Angeles New Car Dealers Association  
Comments to PLUM 10/18/2011

Item No.: 3  
Deputy: Comin from Public

- My name is Samantha Martinez and I represent the Greater LA New Car Dealers Association
- I would like to thank Councilman Reyes, the entire PLUM Committee and Planning Staff for your leadership in protecting on-site signs.
- Overall, we are pleased with this draft. We have just a few outstanding issues.

On-Site and Off-Site definitions

- As you know, we've been participating in this sign ordinance process for a couple of years now and through this process there has never been a discussion about changing the definition of on-site or off-site signs. However at the last PLUM meeting the definition of on-site was changed, and now we see that off-site was changed as well.
- We are concerned with these new definitions of On and Off-Site Signs. The inclusion of the word "exclusively" in the definition of on-site and the limiting language in the new off-site definition which states. A sign "any portion of which" is used to advertise business conducted, services rendered or goods produced or sold at a location other than the lot upon which the sign is placed eliminates a business's ability to cross promote.
- Businesses are struggling to survive and to bring in customers. We use cross promotion and other tools to drive customers to our dealerships as do many other local businesses. The new proposed on-site and off-site language completely eliminates the ability to use cross promotion, this language is over reaching by the City and harmful to business.
- We were told by Council staff that Planning does not want to eliminate the ability of businesses to cross promote although that is what this language does.
- In order to ensure the ability to cross promote, we respectfully request that the on-site language be amended to state: A sign that is used ~~exclusively~~ to advertise **OR PROMOTE** business conducted or services rendered or goods produced or sold on the lot upon which the sign is placed. And the off-site language be amended to state: A sign ~~any portion of which~~ is used to **exclusively** advertise business conducted, services rendered or goods produced or sold at a location other than the lot upon which the sign is placed.

We also share the concerns of the On-Site Sign Coalition with regards to the size of sign districts and excessive fees.

- We believe the minimum area required for a Sign Districts in the draft is excessive.
- We respectfully request that the minimum threshold for Sign Districts be kept at their current levels.
- We are concerned that the Sign Adjustment fee will be prohibitively expensive for the majority of its intended applicants. And this high fee will lead to more illegal signs
- We respectfully request that these fees be revisited.

Thank you

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

4546 W. 16<sup>th</sup> Place, Los Angeles, CA 90019  
323-935-6868

October 18, 2011

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

Date: 10/18/11  
Submitted in PLUM Committee  
Council File No: 08-2020  
Item No.: 3  
Deputy: Comm from Public

Re: Proposed ordinance revising the citywide sign regulations  
Council File 08-2020; 08-3386-S1

Dear Committee,

The 16<sup>th</sup> Place Neighborhood Association wants to express our objection to the proposed Sign Supplemental Use District, and strongly recommend you ~~continue the ban on off-site signage~~. **REMOVE THE MIDTOWN SUD OFF THE ATTACHMENT.**

Unlike any other neighborhood in the Mid-City area, the 4500 Block of W. 16<sup>th</sup> Place is now confronted with an imposing and visually offensive slab wall obfuscating our landmark views of the Hollywood Hills, the Foothills, the Hollywood Sign, and the Griffith Park Observatory; it has brought Blight to our community and neighborhood.

Allowing off-site signage, at the CIM/LOWES Midtown Crossing site, will only add insult to injury: our property values are derogated, noise pollution reverberates through the neighborhood, and heat emanates from the building. Considering the possibility of off-site signage would only make Venice Blvd., behind the building, look like the Las Vegas strip. More importantly, the signage proposed would be staring directly into our yards and advertising beaming directly to the residents on 16<sup>th</sup> Place.

**The 16<sup>th</sup> Place Neighborhood Association and the 16<sup>th</sup> Place Task Force strongly recommend that you ~~vote No to the newly proposed Signage District~~ **REMOVE THE PROPOSED SIGNAGE DISTRICT FROM MIDTOWN CROSSING.****

The suggestion of wrapping the CIM/LOWE'S Midtown Crossing site with off-site wall signs, billboards, monument signage or any signage adds blight to our community.

Instead, we would like to see the WALL on Venice Blvd. adjacent to our property covered with greenery and maintained as a "sound barrier". We would like to see a

row of Cypress trees growing more than 20' high on the median <sup>STRIP</sup> ~~strip~~ to help further block the urban blight and noise pollution created. **AND, WE STRONGLY SUGGEST THAT DOT begin A TRAFFIC SURVEY FOR THE ACCIDENT PRONE INTERSECTION OF SAN VICENTE & VENICE BLVD.**

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

**YOU REMOVE THE PROPOSED SIGNAGE DISTRICT FROM MIDTOWN CROSSING.**

We recommend ~~a NO Vote on the proposed Signage District~~ And, remove us from consideration that will negatively affect the surrounding community and our residential neighborhood.

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

cc: Mayor Antonio R. Villaraigosa  
Eric Garcetti, Los Angeles City Council President  
Herb Wesson Jr., City Council District 10  
Carmen Trutanich, Los Angeles City Attorney  
Linn Wyatt, Los Angeles Chief Zoning Administrator  
Patricia Diefenderfer, Planning  
Allan DiCastro, MINC President