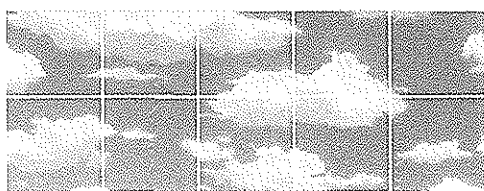


5



STEVEN S. PRETSFELDER
Executive Vice President and
General Counsel



August 9, 2011

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

Date: 8-9-11
Submitted in plum Committee
Council File No: 08.2020
Item No.: 5
Deputy: public

Re: Citywide Sign Ordinance

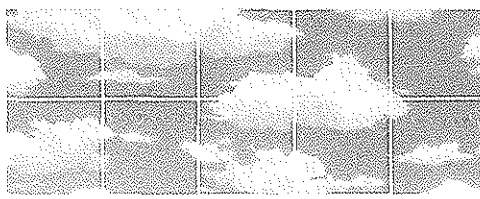
Dear Chairman Reyes:

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 July 22, 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.

New Draft Ordinance Makes Almost All of the City of Los Angeles Ineligible for Sign Districts and Makes Comprehensive Sign Programs More Restrictive

The New Draft Ordinance's provisions that significantly limit the areas of the City where sign districts can be created is overly broad, and we believe works against the best interests of the City. Under the New Draft Ordinance, it appears that several Council Districts would have very limited opportunity to create sign districts and the standards for establishing sign districts would be even more restricted 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 and LA Live in Downtown are good examples of projects in which 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 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.

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 believe the CSP provisions of the New Draft Ordinance are too restrictive in several respects. There is no reason to limit the number of off-site signs in a CSP to 10% of the overall signage. A self-contained, "closed" project should have the flexibility to determine the appropriate amount of off-site signage for that project taking into account all relevant factors. One size definitely does not fit all projects. An enclosed shopping mall or entertainment center may well benefit from, or even require, a significant amount of off-site signage. Key



The Honorable Ed Reyes
August 9, 2011
Page 2

Van Wagner

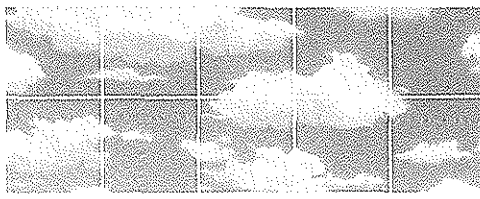
retail centers such as The Grove, Beverly Center and Westfield Century City, all developed under the current regulations, benefit greatly from significant off-site signage, and still respect and even enhance the character of their surrounding communities. Furthermore, by narrowing the definition of an “On-site sign” and expanding the definition of an “Off-Site Sign” (signs that advertise products, goods or services offered or manufactured at the location are no longer considered on-site signs but, rather, off-site signs), the New Draft Ordinance limits even further the number of signs that could be included in a CSP. This unrealistic expansion of the definition of “Off-Site Sign” will also hamper the ability of many businesses to properly advertise goods, products and services offered or manufactured on their premises elsewhere in the City outside of a CSP. In addition, the current draft’s requirement that off-site signage in a CSP not be visible from the public right of way or adjacent property, is unduly burdensome. The previous draft of the proposed ordinance permitted off-site signs in a CSP that are only “incidentally viewable from a freeway or street”, defined to mean partially viewable but not fully and clearly viewed due to angle of sign placement, distance or visual obstruction. That standard provided adequate protection to the surrounding community without requiring project developers to shield from surrounding streets every inch of a sign (even those portions without ad copy) that is clearly directed to the interior of the CSP. The proposed new standard would impose unnecessary expense and hardship on CSP developers and would not benefit surrounding communities in any meaningful way.

New Sign Reduction Requirements are Unfair and Don’t Provide Benefits to the Community

The New Draft Ordinance also requires for the first time mandatory sign reduction as a condition to the creation of sign districts. This new sign reduction requirement is overly restrictive. Sign proliferation is not a shared concern across all Council districts. Community beautification, removal of other visual blight and/or other community benefits is of equal if not greater concern in many districts, and should be considered in lieu of simply requiring sign reduction. This will allow communities to address specific needs such as streetscape or landscaping improvements, undergrounding of utilities, graffiti abatement or the installation of community based murals in exchange for a sign program.

In addition, sign reduction does not necessarily benefit the City. There are outdoor advertising companies that currently control and/or operate large inventories of small signs in Los Angeles. These signs have little commercial value because they are old and in disrepair, and/or have no permits or improper permits and/or are located outside of core areas that attract high advertising prices. Some sign companies are seeking to remove these valueless signs in exchange for the right to install new large digital or static signs in areas that will command high advertising prices. While professing to advocate for the City’s benefit, in actuality these sign companies are trading signs that have little to no value in exchange for the right to build new highly valuable signs that they otherwise could not build.

Furthermore, the New Draft Ordinance's sign reduction program mandates that sign reductions take place in the sign district itself or in areas immediately adjacent to the sign district. This requirement limits the number of sign companies that could participate in new sign districts to those that already have signs in or adjacent to the sign district. This new provision, coupled with the existing law that grants control of a sign permit to the sign company rather than the property owner and that prohibits the rebuilding of a sign structure that is taken down, may further enhance the unbalanced leverage that some sign companies have against individual property owners.



The Honorable Ed Reyes
August 9, 2011
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Van Wagner

In its July 22 report, the Planning Department considered a provision for community benefits and found the concept to be compelling but difficult to quantify when determining how these benefits would impact the visual environment in comparison to billboard removal. The Planning Department claims that such determinations would be subjective. However, we believe that there are objective methods and formulas that have been employed in project conditions of approval or development agreements across the City which objectively quantify the impact community benefits have on a local area. These objective quantification determinations are made regularly by planning staff and commission members and are negotiated often by Council members seeking improvements for the communities they represent. Many of these same standards can be used to objectively determine the value a community receives from beautification or other benefit programs rather than sign reduction.

Mandatory sign reduction gives outdoor companies with larger or illegal inventories an unfair advantage over those that do not have as much inventory and that have been playing by the rules. We urge the City Council to remove this provision and provide all sign companies the ability to participate in sign districts utilizing tools other than sign reduction. Alternatives would also benefit the City's visual landscape and offer communities the flexibility they desire.

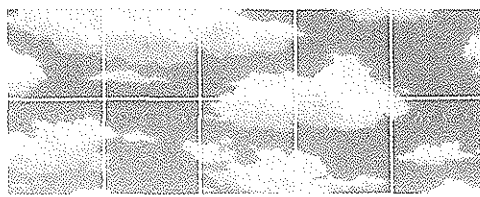
Equal Opportunities For All Sign Companies

The New Draft Ordinance fails 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 sign 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 agreement was recently voided by a state court decision, the court did not require the companies that were party to the settlement agreements to remove the new or enhanced signs installed through the settlement agreement process. Although that decision is being appealed, during the several year appeal process (and depending on the outcome, beyond) the settlement companies are free to operate their new 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. We believe this issue needs to be addressed **immediately** 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.

The New Sign Ordinance Should Consider Modern Technology

As drafted, the New Draft Ordinance prohibits off site digital signs throughout the City, except within limited sign districts or comprehensive sign programs. The new ordinance also will continue to restrict outdoor advertising companies from implementing other new or enhanced technology, such as 3D



Van Wagner

embellishments. This approach is short sighted. With the economy in turmoil, businesses should be encouraged rather than prohibited from introducing new, creative approaches and embracing new technology in order to help their business grow in balance with the needs of the surrounding community. Digital signs and signs relying on other new technology are being allowed, and even encouraged, in other jurisdictions with appropriate time, place, manner and other standards to protect neighbors from adverse impacts. Los Angeles should adopt this proactive attitude and approach.

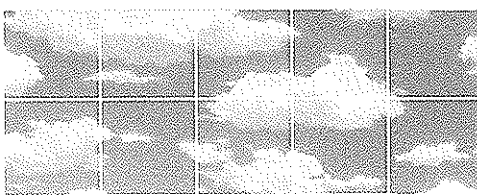
Increasing Administrative Civil Penalties without Increasing Enforcement Capabilities

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 that 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 and Safety and the City Attorney, not the general fund.

We also encourage the City to consider a sign inventory and enforcement process that puts some of the burden for ensuring success of the enforcement program on sign companies and not a City department already lacking in resources. There is little information available to the City agencies and the public about outdoor advertising signs and their compliance with City regulations. The City should require sign companies to provide detailed information about their sign inventories to the City and to affix readily identifiable tags on signs so that inspectors and advertisers can easily distinguish legal permitted signs from illegal or improperly permitted signs. Permitted signs should also be listed on ZIMAS with pertinent information so that the community has a useable database. In its report, the Planning Department identifies re-permitting as an item for follow up. However, we believe that this should be addressed as part of the New Draft Ordinance as it is a critical component of effective enforcement. Simply allowing scofflaws to legalize their signs is not an appropriate approach and in fact may encourage more illegal activity leading up to a re-permitting process.

The Honorable Ed Reyes
August 9, 2011
Page 5



Van Wagner

We thank you for your consideration and we welcome the opportunity to discuss our comments in greater detail with you.

Sincerely,



Steven S. Pretsfelder

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

August 8, 2011

Honorable Ed Reyes, Chair
PLANNING AND LAND USE MANAGEMENT COMMITTEE
LOS ANGELES CITY COUNCIL
Office of the City Clerk
200 North Spring Street, Room 395
Los Angeles, CA 90012

Date: 8-9-11
Submitted in plum Committee
Council File No: 08-2020
Item No.: 5
Deputy: public

Re: Proposed Ordinance Revising the Citywide Sign Regulations
Council File No. 08-2020; 08-3386-S1
PLUM Committee Hearing Date: August 9, 2011

Dear Honorable Members of the Planning and Land Use Committee:

Thank you for the opportunity to comment on the Proposed Ordinance Revising the Citywide Sign Regulations, dated July 22, 2011 ("Draft Sign Ordinance"). We are the owners of **Bank of America Plaza** (located at 333 S. Hope Street), **Figueroa at Wilshire** (601 S. Figueroa Street), **Ernst & Young Plaza** (located at 725 S. Figueroa Street), and the recently renamed **FIGat7th** shopping center (735 S. Figueroa Street), all located in Downtown Los Angeles. FIGat7th is currently being renovated, and upon reopening will house a variety of new retail, restaurant, and commercial tenants, including cityTarget. Tenant signage plays a crucial role in attracting quality retail tenants to Downtown Los Angeles.

We have reviewed the Draft Sign Ordinance and have several concerns about the recommendations as currently drafted. As an operator of one of the few retail shopping centers in Downtown LA, we are most concerned with the recommended revisions that will affect tenant or on-site signage opportunities, as well as the minimal allowance of off-site signage allowed under Comprehensive Sign Programs.

We have the following comments for your consideration as you review the Draft Sign Ordinance and make recommendations to Department of City Planning Staff and the City Council:

1. Comprehensive Sign Programs (see §14.4.24)
 - a. The "Eligibility" section (see §14.4.24 B.) should clarify whether two or more property owners or development sites can be combined to be eligible for one Comprehensive Sign Program. It is not uncommon for major tenants to own parcels within a larger development project, or for a project to have multiple parcels owned by affiliates or parties obligated to each other under reciprocal easement agreements or as a common interest development. We request that this section allow for combining parcels under a single Comprehensive Sign Program.
 - b. Per the Draft Ordinance, the sign regulations of Comprehensive Sign Programs may vary from specified provisions of the sign code. The excepted provisions should include §14.4.5, Freeway Exposure. First, the limitation that signs only be incidentally visible within 2,000 feet (nearly ½ mile) of a main roadway is too restrictive -- particularly for a major development qualifying for this program that is going to be convenient to transportation corridors. Second, restricting the area permitted for on-site wall signs makes no sense considering that no such restriction is placed on other types of signs. The intent of a Comprehensive Sign Program to provide flexibility in signage for major projects. Requiring a developer of a major project to

opt for what may be a less attractive sign (a pole sign, for example) to avoid this limitation is counter to the intent of the Program.

- c. Off-Site Signs are prohibited under Comprehensive Sign Programs if visible from any public right of way or adjacent property. The adjacent property limitation is too onerous in an urban high-rise setting where it is virtually impossible for exterior signs not to be visible to someone looking down from the many nearby high-rise buildings – even if those signs are located in a subterranean location such we have at FIGat7th.
 - d. Off-Site Signs are limited to a maximum of 10% of the total sign area permitted under a Comprehensive Sign Program. Because these signs may not be visible from any public right of way, there should be no such limitation.
2. Architectural Lighting. The Draft Ordinance should provide a clear definition of what is considered architectural lighting of surfaces, as opposed to "Sign Area." New lighting technologies provide exciting opportunities for incorporating lighting into project design, and it is necessary for architects and designers to know exactly when they will cross the line between architectural lighting and signs, causing an entire building surface to be counted as sign area (see §14.4.2, Definitions, Sign Area.)
 3. Murals and Other Art. We understand the Draft Ordinance does not attempt to solve the complex issues surrounding the regulation of murals, and that the Department of City Planning is drafting a separate Ordinance to address murals. We encourage the Department of City Planning to draft the separate Ordinance as soon as possible and to clearly define murals as public works of art, and not signage. Murals and similar works of art that are essentially part of a building, whether existing or proposed, should neither have any bearing on proposed sign programs, nor be calculated as signage.

Thank you for your consideration of our comments. If you have any questions, or would like to further discuss any of our concerns, please contact me at (213) 330-8033 or mark.phillips@brookfield.com.

Sincerely,

BROOKFIELD OFFICE PROPERTIES



Mark C. Phillips
Vice President, Regional Counsel

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

S



Philip Gasteier, President
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City of Los Angeles
**Greater Griffith Park
 Neighborhood
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Office of the City Clerk
 Los Angeles City Hall
 200 N. Spring Street, Rm 360
 Los Angeles, CA 90012

December 17, 2008

Date: 8.9.11
 Submitted in pub Committee
 Council File No: 08-2020
 Item No.: 5
 Deputy: public

COMMUNITY IMPACT STATEMENT

- Council File 08-3215
- Council File 08-2617
- Council File 08-2020

The Greater Griffith Park Neighborhood Council Board supports (a) an interim moratorium ordinance on digital billboards, (b) prompt removal of all billboards constructed or modified without permits, (c) prompt notice to neighborhood councils of any ordinance regarding billboards or any request to install a digital billboard in their area along with adequate time to study and comment, (d) the City Planning Commission's motion to study the safety hazards resulting from billboards, and (e) resubmitting 2007 GGPNC Report—which identifies each billboard in its area—to be used soon by Building/Safety Department to update its databases and identify illegal billboards.

This statement was given consensus approval by a quorum of the Greater Griffith Park Neighborhood Council Board on November 18, 2008. This action was based on the unanimous recommendation of the ten members of its Planning, Zoning, and Historic Preservation Committee on November 12, 2008.

Kurt K. Rademaekers
 Secretary, Greater Griffith Park Neighborhood Council

cc: Councilmembers Tom LaBonge, CD4 and Eric Garcetti, CD 13

Marian Dodge
2648 N. Commonwealth Avenue
Los Angeles, CA 90027
323-663-1031
smdodge@earthlink.net

Planning and Land Use Management Committee
200 N. Spring Street
Los Angeles, CA 90012
August 8, 2011

Re: CF# 08-2020
Sign Ordinance

Date: 8.9.11
Submitted in plum Committee
Council File No: 08-2020
Item No.: 5
Deputy: public

Dear Councilmembers:

I am disappointed in the changes made to the proposed Sign Ordinance without any public input and do not support the ordinance as it is currently written.

The Sign Ordinance was developed over a long period of time with a great deal of input from Councilmembers and from the general public. Then last-minute changes were made to the version that was approved by the City Planning Commission. The addition of a "comprehensive sign program" is so vaguely worded that it would allow signs anywhere in the city.

Additionally motion, CF# 11-0724, another last minute proposal, would exempt signs in city-owned facilities and city parks from land use regulatory controls. This is an extremely dangerous proposition. It tells the voting public that the city makes the rules, but is not required to follow them.

Public opinion is overwhelmingly opposed to advertising in city parks because it is inappropriate. You go to a park to escape from the onslaught of urbanization, not to be bombarded by it. Advertising in city parks is a clear violation of Col. Griffith's intent when he donated the land for Griffith Park to the city to be an escape valve for the common man.

This Sign Ordinance must be amended to prohibit advertising in city parks.

The City of Los Angeles is a first class city; it deserves a first class Sign Ordinance. This version is not. You can do better.

Sincerely,

Marian Dodge

Marian Dodge

cc: Ban Billboard Blight
Friends of Griffith Park

SCNC BOARD

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www.studiocitync.org

June 16, 2011

Councilmembers Paul Krekorian, Tom LaBonge, Paul Koretz

SENT BY MAIL

RE: Advertising in Parks and Recreation Areas

Dear Honorable Councilmembers Krekorian, LaBonge and Koretz:

At its regular meeting on June 16, 2011, the Studio City Neighborhood Council passed the following motion:

MOTION 2011.06.13.13: The Board of the Studio City Neighborhood Council opposes all advertising for commercial purposes, including for-profit and/or non-profit, in all parks and recreation areas in the City, State and Federal properties within Los Angeles. Further, fines must be levied commensurate with the costs to the City of Los Angeles for inspection and removal thereof.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

John T. Walker, President
Studio City Neighborhood Council

Cc: Barry Sanders, Jon Kirk Mukri, Karo Torossian, Geoff Yezetta, Jane Usher, Carmen Trutanich

JTW/lis

Date: 8.9.11
Submitted in plum Committee
Council File No: 08.2020
Item No.: 5
Deputy: public

August 9, 2011

Honorable Chair Ed Reyes
Honorable Councilmember José Huizar
Honorable Councilmember Paul Krekorian
Planning and Land Use Management Committee
Los Angeles City Council
City Hall, Room 395
200 North Spring Street
Los Angeles, CA 90012

Date: 8.9.11
Submitted in plum Committee
Council File No: 08-2020
Item No.: 5
Deputy: public

City Council File Nos. 08-2020; 02-3386-S1

Re: August 9, 2011 PLUM Committee Hearing (Agenda Item No. 5): Citywide Sign Ordinance

Dear Honorable Chairman Reyes and Honorable Councilmembers Huizar and Krekorian:

We appreciate this opportunity to provide comments on the proposed revisions to the City's sign ordinance ("Draft Sign Ordinance"). As set forth on the attached fact sheet, we believe the issues set forth in the staff report as not included in this ordinance are also critically important. We urge the Council to move forward as soon as possible to direct action on these issues. As to the draft before you today, we appreciate the diligent efforts of staff and their efforts to consider the comments of Clear Channel Outdoor (CCO) and other outdoor advertisers in preparing this draft. CCO looks forward to continuing to work with the City on a clear, comprehensive, and consistent regulatory structure to govern signage.

CCO is one of the leading providers of outdoor advertising in the City and has a long history of providing state-of-the art advertising opportunities to local businesses and substantial community benefits through signage. Over the past four years, CCO has modernized a number of signs with digital display technology, creating even more opportunities for government entities, nonprofit organizations, and local businesses to communicate directly with the public. Digital displays have made outdoor advertising affordable for small- and medium-sized local businesses, increasing their market presence and revenues. CCO regularly works with law enforcement agencies to provide real-time information to the public, including AMBER Alerts for missing children. CCO also donates advertising space to many local nonprofit organizations and to the City for public service campaigns.

In this spirit of cooperation, we respectfully request the following changes to the Draft Sign Ordinance so that CCO can continue to provide economic and community benefits in an effective and efficient manner. First, CCO requests that the City adopt a single sign illumination standard and not a separate or additional standard for digital signs, as currently proposed.

Second, we ask that the City adopt an equitable administrative process that allows for expedited resolution of alleged violations. As the City consideration of the Draft Sign Ordinance moves forward, the City should ensure that the Draft Sign Ordinance is coordinated with other ordinances currently under consideration, including changes to the City's existing off-site sign inspection program and the proposed Administrative Citation Enforcement ordinance ("ACE Ordinance"). (See Council File Nos. 10-0085; 10-0600.) Proactive coordination now will prevent the adoption of conflicting provisions and confusion later.

1. The City's Sign Regulation Should Provide a Single Illumination Limitation for All Signs

The Draft Sign Ordinance proposes reducing the current Sign Illumination Limitation and adding a second, additional standard for digital signs. While CCO supports the new, lower Sign Illumination Limitation, it requests that one standard, and not two, be adopted. If the City does not adopt a single standard, then the daytime limit for digital signs should be 9,000 candelas, and not the 3,500 candelas proposed.

Current sign regulations limit sign illumination so that any sign does not "produce a light intensity of greater than **three foot candles** above ambient lighting, as measured at the property line of the nearest residentially zoned property." (LAMC §14.4.4.E.) The Draft Sign Ordinance would lower this limit to **0.3 foot candles** above ambient lighting, as measured from the nearest residential property line. CCO supports this change.

However, the Draft Sign Ordinance proposes a different brightness standard for digital displays with day and night candela-based limits. Under the Draft Sign Ordinance, "[t]he maximum brightness of any digital display shall not exceed 600 candelas per square meter during the nighttime and 3,500 candelas per square meter during the daytime." (Sec. 14.4.19.C.) Both limits are unnecessary and inconsistent with the lower Sign Illumination Limitation proposed in Section 14.4.4.F of the Draft Sign Ordinance. The Sign Illumination Limitation provided in the current and proposed ordinance is a function of the light intensity produced by a sign, ambient lighting and distance, which properly accounts for the actual impact a light-producing sign has on the surrounding neighborhood. The candela limits proposed for digital signs, on the other hand, is a one-size-fits-all approach that could result in greater light intrusion. Further, two illumination standards may lead to confusion and enforcement difficulties.

Because of the nature of digital display technology, the sign face of a digital display would not be viewable in some conditions if the City adopted a 3,500-candela daytime limit. To be visible in direct sunlight, manufacturer specifications require that these digital displays be emit at least 9,000 candelas per square meter. Digital displays do not operate at maximum brightness at all times, but in direct sunlight, digital displays may need to do so to be clearly and safely visible. In fact, all of CCO's digital displays use light-sensing technology that automatically adjusts a display's brightness based on surrounding light conditions. This technology saves energy, avoids light spillage into surrounding neighborhoods, and results in many of CCO's digital displays being consistent with the 600 candela nighttime limit. The 3,500-candela daytime limit in the draft ordinance, however, would need to be raised to 9,000 candelas if a two-tier system is adopted. This 9,000-candela limit is also more consistent with what the Department of City Planning previously proposed when it first examined the issue in

2008. (See Department of City Planning Recommendation Report, Case No. CPC-2007-842-SN.) Accordingly, since the proposed 3,500-candela limit would impair the use of digital displays we respectfully request that if the City decides to adopt different standards for traditional and digital signs, that the daytime standard for digital signs be 9,000 candelas.

2. The Draft Sign Ordinance's Administrative Appeals Process Should Allow For Expedited Appeals, A Reasonable Opportunity To Cure Violations, And A Stay Of Fines During The Pendency Of An Appeal

The Draft Sign Ordinance merely directs that appeals be processed under the procedures set forth in the City's Building Code. This is inadequate. Relying on the City's standard appeal procedures for appeals results in inequities because of the nature of signs – they need to contain copy to operate – and the substantial penalty structure proposed in the Draft Sign Ordinance.

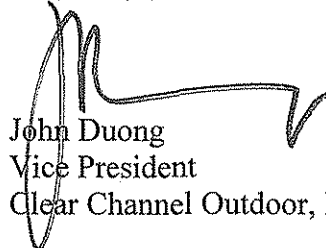
First, it is important that sign operators have an opportunity to resolve a notice of violation or order to comply expeditiously. This could be accomplished by incorporating an alternative appeals process that would allow a sign owner have an appeal of a notice to violation or order to comply heard by an administrative law judge within 20 days of the notice or order issuing. This approach has been adopted in San Francisco, which allows appeals of violations of its sign ordinance to be heard by an administrative law judge, at the sign owner's expense. We recommend that the City adopt this measure to allow for swift resolution of alleged violation.

Second, the Draft Sign Ordinance does not provide a reasonable time to correct alleged violations. Section 14.4.26.B.6 of the proposed ordinance provides that “[p]enalties are due and payable within 15 days of the date postmarked on the order to comply, unless the violation is corrected.” While this appears to offer an opportunity to cure, it is not at all clear that the penalty is not due if the violation is corrected within 15 days. The ACE Ordinance, on the other hand, requires “a reasonable period of time to correct” an alleged violation before any statutory fine or penalty is imposed. The Draft Sign Ordinance should be revised to incorporate the requirement that a “reasonable period of time to correct” the violation be permitted before fines are imposed, or increase the time to cure to 30 days and make explicit that no fines accrue during this time.

Third, in the event that a sign owner decides to appeal a notice of violation or order to comply, any fines that would be imposed should **not** accrue while the appeal is being pursued. The Draft Sign Ordinance's proposed penalties are so substantial that imposing them while the appeal is pending, which could take months to resolve, effectively renders the right of appeal a nullity. The sign owner is faced with a Hobson's Choice: appeal and risk hundreds of thousands of dollars in fines if unsuccessful, or forego the right of appeal and comply with the order. This is especially inequitable given the many and various prior versions of the City's sign regulations that make determining the legal status of signs difficult even for the City. Sign owners or operators must be afforded the opportunity to clarify the legal status of their signs under the law without facing the threat of high daily penalties. Penalties should not accrue until after a reasonable period to file an appeal, and penalties should not accrue during an appeal. At a minimum, the accrual of penalties should be tolled if the sign operator agrees not to display advertising on the sign during the pendency of an appeal.

Thank you for your attention to this matter. We look forward to working with the Department of City Planning to implement these changes.

Very truly yours,

A handwritten signature in black ink, appearing to be 'John Duong', written over the typed name.

John Duong
Vice President
Clear Channel Outdoor, Inc.

Attachments:

Requested Changes to Department of City Planning's July 22, 2011 Draft Sign Ordinance

Cc: Alan Bell, Department of City Planning
Daisy Mo, Department of City Planning



OUTDOOR ADVERTISING ISSUES MUST BE ADDRESSED TO COMPLETE COMPREHENSIVE SIGN ORDINANCE

The City of Los Angeles (City) has been working for several years to revise its outdoor sign ordinance and, on July 22, 2011, the Department of Planning released its proposed ordinance for consideration. While the proposed ordinance incorporates a number of important issues for the outdoor advertising industry, it is far from complete. Some critical issues for the industry haven't been addressed due to budget and staffing constraints.

This sign revision process gives the City Council **an opportunity to establish a process to address the remaining sign issues, to work collaboratively with the outdoor advertising industry and local business leaders, and to work towards a comprehensive solution for regulating outdoor advertising.**

PROPOSED SIGN ORDINANCE IS INCOMPLETE—IT FAILS TO ADDRESS CRITICAL ISSUES

City staff should be commended for their diligent work developing the proposed sign ordinance. The proposal addresses a number of longstanding issues, including sign districts and digital illumination and motion standards.

Due to budget constraints and reduced staffing, however, **the proposed ordinance stops short of addressing some of the more complex issues affecting outdoor advertising. The industry is committed to working with the City Council, business and community leaders to address these key issues, including:**

- **Re-permitting**
- **Sign Reduction & Relocation**
- **City Revenue Generation**
- **Issues Related to Prior Signage Agreements**

CLEAR CHANNEL OUTDOOR OFFERS A COMPREHENSIVE PROPOSAL—NEEDS CITY COUNCIL TO ESTABLISH A REVIEW PROCESS

Clear Channel Outdoor, the Los Angeles area leader in outdoor advertising, is willing to work with the City towards a proposal that will address the outstanding issues not currently covered in the proposed ordinance. Clear Channel Outdoor is willing to **offer significant public benefits for Los Angeles.**

In addition, Clear Channel Outdoor pledges support for **City efforts to help fund the necessary planning staff to adequately address the remaining issues.** In order for this plan to move forward, **the City Council needs to act now** to develop a process for the consideration and review of the outstanding issue areas relating to outdoor advertising.

ACTING NOW AVOIDS THE COURT DICTATING PUBLIC POLICY

The City Council has limited time to establish the necessary billboard ordinance prior to an anticipated court ruling. A ruling on litigation regarding prior signage agreements including the 2007 Stipulated Judgments the City negotiated and approved is expected in the first quarter of 2012.

If the City Council fails to establish a comprehensive solution for outdoor advertising now, the City's public policy could be determined by the courts and litigation rather than good planning to encourage jobs and investment in Los Angeles.

In the time remaining before the court rules, the City Council should establish a clear path forward to work with all stakeholder groups and to address the remaining issues relating to outdoor advertising. As well, this process provides the City Council the opportunity to secure vitally needed financial and community benefits for the City, which would not be possible through a court decision.

IMPORTANT SECTOR OF BUSINESS COMMUNITY NEEDS CLARITY

The process of revising the City's outdoor advertising regulations has gone on far too long. It is imperative that the City Council adopt an ordinance that provides the clarity and consistency the outdoor advertising industry needs to conduct its business and support the Los Angeles economy. **The outdoor advertising industry is an essential part of the Los Angeles economy – more than 6,000 companies in the community use outdoor advertising, including the entertainment industry, local small businesses, consumer goods manufacturers, retailers and others.**

By taking this opportunity to adopt good public policy and bring greater clarity to the ordinance regulating outdoor advertising, the **City Council will promote a business-friendly environment** in Los Angeles and support local jobs and businesses. A comprehensive outdoor advertising ordinance is good for the City, local businesses and our communities.

CLEAR CHANNEL OUTDOOR IS AN IMPORTANT COMMUNITY PARTNER

Clear Channel Outdoor has been a responsible and proud member of the Los Angeles business and civic community for nearly 100 years, providing cost-effective advertising solutions to drive local small and large business growth, donating more than \$6 million annually in advertising space to local philanthropic groups, and offering critical resources for City government and public safety officials to quickly and effectively communicate with the community.

Whether it's working with law enforcement agencies to locate missing children through the company's established AMBER Alert program or helping the City Council cut down on graffiti vandalism, Clear Channel Outdoor is a committed partner to the Los Angeles community.

Clear Channel Outdoor is committed and willing to work with the City Council on developing a comprehensive solution to outdoor advertising in Los Angeles that will benefit all stakeholders.

For more information, contact Layne Lawson: LayneLawson@clearchannel.com or (310) 755-7234.

**Clear Channe Outdoor's Requested Changes to Department of City Planning's
July 22, 2011 Draft Sign Ordinance, Sections 14.4.19, 14.4.26, and 14.4.27**

SEC. 14.4.19. DIGITAL DISPLAYS.

1. Digital displays with changing messages shall observe a minimum duration of 8 seconds for each message. The message must remain static between transitions.

2. Digital displays with changing messages shall utilize either an instant transition between messages, or a fading transition with a transition time between messages of not less than 1 second and not more than 2 seconds. At no time shall a digital display go blank during a transition.

3. The maximum brightness of any digital display shall not exceed 600 candelas per square meter during the nighttime and ~~3,500~~9,000 candelas per square meter during the daytime. Digital displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels, beginning at 45 minutes prior to sunset and concluding 45 minutes after sunset. Measurements shall be provided by the owner of the sign and submitted to the Department of Building and Safety when requested by that Department.

* * * * *

SEC. 14.4.26. VIOLATIONS AND ADMINISTRATIVE CIVIL PENALTIES.

This section governs violations of the sign regulations set forth in this article and violations of any other sign regulations established by ordinance. It also governs the assessment of administrative civil penalties.

A. **Purpose.** The City Council finds there is a need for alternative methods of enforcing all provisions of this Code pertaining to signage. The City Council further finds that the assessment of civil penalties for violations of the sign regulations is a necessary alternative method for gaining compliance with the sign regulations. The assessment of civil penalties established in this article is in addition to any other administrative or judicial remedies established by law which may be pursued to address violations of the sign regulations.

B. Authority and General Provisions.

1. The Department of Building and Safety shall have the authority to issue orders to comply and assess penalties against any and all responsible parties for violations of any provisions of this Code pertaining to signage.

2. The owner of the property on which a sign is located and the owner of the sign and sign support structure are both responsible parties for complying with all provisions of this Code pertaining to signage. In addition, both responsible parties are individually liable to pay the civil penalties assessed pursuant to this section.

3. Violations of the sign regulations are deemed continuing violations and each day that a violation continues is deemed to be a new and separate offense.

4. Whenever the Department of Building and Safety determines that a violation of the sign regulations has occurred or continues to exist, the Department of Building and Safety may issue a written order to comply to each of the responsible parties.

5. The order to comply shall be posted in a conspicuous location on the premises where the violation has occurred and mailed via U.S. first class mail to each responsible party.

6. ~~Penalties are due and payable within 15~~ shall not accrue for 30 days of the date postmarked on the order to comply, ~~unless the violation is corrected, or any extension thereof while the responsible party completes all actions required by the order to comply, including notifying the Department of Building and Safety to request a re-inspection.~~

7. Penalties are due and payable within 30 days of the date postmarked on the order to comply or any extension thereof, unless the violation is corrected, in which case no penalties will be assessed. Civil penalties shall accrue at the daily rates set forth in this section beginning on the thirty-first day after the date postmarked on an order to comply issued by the Department of Building and Safety, unless the accrual is otherwise stopped pursuant to the terms of this Section.

8. The amount of penalties shall follow the chart in Subsection C below. These penalty amounts shall be in addition to any other fees required by Chapter IX of this Code.

~~8.9.~~ After correcting the violation, the responsible party must contact the representative of the Department of Building and Safety who issued the order to comply, to request a re-inspection. Any penalties assessed will toll from the date the responsible party contacts the Department of Building and Safety to request a re-inspection and the re-inspection. Any penalties assessed will cease to accrue starting on the day that the Department of Building and Safety determines through its re-inspection that the violation has been corrected.

9. ~~All other matters pertaining to the issuance of orders to comply and assessment of penalties for sign code violations, to include the processing of appeals, shall be as regulated by Chapter IX of this Code.~~ 10. The filing of an appeal pursuant to Section 14.4.27 shall toll all penalties provided for under this section.

11. If the Department of Building and Safety or the administrative hearing officer or administrative law judge rescinds an order to comply, the violation shall be considered corrected and no penalties shall be due.

DC. Amount of Penalties.

1. The amount of administrative civil penalties for off-site signs are as set forth in the following table:

SIGN AREA OF OFF-SITE SIGN IN VIOLATION	CIVIL PENALTIES PER DAY OF VIOLATION		
	First Violation	Second Violation	Third Violation and All Subsequent Violations
Less than 150 square feet	\$2,500	\$4,000	\$8,000
150 to less than 300 square feet	\$4,000	\$8,000	\$16,000
300 to less than 450 square feet	\$6,000	\$12,000	\$24,000
450 to less than 600 square feet	\$8,000	\$16,000	\$32,000
600 to less than 750 square feet	\$10,000	\$20,000	\$40,000
750 or more square feet	\$12,000	\$24,000	\$48,000

2. The amount of administrative civil penalties for on-site or noncommercial signs of any size shall be the same as the general civil penalty defined in Section 11.00 L of this Code, for the first and all subsequent violations.

3. Civil penalties per day of a violation of Section 14.4.21 of this article for signs of less than 20 square feet in sign area shall be \$500 per day of violation for the first and all subsequent violations.

D. Collection.

1. If the civil penalties are not paid in a timely manner, the City Council may order that the civil penalties be specially assessed against the real property on which the sign found in violation is located. If the City Council orders that the civil penalties be specially assessed against the real property on which the sign found in violation is located, it shall confirm the assessment, and the assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected. The assessment shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

2. The City Council may also cause a notice of lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of the real property, set forth the last known address of the record owner or possessor, the date on which the civil penalties were imposed, a description of the real property subject to the lien, and the amount of the penalty.

3. Any unpaid civil penalties may also be collected in accordance with the procedures set forth in Los Angeles Administrative Code Section 5.181 *et seq.*

E. **General Fund.** Civil penalties collected pursuant to this section shall be credited to the general fund.

SEC. 14.4.27. APPEAL PROCEDURES.

The procedures set forth in this section govern appeals of the administrative civil penalties assessed pursuant to Section 14.4.26 of this article, as well as appeals of orders to comply with the sign regulations set forth in this article or any other sign regulations established by ordinance. No further appeal may be filed pursuant to the provisions of Section 12.26 K of this chapter.

A. General Provisions.

1. An appeal of an order to comply or the civil penalties pursuant to Section 98.0403.2 (a) must be filed within 20 days of the date the order to comply is issued to the responsible party by the Department of Building and Safety. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Department of Building and Safety. An appeal may only be filed by a responsible party.

2. After the Department of Building and Safety has rendered a decision in writing and provided written justification and findings on the appeal made pursuant to Section 98.0403.2(a) of this Code, then the responsible party may appeal to the Chief Zoning Administrator.

3. The appeal must be filed at a public office of the Department of City Planning, on a form provided by the Department of City Planning, and accompanied by applicable fees. The appeal shall set forth specifically the points at issue, the reasons for disputing the written justification and findings in the Building and Safety report, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Department of Building and Safety. The appeal to the Chief Zoning Administrator shall be accompanied by a written copy of the decision of the Department of Building and Safety, and any written copy of the underlying order taken on the matter by the Department of Building and Safety.

4. Upon filing an appeal of an order to comply and/or assessment of civil penalties with the Department of Building and Safety, the responsible party may, in its sole and absolute discretion, elect to have its appeal heard and decided by an administrative law judge. The responsible party must notify the Department of Building and Safety in writing that it will have its appeal heard and decided by an administrative law judge at the time an appeal is filed. If the responsible party elects to have its appeal heard and decided by an administrative law judge, it may not appeal the order to comply and/or civil penalties with the Department of Building and Safety or the Department of City Planning pursuant to the procedures set forth in this section.

B. Public Hearings.

1. The Chief Zoning Administrator shall appoint one or more administrative hearing officers to hear appeals filed pursuant to this section. The administrative hearing officer shall exercise all the powers and duties to conduct hearings and make decisions pursuant to this article.

2. The Chief Zoning Administrator shall set the matter for a public hearing, following the procedures for providing notice of the time, place and purpose of the hearing as set forth in Section 12.27 C of this Code.

3. The Chief Zoning Administrator may grant continuances; however, when an administrative hearing officer has been appointed, no continuances may be granted, except by him or her, and only for good cause shown, so long as the matter remains before him or her.

4. The administrative hearing officer shall proceed with reasonable dispatch to conclude any matter being heard. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

5. All oral testimony shall be upon oath or affirmation. The administrative hearing officer shall have the authority to administer oaths and to allow cross-examination of witnesses.

6. The proceedings of the hearing shall be recorded by an audio recorder.

C. Alternative Appeals Process.

1. Upon receipt of written notice that the responsible party has elected to have an administrative law judge hear and decide its appeal, the Department of Building and Safety shall schedule a hearing before an administrative law judge no later than 30 days after such request. At least 10 days before the scheduled hearing, the Department of Building and Safety shall notify the responsible party by mail in writing of the hearing date, time, and location.

2. At the time the responsible party files an appeal and request for a hearing before an administrative law judge, the responsible party shall pay an initial hearing fee to the Department of Building and Safety. The initial hearing fee shall be set by the Department of Building and Safety. This fee shall be waived if the responsible party would qualify for a waiver of court fees and costs pursuant to California Government Code Section 68511.3. If the responsible party withdraws its appeal of an order to comply and/or civil penalties, any portion of the fee not expended to process the hearing shall be refunded.

3. The administrative law judge may grant continuances for good cause shown.

4. The administrative law judge shall proceed with reasonable dispatch to conclude any matter being heard. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

6. All oral testimony shall be upon oath or affirmation. The administrative law judge shall have the authority to administer oaths and to allow cross-examination of witnesses.

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D. Rights of Parties. Each party shall have the right to represent himself or herself, or to be represented by an attorney or other person of his or her choice; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence presented against him or her.

E. Decision

1. The administrative hearing officer or administrative law judge may reverse or modify, in whole or in part, the order to comply. The administrative hearing officer or administrative law judge may also reduce the amount of the civil penalties. The administrative hearing officer or administrative law judge's decision shall be based solely on the record and evidence that relates to whether or not the responsible party violated the sign regulations and whether the Department of Building and Safety erred or abused its discretion as well as testimony introduced at the hearing. In making his or her decision, the administrative hearing officer or administrative law judge may consider the seriousness of the violation, previous violations, the number of days the violation has occurred, and good faith efforts taken by the responsible party to correct prior violations.

2. If the administrative hearing officer or administrative law judge overturns the order to comply, the case shall be abated and all accrued penalties shall be rescinded. If penalties have been paid, the penalties shall be refunded from the general fund.

3. If the responsible party withdraws its appeal of the order to comply or civil penalties prior to the hearing, civil penalties shall accrue from the date the responsible party withdraws its appeal until the violation is cured and any accrued penalties shall apply.

4. If the administrative hearing officer or administrative law judge upholds the order to comply or civil penalties, the responsible party shall cure the violation(s) within 15 days of the date the decision is mailed to the responsible party and any accrued civil penalties shall apply.

5. The decision of the administrative hearing officer or administrative law judge shall be in writing. A copy of the decision shall be provided to the owner

of the property on which the sign and support structure is located, the owner of the sign and sign support structure, the Department of Building and Safety, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed written requests for this notice with the Office of Zoning Administration. The administrative hearing officer or administrative law judge shall also place a copy of the findings and decision in the file.

6. The administrative hearing officer or administrative law judge may establish dates by which the civil penalties must be paid.

7. The decision of the administrative hearing officer or administrative law judge is final and may not be appealed to any City agency or department. The final written decision shall inform the responsible party of its right to seek judicial review pursuant to the timelines set forth in Section 1094.6 of the California Code of Civil Procedure.



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SEC. 14.4.19. DIGITAL DISPLAYS.

1. Digital displays with changing messages shall observe a minimum duration of 8 seconds for each message. The message must remain static between transitions.
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3. The maximum brightness of any digital display shall not exceed 600 candelas per square meter during the nighttime and ~~3,500~~2,000 candelas per square meter during the daytime. Digital displays shall transition smoothly at a consistent rate from the permitted daytime brightness to the permitted nighttime brightness levels, beginning at 45 minutes prior to sunset and concluding 45 minutes after sunset. Measurements shall be provided by the owner of the sign and submitted to the Department of Building and Safety when requested by that Department.

* * * * *

SEC. 14.4.26. VIOLATIONS AND ADMINISTRATIVE CIVIL PENALTIES.

This section governs violations of the sign regulations set forth in this article and violations of any other sign regulations established by ordinance. It also governs the assessment of administrative civil penalties.

A. **Purpose.** The City Council finds there is a need for alternative methods of enforcing all provisions of this Code pertaining to signage. The City Council further finds that the assessment of civil penalties for violations of the sign regulations is a necessary alternative method for gaining compliance with the sign regulations. The assessment of civil penalties established in this article is in addition to any other administrative or judicial remedies established by law which may be pursued to address violations of the sign regulations.

B. Authority and General Provisions.

1. The Department of Building and Safety shall have the authority to issue orders to comply and assess penalties against any and all responsible parties for violations of any provisions of this Code pertaining to signage.
2. The owner of the property on which a sign is located and the owner of the sign and sign support structure are both responsible parties for complying with all provisions of this Code pertaining to signage. In addition, both responsible parties are individually liable to pay the civil penalties assessed pursuant to this section.

3. Violations of the sign regulations are deemed continuing violations and each day that a violation continues is deemed to be a new and separate offense.

4. Whenever the Department of Building and Safety determines that a violation of the sign regulations has occurred or continues to exist, the Department of Building and Safety may issue a written order to comply to each of the responsible parties.

5. The order to comply shall be posted in a conspicuous location on the premises where the violation has occurred and mailed via U.S. first class mail to each responsible party.

6. ~~Penalties are due and payable within 15~~shall not accrue for 30 days of the date postmarked on the order to comply, ~~unless the violation is corrected.~~ or any extension thereof while the responsible party completes all actions required by the order to comply, including notifying the Department of Building and Safety to request a re-inspection.

7. Penalties are due and payable within 30 days of the date postmarked on the order to comply or any extension thereof, unless the violation is corrected, in which case no penalties will be assessed. Civil penalties shall accrue at the daily rates set forth in this section beginning on the thirty-first day after the date postmarked on an order to comply issued by the Department of Building and Safety, unless the accrual is otherwise stopped pursuant to the terms of this Section.

8. The amount of penalties shall follow the chart in Subsection C below. These penalty amounts shall be in addition to any other fees required by Chapter IX of this Code.

~~8.9.~~ After correcting the violation, the responsible party must contact the representative of the Department of Building and Safety who issued the order to comply, to request a re-inspection. Any penalties assessed will toll from the date the responsible party contacts the Department of Building and Safety to request a re-inspection and the re-inspection. Any penalties assessed will cease to accrue starting on the day that the Department of Building and Safety determines through its re-inspection that the violation has been corrected.

9. ~~—All other matters pertaining to the issuance of orders to comply and assessment of penalties for sign code violations, to include the processing of appeals, shall be as regulated by Chapter IX of this Code.~~ 10. The filing of an appeal pursuant to Section 14.4.27 shall toll all penalties provided for under this section.

11. If the Department of Building and Safety or the administrative hearing officer or administrative law judge rescinds an order to comply, the violation shall be considered corrected and no penalties shall be due.

DC. Amount of Penalties.

1. The amount of administrative civil penalties for off-site signs are as set forth in the following table:

SIGN AREA OF OFF-SITE SIGN IN VIOLATION	CIVIL PENALTIES PER DAY OF VIOLATION		
	First Violation	Second Violation	Third Violation and All Subsequent Violations
Less than 150 square feet	\$2,500	\$4,000	\$8,000
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600 to less than 750 square feet	\$10,000	\$20,000	\$40,000
750 or more square feet	\$12,000	\$24,000	\$48,000

2. The amount of administrative civil penalties for on-site or noncommercial signs of any size shall be the same as the general civil penalty defined in Section 11.00 L of this Code, for the first and all subsequent violations.

3. Civil penalties per day of a violation of Section 14.4.21 of this article for signs of less than 20 square feet in sign area shall be \$500 per day of violation for the first and all subsequent violations.

D. Collection.

1. If the civil penalties are not paid in a timely manner, the City Council may order that the civil penalties be specially assessed against the real property on which the sign found in violation is located. If the City Council orders that the civil penalties be specially assessed against the real property on which the sign found in violation is located, it shall confirm the assessment, and the assessment may be collected at the same time and in the same manner as ordinary real property taxes are collected. The assessment shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary real property taxes. All laws applicable to the levy, collection, and enforcement of real property taxes are applicable to the special assessment.

2. The City Council may also cause a notice of lien to be recorded. The notice shall, at a minimum, identify the record owner or possessor of the real property, set forth the last known address of the record owner or possessor, the date on which the civil penalties were imposed, a description of the real property subject to the lien, and the amount of the penalty.

3. Any unpaid civil penalties may also be collected in accordance with the procedures set forth in Los Angeles Administrative Code Section 5.181 *et seq.*

E. **General Fund.** Civil penalties collected pursuant to this section shall be credited to the general fund.

SEC. 14.4.27. APPEAL PROCEDURES.

The procedures set forth in this section govern appeals of the administrative civil penalties assessed pursuant to Section 14.4.26 of this article, as well as appeals of orders to comply with the sign regulations set forth in this article or any other sign regulations established by ordinance. No further appeal may be filed pursuant to the provisions of Section 12.26 K of this chapter.

A. General Provisions.

1. An appeal of an order to comply or the civil penalties pursuant to Section 98.0403.2 (a) must be filed within 20 days of the date the order to comply is issued to the responsible party by the Department of Building and Safety. The appeal shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Department of Building and Safety. An appeal may only be filed by a responsible party.

2. After the Department of Building and Safety has rendered a decision in writing and provided written justification and findings on the appeal made pursuant to Section 98.0403.2(a) of this Code, then the responsible party may appeal to the Chief Zoning Administrator.

3. The appeal must be filed at a public office of the Department of City Planning, on a form provided by the Department of City Planning, and accompanied by applicable fees. The appeal shall set forth specifically the points at issue, the reasons for disputing the written justification and findings in the Building and Safety report, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Department of Building and Safety. The appeal to the Chief Zoning Administrator shall be accompanied by a written copy of the decision of the Department of Building and Safety, and any written copy of the underlying order taken on the matter by the Department of Building and Safety.

4. Upon filing an appeal of an order to comply and/or assessment of civil penalties with the Department of Building and Safety, the responsible party may, in its sole and absolute discretion, elect to have its appeal heard and decided by an administrative law judge. The responsible party must notify the Department of Building and Safety in writing that it will have its appeal heard and decided by an administrative law judge at the time an appeal is filed. If the responsible party elects to have its appeal heard and decided by an administrative law judge, it may not appeal the order to comply and/or civil penalties with the Department of Building and Safety or the Department of City Planning pursuant to the procedures set forth in this section.

B. Public Hearings.

1. The Chief Zoning Administrator shall appoint one or more administrative hearing officers to hear appeals filed pursuant to this section. The administrative hearing officer shall exercise all the powers and duties to conduct hearings and make decisions pursuant to this article.

2. The Chief Zoning Administrator shall set the matter for a public hearing, following the procedures for providing notice of the time, place and purpose of the hearing as set forth in Section 12.27 C of this Code.

3. The Chief Zoning Administrator may grant continuances; however, when an administrative hearing officer has been appointed, no continuances may be granted, except by him or her, and only for good cause shown, so long as the matter remains before him or her.

4. The administrative hearing officer shall proceed with reasonable dispatch to conclude any matter being heard. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

5. All oral testimony shall be upon oath or affirmation. The administrative hearing officer shall have the authority to administer oaths and to allow cross-examination of witnesses.

6. The proceedings of the hearing shall be recorded by an audio recorder.

C. Alternative Appeals Process.

1. Upon receipt of written notice that the responsible party has elected to have an administrative law judge hear and decide its appeal, the Department of Building and Safety shall schedule a hearing before an administrative law judge no later than 30 days after such request. At least 10 days before the scheduled hearing, the Department of Building and Safety shall notify the responsible party by mail in writing of the hearing date, time, and location.

2. At the time the responsible party files an appeal and request for a hearing before an administrative law judge, the responsible party shall pay an initial hearing fee to the Department of Building and Safety. The initial hearing fee shall be set by the Department of Building and Safety. This fee shall be waived if the responsible party would qualify for a waiver of court fees and costs pursuant to California Government Code Section 68511.3. If the responsible party withdraws its appeal of an order to comply and/or civil penalties, any portion of the fee not expended to process the hearing shall be refunded.

3. The administrative law judge may grant continuances for good cause shown.

4. The administrative law judge shall proceed with reasonable dispatch to conclude any matter being heard. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

6. All oral testimony shall be upon oath or affirmation. The administrative law judge shall have the authority to administer oaths and to allow cross-examination of witnesses.

7. The proceedings of the hearing shall be recorded by an audio recorder.

D. Rights of Parties. Each party shall have the right to represent himself or herself, or to be represented by an attorney or other person of his or her choice; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues; to impeach any witness regardless of which party first called him or her to testify; and to rebut the evidence presented against him or her.

E. Decision

1. The administrative hearing officer or administrative law judge may reverse or modify, in whole or in part, the order to comply. The administrative hearing officer or administrative law judge may also reduce the amount of the civil penalties. The administrative hearing officer or administrative law judge's decision shall be based solely on the record and evidence that relates to whether or not the responsible party violated the sign regulations and whether the Department of Building and Safety erred or abused its discretion as well as testimony introduced at the hearing. In making his or her decision, the administrative hearing officer or administrative law judge may consider the seriousness of the violation, previous violations, the number of days the violation has occurred, and good faith efforts taken by the responsible party to correct prior violations.

2. If the administrative hearing officer or administrative law judge overturns the order to comply, the case shall be abated and all accrued penalties shall be rescinded. If penalties have been paid, the penalties shall be refunded from the general fund.

3. If the responsible party withdraws its appeal of the order to comply or civil penalties prior to the hearing, civil penalties shall accrue from the date the responsible party withdraws its appeal until the violation is cured and any accrued penalties shall apply.

4. If the administrative hearing officer or administrative law judge upholds the order to comply or civil penalties, the responsible party shall cure the violation(s) within 15 days of the date the decision is mailed to the responsible party and any accrued civil penalties shall apply.

5. The decision of the administrative hearing officer or administrative law judge shall be in writing. A copy of the decision shall be provided to the owner

of the property on which the sign and support structure is located, the owner of the sign and sign support structure, the Department of Building and Safety, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property and to all persons who have filed written requests for this notice with the Office of Zoning Administration. The administrative hearing officer or administrative law judge shall also place a copy of the findings and decision in the file.

6. The administrative hearing officer or administrative law judge may establish dates by which the civil penalties must be paid.

7. The decision of the administrative hearing officer or administrative law judge is final and may not be appealed to any City agency or department. The final written decision shall inform the responsible party of its right to seek judicial review pursuant to the timelines set forth in Section 1094.6 of the California Code of Civil Procedure.

MOUNT WASHINGTON HOMEOWNERS ALLIANCE



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P.L.U.M. Planning and Land Use Management Committee
Los Angeles City Council
City Hall
200 S. Spring Street
Los Angeles, CA 90012
Hearing Room 35
Michael.Espinosa@lacity.org

August 9, 2011

Re: CF# 11-0724 Signs at City-Owned Facilities and Parks

To Honorable Councilmembers Ed Reyes, José Huizar and Paul Krekorian,

The Mt. Washington Homeowners Alliance (MWAHA) has recently learned that P.L.U.M. will be conducting a hearing on a proposed new sign ordinance containing a provision for "comprehensive sign programs" that could permit off-site signage (including digital signs) in city parks. "Off-site" signs are commercial billboards and signs – not to be confused with signs identifying park facilities or directional signs and signs presenting park regulations.

Our organization, which is composed of several hundred voting households in the neighborhood of Mt. Washington, is most concerned about the ramifications to our city parks should this ordinance pass. Our parks are recreational facilities and open spaces that provide a relief from the commercial activities that pervade much of our city. Our parks should not be used as commercial advertising venues. Once the floodgates to commercial advertising are opened, it might be very difficult to control the content of the advertising. Our country enjoys the rights to freedom of speech and freedom of the press, however, there is much content that is protected by our constitution that can be considered too mature for the children who enjoy our parks. Our children should not be marketing targets while they are enjoying the outdoor activities that our parks provide. We are also concerned that there has not been public outreach nor public debate regarding this matter.

At this point in time, the MWAHA strongly opposes off-site signage for advertising purposes in our city parks.

Thank you for considering our concerns.


Stan Sosa

President Mt. Washington Homeowners Alliance

P. O. Box 65855 Los Angeles, CA 90065

Date: 8.9.11
Submitted in plumm Committee
Council File No: 08.2020
Item No.: 5
Deputy: public

PLUM 8/9/11
TALKING POINTS

Date: 8.9.11
Submitted in Plum Committee
Council File No: 08.2020
Item No.: 5
Deputy: public

- Veronica Perez from Holland & Knight on behalf of CSA
- Thank you, Councilman Reyes, and PLUM members for your leadership in protecting on-site business signs.
- I would also like to thank Planning Staff, including Alan Bell and Daisy Mo for their tremendous work, especially with stakeholder outreach.
- Overall, we're pleased with this draft and want to move forward with adoption. We have just a few outstanding issues.
- The proposed minimum area for a Sign Districts is excessive.
- Currently, only one block or three acres is required. Planning's proposal is a fivefold increase -- up to 15 acres.
- This change is unnecessary and ties the hands of the Councilmembers to decide what is best for their own district.
- It is already difficult to establish a sign district. The fee is over \$140,000 and there are multiple levels of discretionary review. Indeed, there are only two existing sign districts in the City.
- We understand the rationale is to create a "sense of place". But a "One Size Fits All" approach rarely works for our diverse City.
- In some places, a 15 acre District would be too large.
- There could not be a worse time to take away options from our decision makers, and these Sign District provisions do just that.
- We respectfully request that the minimum threshold for Sign Districts be kept at their current levels.



Date: 8.9.11
Submitted in PLUM Committee
Council File No: 08-2020
Item No.: 5
Deputy: public

August 9, 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

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 express our support for the Department of City Planning's progress in crafting revisions to the citywide sign ordinance for Los Angeles. We are grateful that they've included AIA|LA in the outreach process and that they have proactively engaged us in seeking our professional feedback. 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.

Primarily, we are opposed to:

1. Grandfathering-in previous potential sign district applications that are not in compliance with these proposed regulations.
2. Allowing for potential signage on our school campuses, in our parks and on other city property.

Also, additional considerations need to be made with regards to the establishments of sign districts so that a unique sense of place is created. These considerations include:

1. Requiring *at least* "two" signs to be removed elsewhere within a designated sign impact area for every "one" new sign erected in a sign district.
2. Establishing the correct minimum size of a sign district (15 acres) to ensure that the area is large enough to serve the general intent behind sign districts, *which is* to foster a unique sense of place that aesthetically stimulates and delights people and adds value to the surrounding community.

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



BRENTWOOD Community Council

149 S. Barrington Ave., Box 194, Los Angeles, CA 90049

www.brentwoodcommunitycouncil.org

August 8, 2011

HAND DELIVERED

To: Planning And Land Use Management Committee

Councilmember Ed P. Reyes, Chair
Councilmember Jose Huizar
Councilmember Paul Krekorian
c/o Michael Espinosa- Legislative Assistant
Michael.Espinosa@lacity.org
200 North Spring Street
Los Angeles, CA 90012

Date: 8.9.11
Submitted in plum Committee
Council File No: 08.2020
Item No.: 5
Deputy: public

Re: Council File 08-2020 Citywide Sign Ordinance

Dear Councilmembers,

The Brentwood Community Council ("BCC") is the broadest based Brentwood community organization. The BCC has 25 seats, including 13 from homeowner groups, 1 multi-family, 2 members-at-large, and 8 from organizations including public and private schools, religious, public safety, volunteer, environmental, and business districts.

We are opposed to passage of the new sign ordinance first made public by the planning department July 22. **MORE TIME IS REQUIRED FOR COMMUNITY REVIEW AND INPUT!**

This ordinance neither stops the proliferation of billboards and other forms of outdoor advertising nor begins a serious reduction in the number of billboards that blight our neighborhoods. In specific, the following provisions badly undermine the purpose of the ordinance, which is to make our city a more attractive and liveable place by reducing visual blight and the other negative affects of outdoor advertising.

-Grandfathering sign district applications that have never even reached a planning commission hearing. This means those sign districts could put up hundreds of new billboards and supergraphic and electronic signs without having to comply with tougher regulations, including a mandatory takedown of existing

billboards in the surrounding community.

-Allowing comprehensive sign programs to be established for private and public property, where commercial advertising would be allowed on signs that aren't visible from the public-right-of-way. This could result in extensive advertising in large parks like Griffith Park and others, and open the door for advertising on other city properties.

At a minimum, the regulations should include limits on size, height, spacing, hours of operation, and provisions for community review and approval.

Sincerely,



Chair, Brentwood Community Council

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