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200 N. Spring Street
Los Angeles, CA 90012

June 23, 2014

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Kagel Canyon Civic Assn.
Lake Hollywood HOA
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Lookout Mountain Alliance
Los Feliz Improvement Assn.
Mt. Olympus Property Owners
Mt. Washington Homeowners All.
Nichols Canyon Assn.
N. Beverly Dr./Franklin Canyon
Oak Forest Canyon Assn.
Oaks Homeowners Assn.
Outpost Estates Homeowners
Pacific Palisades Residents Assn.
Residents of Beverly Glen
Roscomare Valley Assn.
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Sunset Hills Homeowners Assn.
Tarzana Property Owners Assn.
Torreyson Flynn Assn.
Upper Mandeville Canyon
Upper Nichols Canyon NA
Upper Riviera Homeowners Assn.
Whitley Heights Civic Assn.

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

Dear Councilmembers:

The Federation of Hillside and Canyon Associations, Inc., founded in 1952, represents 44 homeowner and residents associations spanning the Santa Monica Mountains, from Pacific Palisades to Mt. Washington. The Federation's mission is to protect the property and quality of life of its over 250,000 constituents and to conserve the natural habitat and appearance of the hillside and mountain areas in which they live. The Federation has been following the proposed Sign Ordinance for more than five years and is dismayed to see that substantive changes have been made to weaken the Ordinance. The Ordinance must be strengthened before it is sent to City Council so that it is consistent with the City's 2002 ban on billboards.

Although there is much to commend in the Ordinance, there are also some blatant glaring omissions that must be corrected. The Ordinance must require that new off-site signage in Sign Districts be offset by the removal of billboards in surrounding communities. A minimum of eight traditional billboards must be removed from the surrounding community for each digital sign installed in a Sign District. The take-down requirement cannot be met by community benefits; those community benefits are nothing more than good planning that property owners should be doing anyway.

The stated purposed of this Ordinance is a net reduction in off-site signage. The current version falls far short of that goal, but can be amended to redeem itself.

Whatever happened to the billboard inventory that was promised to be available online? Does the city truly not know which billboards are permitted and which are not?

It is vitally important to the Federation's more than 250,000 constituents and indeed to the more than 250,000 people in each council district, that we preserve the aesthetic beauty of Los Angeles and preserve the quality of life for everyone by regulating signage as called for in the December, 2012 Sign Ordinance. The current version must be strengthened before it is sent to City Council.

Thank you for your careful consideration of our request.

Sincerely,

Marian Dodge
Marian Dodge

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Shirley Cohen
Jerome C. Daniel
Patricia Bell Hearst
Alan Kishbaugh
Gordon Murley
Steve Twining
Polly Ward

CHAIRMAN IN MEMORIUM
Brian Moore



June 24, 2014

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

Dear Chairman Huizar and Honorable Councilmembers:

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

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

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

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

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

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

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

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

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

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

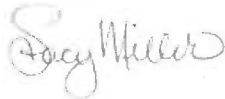
Unworkable sign district regulations. The proposed sign ordinance contains unworkable regulations for new off-site signs within sign districts by imposing requirements so strict that new off-site signs are effectively eliminated in 90% of the City, a *de facto* ban. By so severely limiting the location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

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

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

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

Sincerely,

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

Stacy Miller

Los Angeles Outdoor Advertising Coalition (LAOAC)



Attachment A



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

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

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

A. State Law Encourages Sign Reduction Through Relocation Agreements

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

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

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

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

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

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

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

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

II. IN LIEU PERMITTING PROCESS FOR LEGACY SIGNS

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

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

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

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

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

A. Legislative Background

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

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

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

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

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

2. State Law Protects Older Signs

Los Angeles is not the only city with old billboards, and it is not the only city with these recordkeeping challenges. For this very reason, the California Business and Professions Code includes special provisions to protect older signs from being wrongfully condemned: section 5216.1 of the Business and Professions Code³ establishes an evidentiary presumption that any sign that has been in place for five years or more without ever receiving written notice of a violation is lawfully erected and may not be curtailed without the payment of just compensation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Legislative Proposal for In-Lieu Permits

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A three-judge panel denied plaintiff's motion for preliminary injunction and plaintiff appealed to the Supreme Court. The Court held the penalty provisions of the statute unconstitutional³² and reversed the order denying the injunction. It reasoned that the plaintiff should be allowed to test the validity of the rate order in court. Even if the trial court ultimately were to uphold the commission's order, "a permanent injunction should, nevertheless, issue to restrain enforcement of penalties accrued pendente lite, provided that it also be found that the plaintiff had *reasonable ground* to contest them as being confiscatory."³³

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

IV. UNWORKABLE SIGN DISTRICT RESTRICTIONS

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

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

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

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

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

V. UNNECESSARY AND UNWORKABLE PROVISIONS REGARDING OFF-SITE SIGNAGE

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

A. The Proposed Ordinance Is Inflexible

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

¹ Bus. & Prof. Code § 5412.

² Bus. & Prof. Code § 5216.1.

³ Assembly Bill 503 (Papan, 1983).

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

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

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

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

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

⁹ See *id.*, 209 U.S. at 145–46, 163.

¹⁰ *Id.* at 145.

¹¹ *Id.* at 163–65.

¹² *Id.*

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

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

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

⁴⁶ See *Wadley*, 235 U.S. at 662–63.

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



Etta Armstrong <etta.armstrong@lacity.org>

CF 08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
 To: Etta Armstrong <etta.armstrong@lacity.org>

Tue, Jun 24, 2014 at 7:54 AM

----- Forwarded message -----

From: **Gregory D. Wright** <bg534@lafn.org>
 Date: Mon, Jun 23, 2014 at 6:14 PM
 Subject: Billboard Nighttime Light Curfews (re Council file 08-2020, Citywide Sign Ordinance)

Cc: Tommy Newman <tommy.newman@lacity.org>, Alice Roth <alice.roth@lacity.org>, tom.labonge@lacity.org, Jeffrey Ebenstein <Jeffrey.Ebenstein@lacity.org>, Andy.Shrader@lacity.org, Council Member Koretz <Paul.Koretz@lacity.org>

Planning and Land Use Management (PLUM) committee
 City of Los Angeles

Re: Council file 08-2020, Citywide Sign Ordinance
 To: Councilmember Jose Huizar, Chairman
 Councilmember Gilbert Cedillo
 Councilmember Mitchell Englander

The City of Los Angeles and its Planning and Land Use Management (PLUM) committee should consider the imposition, sooner rather than later, of **Billboard Nighttime Light Curfews** -- requiring that all billboards in Los Angeles, both 'traditional' static billboards as well as digital billboards, be de-illuminated at an early hour in the evening, and eventually not be illuminated at all. Billboard light curfews and de-illumination will help our City reduce its use of electricity, a measure that will become increasingly necessary as the effects of carbon pollution and the need to reduce it become increasingly and more urgently evident. Billboard light curfews and de-illumination will also help to reduce nighttime urban light pollution and its surprising effects on wildlife and humans (see www.urbanwildlands.org).

Additionally, the City should consider incenting the billboard industry to convert a number of its aerial billboards, especially the large freestanding billboards, into towers supporting solar-photovoltaic electricity-generating panels -- which might, for example, be used during daylight hours to charge electric vehicles parked in adjacent lots -- and perhaps even to convert some freestanding billboards into aerial towers that support shelter and even forage for pollinators, such as birds, bees, and butterflies.

Thank you.

Gregory Wright

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TO: City of Los Angeles Planning and Land Use Management Committee
Honorable Members Jose Huizar, Gilbert A. Cedillo, and Mitchell Englander
And
Los Angeles City Council Members

FROM: Mrs. Toni V. Werk, Trustee, Stevton Living Trust
Property Owner of 6063-65 Melrose Avenue, Los Angeles, California 90038
Landlord for a Clear Channel Outdoor Digital Sign

DATE: June 23, 2014

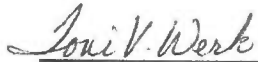
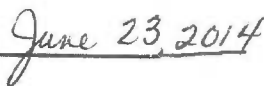
RE: Statement for the June 24, 2014 PLUM Committee Hearing on the Proposed Citywide Sign Ordinance

As the property owner of 6063-65 Melrose Avenue, Los Angeles, I have reviewed the proposed ordinance dated October 10, 2013 Council File 08-2020, 11-1705 and 11-1705-S1 and the report on Outstanding Issues on Proposed Citywide Sign Ordinance dated March 4, 2014. I am letting it be known that this property has had a sign (billboard) on it since the 1920's when the larger of the two buildings was built. Because of changing city ordinances and earthquake concerns, both the building and the sign have been modified and modernized numerous times. This property has been in my family since 1963.

I would like to inquire as to what part of this ordinance protects me as the landlord. The 1979 Permit for the sign, 79LA85840, is recorded with my father, Charles Dirscherl, as the owner, and records show that Clear Channel Outdoor applied, and was issued a permit 08048-100000-00655 to modernize the west facing side of the double face offsite sign with digital technology, and to remove the second east facing side. According to record, they received one (1) credit.

The three policy options you have offered, Option 3 should be adopted. If a sign has been in place and lawfully permitted, then it should stay. With the moratorium in place, only private property owners should have the right to remove and replace a sign, provided they are within code. For the City of LA to penalize me by removing this sign would not only be a monetary hardship for me, but it would devalue my property as well.

Signed:

 
Toni V. Werk, Trustee
Stevton Living Trust



Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 10:14 AM

----- Forwarded message -----

From: **J Reichmann** <jreichmann@sbcglobal.net>
Date: Mon, Jun 23, 2014 at 10:10 AM
Subject: PLUM sign ord. hearing
To: "sharon.gin@lacity.org" <sharon.gin@lacity.org>
Cc: "councilmember.koretz@lacity.org" <councilmember.koretz@lacity.org>

June 23, 2014

Attn: sharon.gin@lacity.org

Councilmember Jose Huizar, Chairman Councilmember.Huizar@lacity.org
Councilmember Gilbert Cedillo Councilmember.Cedillo@lacity.org
Councilmember Mitchell Englander Councilmember.Englander@lacity.org

Subject: Council file 08-2020, Revised Citywide Sign Ordinance

Please make Comstock Hills HOA comments below part of the official Los Angeles City Council record.

When the City Planning Commission approved this new sign ordinance in 2009, it grandfathered in only the two sign districts it had previously approved. It is essential that the new ordinance be revised to include only those two and no others.

The take-down ratio should be much more stringent for digital billboards and no "community benefits" substitution allowed. As now proposed, the ordinance protects the revenue of the sign companies and property owners at the expense of the public interest. The take-down ratio should be increased to a minimum of 8 square feet of billboard space removed for every 1 square feet of new digital signage installed. One must question why any new digital billboards are even permitted! Allowing new digital billboards is simply unacceptable with the City giving the store away to the sign industry.

The fanciful "community benefits" substitution will only result in more digital billboards and is not in the best interest of Los Angeles. Allowing "community benefits" to offset new digital billboards is akin to allowing those who illegally continue to dump trash on City streets at night to avoid prosecution as long as they agree to plant a few flowers in the public parkway. Trash is trash no matter how the City attempts to justify it!

COMSTOCK HILLS HOA strongly disagrees with allowing 14 sign districts to continue to remain as part of the revised sign ordinance. Only the two sign districts existing at the time the sign ordinance was first approved by the Planning Commission should be permitted to continue in existence. The

square footage of the billboards that are taken down must be unequivocally established to be a legal billboard in its entirety, not one that's been illegally enlarged or made two-sided where only one side was permitted. It is also essential that the revised ordinance eliminate the exceptions for Specific Plan areas and development agreements.

Jan Reichmann, President
Comstock Hills Homeowners Association
1429 Comstock Avenue, Los Angeles, Ca. 90024
310.666.9708 310.277.5139
jreichmann@comstockhills.com

Sharon Gin
City of Los Angeles
Office of the City Clerk
213.978.1074
Sharon.Gin@lacity.org



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ENDANGERED HABITATS LEAGUE

DEDICATED TO ECOSYSTEM PROTECTION AND SUSTAINABLE LAND USE



June 22, 2014

VIA ELECTRONIC MAIL

City Council PLUM Committee: Councilmember Jose Huizar, Chairman
Councilmember Gilbert Cedillo
Councilmember Mitchell Englander

City Hall, ATTN: Sharon Gin <sharon.gin@lacity.org>
200 N. Spring Street
Los Angeles, CA 90012

**RE: Council File 08-2020, Citywide Sign Ordinance (June 24, 2014)
– SUPPORT IF AMENDED**

Dear Chairman Huizar and Committee Members:

The Endangered Habitats League (EHL) calls for two very important changes to this ordinance. For your reference, EHL is Southern California's only regional conservation group. The quality of our urban life and public spaces is critical to stopping the sprawl that is destroying our natural habitats.

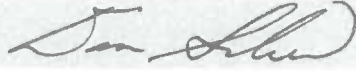
The ordinance establishes important new regulations for sign districts and limits them to high-intensity commercial areas. Unfortunately, at the direction of the PLUM committee, the ordinance includes a grandfathering clause that would allow 14 sign districts proposed in some way but not approved by the City Council to proceed under the much more lax regulations in the current sign ordinance. *This is wrong.* It deprives the public of new and better standards and only benefits the sign companies.

When the City Planning Commission approved this new sign ordinance back in 2009, it grandfathered only the two sign districts it had previously approved. This was reasonable and the new ordinance should be revised to include only those two. Let the new regulations apply equally.

Secondly, the ordinance calls for the removal of existing billboards in exchange for putting up new off-site signs, including digital, in sign districts. The "takedown" ratio is one sq. ft. of signage to be removed for every sq. ft. of new signage put up, with "community benefits" packages allowed to substitute for up to 50% of that takedown requirement. In the case of digital signs, which produce much more revenue for sign companies and property owners than conventional billboards, that ratio makes no sense, and should be increased to a minimum of 8 sq. ft. of billboard space removed for every sq. ft. of new digital signage installed.

Please make these two crucial changes, and after all these years, you will have an ordinance that sets a good path for the future. Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read "Dan Silver", is written over a light gray rectangular background.

Dan Silver, MD
Executive Director



Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 8:30 AM

----- Forwarded message -----

From: **Schelley Kiah** <spkiah@pacbell.net>
Date: Sun, Jun 22, 2014 at 4:36 PM
Subject: Digital Billboards
To: "sharon.gin@lacity.org" <sharon.gin@lacity.org>

I want to go on record as considering these billboards to be a blot on the landscape, an eyesore and a distraction to drivers. As if traffic isn't slow enough, we do not need transitioning billboards causing drivers to be distracted as they wade through a series of ads.

I absolutely think the current moratorium on digital billboards should be made permanent.

Schelley Kiah

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Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705

↑ message

Sharon Gin <sharon.gin@lacity.org>
To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 8:30 AM

----- Forwarded message -----

From: **Valerie Brucker** <vbrucker@earthlink.net>
Date: Sun, Jun 22, 2014 at 1:24 PM
Subject: BanBillboard Blight

Re: Council file 08-2020 Citywide Sign Ordinance

To: Councilmember Jose Huizarm Chairman
Councilmember Gilbert Cedillo
Councilmember Mitchell Englander

I am writing this email to plead with you to continue to think of our neighborhoods and the people living in them to make sure our quality of life doesn't deteriorate any further. Traffic is bad enough; but digital and oversized billboards go beyond....

Please remove all old digital billboards as even dark they are eyesores. Also I am supportive of the exchange of areas of acceptance for future billboards.

Thank you

Valerie Brucker
vbrucker@earthlink.net

Sharon Gin
City of Los Angeles
Office of the City Clerk
213.978.1074
Sharon.Gin@lacity.org





Etta Armstrong <etta.armstrong@lacity.org>

Fwd: Council file 08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
 To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 8:29 AM

----- Forwarded message -----

From: <homeowners-of-encino@earthlink.net>

Date: Sat, Jun 21, 2014 at 3:00 PM

Subject: Council file 08-2020, Revised Citywide Sign Ordinance

To: sharon.gin@lacity.org

Cc: Denise Sample <dsample@council.lacity.org>, Bernard Parks <parks@council.lacity.org>, Sherrie Adams <sadams@council.lacity.org>, Tom LaBonge <councilmember.labonge@lacity.org>, Claire Bartels <cbartels@council.lacity.org>, Renee Weitzer <Renee.Weitzer@lacity.org>, Tom.Henry@council.lacity.org, Tom Henry <Tom.Henry@lacity.org>, Eric Garcetti <garcetti@council.lacity.org>, Nancy Hodges <Nancy.hodges@lacity.org>, Megan Cottier <Megan.Cottier@lacity.org>, Herb Wesson <councilmember.wesson@lacity.org>, Cliff Ruff <Cliff.Ruff@lacity.org>, Jose Huizar <councilmember.huizar@lacity.org>, Saeed Ali-Alarcon <saeed.ali@lacity.org>, Jane Usher <jeusher@aol.com>, Paul Koretz <paul.koretz@lacity.org>, David Hersch <david.hersch@lacity.org>, Richard Llewellyn <Richard.Llewellyn@lacity.org>, Shawn Bayliss <shawn.bayliss@lacity.org>, Joan Pelico <Joan.Pelico@lacity.org>, Jeffrey Ebenstein <jeffrey.ebenstein@lacity.org>, Jane Usher <Jane.Usher@lacity.org>, Paul Kerkorian <councilmember.Kerkorian@lacity.org>, Damian Carroll <damian.carroll@lacity.org>, Carmen Tutanich <carmen.tutaninh@lacity.org>, Karo Torossian <karo.torossian@lacity.org>, Lynda Levitan <llevitan@council.lacity.org>, Mitchell Englander <Councilmember.Englander@lacity.org>, Michael LoGrande <michael.logrande@lacity.org>



Homeowners of Encino

◆ Serving the Homeowners of Encino ◆

GERALD A. SILVER
 President
 PO BOX 260205
 ENCINO, CA 91426
 Phone (818)990-2757

June 20, 2014

Attn: sharon.gin@lacity.org

Councilmember Jose Huizar, Chairman Councilmember.Huizar@lacity.org
 Councilmember Gilbert Cedillo Councilmember.Cedillo@lacity.org
 Councilmember Mitchell Englander Councilmember.Englander@lacity.org

Subject: Council file 08-2020, Revised Citywide Sign Ordinance

Please make Homeowners of Encino's comments below part of the official Los Angeles City Council record.

Summary of Revised Sign Ordinance: The proposed revision maintains the City's 2002 ban on new off-site signs and modifications to existing off-site signs, including conversion to digital billboards. However, that ban allowed exemptions for signs in sign districts and Specific Plan areas as well as signs erected pursuant to development agreements. The new ordinance eliminates the exceptions for Specific Plan areas and development agreements. New off-site signs can be erected only in approved sign districts. The ordinance proposes a take-down ratio of 1 sq. ft. of signage removed for every 1 sq. ft. of new signage. The proposal modifies the take-down requirement to provide a "community benefits" alternative. It allows applicants for a new sign district to satisfy up to one-half of their sign take-down requirements through "community benefits" measures. These include improvements such as public landscaping, sidewalk improvements, under-grounding of utilities, and construction of public parking structures.

The proposed ordinance establishes new regulations for sign districts and limits them to high-intensity commercial areas. The ordinance includes a grandfathering clause that allows the 14 sign districts to proceed under the much more lax regulations in the current sign ordinance. The proposal allows for the removal of existing billboards *in exchange for putting up new off-site signs, including digital billboards*, in sign districts throughout Los Angeles. The proposed take-down ratio is 1 sq. ft. of signage removed for every 1 sq. ft. of new signage.

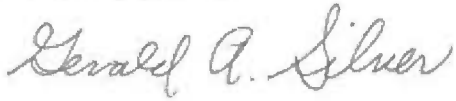
Homeowners of Encino's Comments: When the City Planning Commission approved this new sign ordinance in 2009, it grandfathered only the two sign districts it had previously approved. It is essential that the new ordinance be revised to include only those two and non others.

The take-down ratio should be much more stringent for digital billboards and no "community benefits" substitution allowed. As now proposed, the ordinance protects the revenue of the sign companies and property owners at the expense of the public viewshed. The take-down ratio should be increased to a minimum of 8 sq. ft. of billboard space removed for every 1 sq. ft. of new digital signage installed. One must question why any new digital billboards are even permitted! Allowing new digital billboards is simply unacceptable with the City giving the store away to the sign industry.

The fanciful "community benefits" substitution will only result in more digital billboards and is not in the best interest of Los Angeles. Allowing "community benefits" to offset new digital billboards is akin to allowing those who illegally continue to dump trash on City streets at night to avoid prosecution as long as they agree to plant a few flowers in the public parkway. Trash is trash no matter how the City attempts to justify it!

Homeowners of Encino strongly disagrees with allowing 14 sign districts to continue to remain as part of the revised sign ordinance. Only the two sign districts existing at the time the sign ordinance was first approved by the Planning Commission should be permitted to continue in existence. The square footage of the billboard that are taken down must be unequivocally established to be a legal billboard in its entirety, not one that's been illegally enlarged or made two-sided where only one side was permitted. It is essential that the revised ordinance eliminate the exceptions for Specific Plan areas and development agreements.

Cordially yours,



Gerald A. Silver,
President, HOME

Cc: Council offices, Michael LoGrande, Planning Director

Sharon Gin
City of Los Angeles
Office of the City Clerk
213.978.1074
Sharon.Gin@lacity.org



The image contains two promotional banners. The top banner is for 'LACityClerk Connect' and features a smartphone displaying a mobile interface with the text 'Mobile Click Here'. The bottom banner is for 'MyLA 311' and features a smartphone with the text 'MyLA 311 Click Here to Learn More'.



Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 8:28 AM

----- Forwarded message -----

From: **Meyer Shwarzstein** <meyer@brainmedia.com>
Date: Fri, Jun 20, 2014 at 6:05 PM
Subject: Billboards

Dear Sharon,

I'm not going to be able to make the meeting on June 24th at City Hall to talk about this issue.

I honestly don't know how to start this note. I feel strongly about billboards. I find them distracting, ugly and, to be honest, I object to having advertising pushed at me when I'm outside. During the 30+ years I've lived here, I've watched the phenomenon grow with what seems like little regulation. If we could have all of the signs taken down, I'd support that.

While I know that may never happen, I figured I'd at least add my voice in support of the most severe limitation of the exploitation of our view.

Thank you for your consideration.

Sincerely,
Meyer Shwarzstein
1902 Preuss Road
Los Angeles, CA 90034





Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 8:28 AM

----- Forwarded message -----

From: <MMPOaks@aol.com>
Date: Fri, Jun 20, 2014 at 5:37 PM
Subject: billboards

Please note the billboard on the corner of Oxnard and Reseda Blvd. North East corner. Yes, right in front of where people get on and off **OUR** Orange Line. It needs to be removed!!! It advertises a strip club. I have tried to talk to someone about this, but it seems as if its not possible to remove. Who would allow this garbage??? One person told me to contact the person whose name in on the board. I can't read the name. Council office could not help me. mp tarzana.

—
Sharon Gin
City of Los Angeles
Office of the City Clerk
213.978.1074
Sharon.Gin@lacity.org



Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
 To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 8:27 AM

———— Forwarded message ————

From: **LINDA MARAIS** <lindamarais@icloud.com>

Date: Fri, Jun 20, 2014 at 5:10 PM

Subject: please forward to Councilmembers Jose Huizar, Gilbert Cedillo, and Mitch Englander re Council File 08-2020

- I support Ban Billboard Blight's position . Please don't sell our city to these deep-pocketed companies. Be ethical, and save our environment from this visual blight.
-
-
-
-
- The ordinance calls for the removal of existing billboards in exchange for putting up new off-site signs, including digital, in sign districts. The "takedown" ratio is one sq. ft. of signage to be removed for every sq. ft. of new signage put up, with "community benefits" packages allowed to substitute for up to 50% of that takedown requirement. In the case of digital signs, which produce much more revenue for sign companies and property owners than conventional billboards, that ratio makes no sense, and should be increased to a minimum of 8 sq. ft. of billboard space removed for every sq. ft. of new digital signage installed.
- The ordinance establishes important new regulations for sign districts and limits them to high-intensity commercial areas. Unfortunately, at the direction of the PLUM committee, the ordinance includes a grandfathering clause that would allow 14 sign districts proposed in some way but not approved by the City Council to proceed under the much more lax regulations in the current sign ordinance. When the City Planning Commission approved this new sign ordinance back in 2009, it grandfathered only the two sign districts it had previously approved. This was reasonable and the new ordinance should be revised to include only those two.
-

—
 Sharon Gin
 City of Los Angeles
 Office of the City Clerk
 213.978.1074



Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705

1 message

Sharon Gin <sharon.gin@lacity.org>
To: Etta Armstrong <etta.armstrong@lacity.org>

Mon, Jun 23, 2014 at 8:27 AM

----- Forwarded message -----

From: **Robert Aronson** <r_aronson@ureach.com>
Date: Fri, Jun 20, 2014 at 4:52 PM
Subject: Council file 08-2020, Citywide Sign Ordinance
councilmember.bonin@lacity.org

Dear Councilmembers Huizar, Cedillo, and Englander,

There are four things about the newest draft of the sign ordinance that I wish to comment on.

First, I believe the "takedown" ratio should be much larger for digital billboards, with no "community benefits" substitution. Probably 10:1 would be reasonable, considering the revenue that digital billboards would generate. I am concerned that the "community benefits" substitution will result in far more digital billboards than intended.

Second, only the two sign districts existing at the time the sign ordinance was first approved by the Planning Commission should be permitted to continue in existence. I strongly disagree with allowing 14 sign districts to continue to exist as part of the sign ordinance.

Third, the square footage of the billboard which is taken down must be unequivocally established to be a legal billboard in its entirety, not one that's been illegally enlarged or made two-sided where only one side was permitted.

Finally, I would like to see the ordinance state that there are no perpetual rights granted by the City when issuing a sign permit, and that in the event of any future ordinance or initiative that eliminates off-site signs in the City, there shall be no compensation due from the City and the owner of the sign agrees in advance to remove the sign within 90 days of passage of such an ordinance.

Thank you for considering my opinion.

Robert Aronson
108 Catamaran Street
Venice, CA 90292-5708

—
Sharon Gin
City of Los Angeles
Office of the City Clerk
213.978.1074
Sharon.Gin@lacity.org



Etta Armstrong <etta.armstrong@lacity.org>

08-2020 & 11-1705 ✓

1 message

Sharon Gin <sharon.gin@lacity.org>
To: Etta Armstrong <etta.armstrong@lacity.org>

Fri, Jun 20, 2014 at 2:35 PM

----- Forwarded message -----

From: **Chris Van Hook** <ccvanhook@gmail.com>
Date: Fri, Jun 20, 2014 at 2:31 PM
Subject: billboards

Please support the recommendations of Ban Billboard blight group. The City of Los Angeles is being inundated with billboards of all kinds. Digital are by far the worst. They ruin the environment, are dangerous and hideous to look at. Our city can be visually ruined if you do not protect it now. Your job is to protect the citizens of this city and the city itself. It is not your job to protect billboard companies whose only interest is in making money from our city. Please limit and provide strict regulations for all billboards in the City of Los Angeles. Have you ever been to a city without billboards? It is so beautiful to not have advertising ruining the skylines and streets of the city. Thank you. Chris Van Hook

Sharon Gin
City of Los Angeles
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Sharon.Gin@lacity.org

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