



Sharon Dickinson <sharon.dickinson@lacity.org>

SLNC - Regarding Council File Number 11-1705

1 message

Scott Plante <scott.plante@silverlakenc.org>

Thu, May 26, 2016 at 8:41 PM

To: Sharon.Dickinson@lacity.org, jeanne.min@lacity.org

Sharon and Jeanne,

For your reference, the Silver Lake Neighborhood Council filed the following Community Impact Statement regarding Council File Number 11-1705:

Community Impact Statement:

The Silver Lake Neighborhood Council (SLNC) calls on the Planning and Land Use Management Committee, the City Council and the Mayor to take prompt action approving the proposed Citywide billboard ordinance adopted by the City Planning Commission (CPC) on October 22, 2015, known as "Version B+" without any additional amendments, that will protect our communities and put the needs of our neighborhoods first.

The most important provision is the prohibition of billboards outside of Sign Districts, especially digital billboards. The SLNC supports a robust takedown ratio of billboards as proposed in "Version B+" of 1:10.

The SLNC opposes Councilmember O'Farrell's amendments to "Version B+" that will allow for digital billboards or "Digital Display Signs" on the facades or atop Historic Buildings anywhere in CD 13, especially as proposed for the Hollywood Sign District.

The SLNC also opposes Councilmember O'Farrell's amendment adding an additional Digital Sign District for Paramount Pictures and its partner, Outfront Media USA, on Melrose Avenue.

The SLNC also opposes Councilmember O'Farrell's support for weakening the takedown ratio to between 1:2 to 1:4 versus the robust takedown ratio in "Version B+."

Thank you,
Scott Plante
Board Secretary
Co-Chairman, Urban Design and Preservation Advisory Committee
<http://SilverLakeNC.org>
<http://twitter.com/SilverLakeNC>
<http://facebook.com/SilverLakeNC>



April 18, 2016

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

Date: 05/24/2016
Submitted in PLUM Committee
Council File No: 11-1705
Item No. 2
Deputy: Comm from Public

Dear Chairman Huizar, Vice Chair Harris-Dawson, and Honorable Councilmembers:

Clear Channel Outdoor appreciates the City's continuing efforts to address signage issues. Although the recently proposed draft sign ordinance ("New Version B") shows some progress, we urge that clear direction be given to develop a coherent policy for digital signage that would result in a substantial reduction of existing signs and opportunities for improvements to aesthetics and public safety in Los Angeles communities. Other previously expressed concerns about the City's approach in drafting a new sign ordinance have not been addressed in New Version B and those issues are also outlined here.

The City Itself Recognizes the Many Potential Benefits of a Comprehensive Sign Reform. As outlined by the CLA's June 18 report, which was joined by the Planning Department, the potential benefits of off-site digital signs in the City are significant. The CLA readily acknowledged that the "[f]or each new digital sign allowed, the City could specify a number of static (or digital) sign removals."

Sign Reduction and Community Benefits. Although New Version B contemplates reduction of sign area in connection with new off-site signs within a Sign District from a sign impact area adjacent to the sign district, this would limit sign reductions to the very limited areas within Los Angeles that may become sign districts. In contrast, an ordinance permitting such signs outside sign districts can be used to effectuate meaningful sign reduction throughout the entire City, generate substantial beautification and traffic improvements, and improve public safety communications. The record demonstrates extensive support from a range of stakeholders including first responders, non-profits, and small and large local business and industries, together with a number of community representatives. If the City is truly committed to the reduction of existing off-site signs in a fashion that provides equal access for all Los Angeles communities to benefit from such off-site sign reduction, the City should use the relocation agreement process provided for under state law rather than limit these benefits to potential sign districts.

New Version B proposes community benefits with sign districts or adjacent sign impact areas in connection with new off-site signs in sign districts that include sidewalk widening and landscaping, undergrounding of utilities, streetscape improvements, lighting improvements,

original art murals and public art installations, public parking structures, façade improvements and other improvements. We are proposing, in addition to these benefits, funding for both the local Council district and to the general fund that can be used to address significant quality of life and safety issues that the City is currently struggling to find funding to combat.

We therefore respectfully request your direction for the Planning Department to revise “Version B” to address the CLA’s proposed instructions for digital signs outside of sign districts and to include the additional benefits that we are proposing.

Relocation Agreements Are an Effective Tool for Pursuing Sign Reduction and Generating Public Benefits. New Version B eliminates the City’s long-standing provision exempting signs permitted pursuant to relocation agreements from the City’s existing ban on new off-site signs. Section 14.4.4.B.11 of the Municipal Code currently incorporates California Business & Professions Code section 5412’s express affirmation of the City’s ability to enter into relocation agreements “on whatever terms are agreeable to the display owner and the city.” It is against the City’s interest to remove this flexibility from the City.

Indeed, in its September 13, 2013, report to the City Council, the City Attorney explained that “such relocation agreements are authorized by the state Outdoor Advertising Act and, as state law, preempt the City’s Code.”

By limiting new digital signs to only sign districts, which can only be proposed in a very narrowly drawn portion of the City, New Version B ensures that most of the City’s residents will not enjoy any of the benefits that a sign reduction program can create. Instead of restricting such opportunities to the small number of sign districts recommended by staff, regulatory tools such as relocation agreements can be used – as they are in many other cities – to allow some digital signs in appropriate locations outside sign districts while ensuring protection for the visual environment and for single-family residential neighborhoods.

Relocation agreements are a particularly effective method to reduce the number of off-site signs, improve the visual environment, and gain substantial public benefits, as has been done in many other California cities. Attached are examples of over 25 relocation agreements entered into under state and local laws from all over California (Attachment 1). California law encourages cities to enter into sign relocation agreements with private parties and to do so liberally under whatever terms the parties deem appropriate.

For Los Angeles, such agreements should maximize the opportunities for sign reduction and the provision of public benefits (e.g., funding for both the affected Council district as well as for the general fund), ensure protections for residences (including reasonable restrictions on locations/zones, illumination, and spacing, and related findings), and provide a predictable, easy to implement, fully applicant-funded and indemnified, and public permit processing system to ensure reasonable rules on permit application processing and review.

As we detailed in a letter to the City Planning Commission last fall from the Los Angeles Advertising Coalition (Attachment 2), meaningful sign reduction is a public policy goal that requires agreements with private sign owners for its implementation, as demonstrated by

numerous other cities across the country and within California.

As discretionary approvals, sign relocation agreements, development agreements, or conditional use permits provide the City with the flexibility to obtain the community benefits appropriate for the particular sign's impact on the area and the needs of the affected community. We urge the City not to unnecessarily abandon this important and highly effective regulatory tool.

Addressing the City's Incomplete Permit Records. New Version B does not address the issues created by the City's incomplete permitting records for off-site signs, nor does it recognize the provisions of state law on these issues, given that most of the existing signs in the City were erected long before the adoption of more recent restrictions. We note that a replacement permitting system substantially similar to a program implemented by the City of San Francisco has previously been proposed. This program would enable the City to resolve the problems associated with the historically poor recordkeeping of many off-site signs without letting serious or obvious violators benefit from a broader amnesty program. Proposed language for this approach is detailed in Attachment 3.

Due Process Concerns Remain. Due process concerns also remain, and New Version B must be revised to address the appeal process where a violation of the sign ordinance is alleged. Clear Channel Outdoor supports strict enforcement of the City's sign regulations and the tolling of all penalties during the entirety of the City's administrative appeal process. The intent appears to be to toll the penalties during the administrative process, but it is unclear whether penalties are tolled if the Administrative Hearing Officer's determination is appealed under section 14.4.15.A.6. We ask that the ordinance be clarified to make clear that all civil penalties are tolled during the entirety of the City's administrative appeal process. The City should also clarify that administrative penalties are tolled during judicial review of Compliance Orders. See Attachment 4 for proposed revision to section 14.4.25.A

Sign Adjustments. In the off-site sign industry, a sign company generally owns the sign structure and leases space for it from a property owner. New Version B proposes allowing existing off-site signs to be moved within the boundaries of the property on which they currently are located. We have no objection to allowing this flexibility, but the ordinance must be clear that only the sign owner is able to apply to relocate the existing sign. The current language is uncertain and potentially places the City at risk of becoming mired in third-party contract disputes, which would be an otherwise avoidable waste of scarce City resources. To make clear that only the sign owner can request relocation, we propose adding the following text at the end of the proposed Section 14.4.21.A in New Version B: **"For purposes of this Section 14.4.21, the term 'applicant' shall mean the owner of the sign to be relocated."**

Sign District Takedown Requirements. The prior draft sign code would have allowed up to fifty percent of the sign reduction requirements for new off-site signs in sign districts to be substituted, in part, by an equivalent amount of other community benefits. New Version B, however, eliminates this flexibility. To avoid unduly limiting the City's flexibility in determining how best to improve the City's visual environment, this flexibility should be restored.

Sign Regulation's Application to Public Right-of-Way. Section 14.4.3.A of New Version B provides that the sign regulations apply only to signs "not located entirely in the public right-of-way." Please clarify whether the City intends to exclude street signs only or whether the City also intends to exclude off-site advertising signs City may choose to erect. For example, if the City intends to construct new off-site signs entirely within the public right-of-way, is the intent of the New Version B that such signs are exempt from all signage regulations?

* * * * *

All of these issues have been addressed previously by the Planning Commission. Therefore the City Planning Commission need not hold yet another hearing on the signage issues that the Planning Commission, this Committee, the full City Council, and the public have already considered at length. That there may be disagreement in terms of policy does not mean that an issue was not considered.

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,



Bryan Parker
Executive Vice President

Attachments

ATTACHMENT 1

**Relocation Agreements Under the California Outdoor Advertising Act
(Bus. & Prof. Code § 5412)**

| Jurisdiction | Permitting Summary | Public Benefits (Sign Reduction) | Public Benefits (Services) | Public Benefits (Funding) |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Baldwin Park | <ul style="list-style-type: none"> 2 double-sided digital - 2013, Clear Channel Outdoor - Private property; no eminent domain proceedings - Includes freeway-facing signs (I-605 and I-10) | 4 signs (8 displays) | <ul style="list-style-type: none"> - Free advertising space for public service announcements equal to two 4-week periods per year | <ul style="list-style-type: none"> - Annual fees over 30 years totaling approx. \$3.1M |
| Beaumont | <ul style="list-style-type: none"> 3 double-sided digital; 2 traditional - 2014 - Public and private property - Includes freeway-facing signs (I-10 and SR-60) | 12 signs | <ul style="list-style-type: none"> - Construction and maintenance of "Welcome to Beaumont" sign - Restrictions on content (no adult material) | <ul style="list-style-type: none"> - 20% of gross advertising revenue from signs on City property |
| Berkeley | <ul style="list-style-type: none"> 1 double-sided digital - 2007, CBS Outdoor - Private property - Includes freeway-facing signs (I-80/580) | 6 signs | <ul style="list-style-type: none"> - Restricted content (no tobacco or alcohol advertising) - Allow reprogramming for Amber alerts, local emergency notices, release of hazardous materials, or other emergency notice at the City's request | <ul style="list-style-type: none"> - One-time payment of \$2M for athletic fields project - Annual payments to City general fund totaling approx. \$1.8M |
| Carson | <ul style="list-style-type: none"> 1 double-sided digital; and 1 double-sided traditional - 2012, Clear Channel Outdoor - Public and private property; no eminent domain proceedings - Includes freeway-facing signs (I-405) | 2 signs | <ul style="list-style-type: none"> - City use of space-available advertising space on any display within a 10-mile radius of the City - 10% discount for businesses located within the City and in good standing with the Chamber of Commerce | <ul style="list-style-type: none"> - (Clear Channel) Annual fees totaling approximately \$2.2M over 20 years - (Bulletin Displays) \$500,000 guaranteed, projected \$2M fees over 20 years |
| Colfax | <ul style="list-style-type: none"> 2 double-sided digital - 2012, Sierra Property Development - Public property - Includes freeway-facing signs (I-80) | 2 signs | <ul style="list-style-type: none"> - Free City use of 1/8 time for emergency and other public service messaging | <ul style="list-style-type: none"> - Initial payment of \$95,000 - Rental income of \$24,000 per year |
| Daly City | <ul style="list-style-type: none"> 1 double-sided digital - 2014, Clear Channel Outdoor - Private property; no eminent domain proceedings - Includes freeway-facing signs (Hwy 80) | <ul style="list-style-type: none"> 6 signs (7 displays) - Used CalTrans credit relocated from Emeryville | <ul style="list-style-type: none"> - Free City use of space-available advertising - Limited, guaranteed free City use of space on digital sign | N/A |

| Jurisdiction | Permitting Summary | Public Benefits (Sign Reduction) | Public Benefits (Services) | Public Benefits (Funding) |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fontana | <p>3 double-sided digital</p> <ul style="list-style-type: none"> - 2013, Lamar Central Outdoor - Public and private property - Includes freeway-facing signs (I-10) | <p>9 signs (18 displays)</p> | <ul style="list-style-type: none"> - Free City use of space-available advertising for nonprofit service messaging - Free emergency messaging - Restrictions in content (no adult content, alcohol, political advertising, among others) | <ul style="list-style-type: none"> - (Public property sign) Greater of \$360,000 in annual fees over 20 years or 20% share of gross receipts |
| Garden Grove | <p>1 double-sided digital</p> <ul style="list-style-type: none"> - 2014, Clear Channel Outdoor - Private property; no eminent domain proceedings | <p>3 signs (4 displays)</p> | <p>Advertising space, one spot 4 weeks per year</p> | <ul style="list-style-type: none"> - Annual mitigation fee of \$1.57M over 30 years - \$15,000 up-front payment |
| Hayward | <p>1 double-sided digital</p> <ul style="list-style-type: none"> - 2010, Clear Channel Outdoor - Private property; no eminent domain proceedings - Includes freeway-facing signs (Hwy 92) | <p>5 signs (8 displays)</p> | <ul style="list-style-type: none"> - Provide at least 12.5% time for the promotion of local civic uses and additional time on a space available basis. | <p>N/A</p> |
| Los Angeles | <p>The 15th Street Supplemental Use District was created in order to accommodate the construction of two double-sided signs (each sign having one digital display) pursuant to an agreement between Clear Channel Outdoor and the L.A. County MTA. Although these signs were permitted through an SUD and not a relocation agreement, it was functionally the same as a relocation agreement.</p> | <p>14 signs along Santa Monica Blvd.</p> | <p>N/A</p> | <p>N/A</p> |
| Martinez | <p>1 double-sided digital</p> <ul style="list-style-type: none"> - 2011, CBS Outdoor - Private property - Includes freeway-facing sign (I-680) | <p>1 sign</p> | <p>Limited free advertising as well as access to the display for emergency alerts</p> | <p>City to receive quarterly revenue share equal to 11% of net receipts (estimated \$120,00 to \$160,00 annually) up to a max limit of 16.66% of gross receipts.</p> |
| Newark | <p>3 double-sided digital</p> <ul style="list-style-type: none"> - 2012, Clear Channel Outdoor - Public and private property; no eminent domain proceedings - Includes freeway-facing signs (I-880 and Hwy 84) | <p>24 displays in Orange, L.A., San Diego, and Alameda Counties</p> | <ul style="list-style-type: none"> - Guaranteed at least 5% time to advertise City events | <ul style="list-style-type: none"> - Annual fees over 25 years totaling approx. \$4M |
| Oakland | <p>1 double-sided traditional; 1 digital conversion; and Digital conversion of tri-vision</p> <ul style="list-style-type: none"> - 2010, Clear Channel Outdoor | <p>20 signs (37 displays)</p> | <ul style="list-style-type: none"> - Limited free advertising time | <ul style="list-style-type: none"> - Pre-payment of 11 years of fees (approx. \$1M) |

| Jurisdiction | Permitting Summary | Public Benefits (Sign Reduction) | Public Benefits (Services) | Public Benefits (Funding) |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ul style="list-style-type: none"> - Public and private property; no eminent domain proceedings - Includes freeway-facing sign (I-580) | | | |
| Palmdale | <ul style="list-style-type: none"> 1 new double-sided digital; Relocate 2 other double-sided signs - 2015, Lamar Central Outdoor | 13 signs (23 displays) | - Public service announcements | N/A |
| Perris | <ul style="list-style-type: none"> 6 double-sided digital - 2013, Lamar Central Outdoor - Public and private property - Includes freeway-facing signs (I-215) | 12 signs (24 displays) | - Two free public service announcements on new billboards for duration of CUP term | N/A |
| Rancho Cucamonga | <ul style="list-style-type: none"> 1 double-sided digital - 2009, San Diego Outdoor Advertising - Private property - Includes freeway-facing sign (I-15) | 2 signs | - 10% free time to City for public service messages; additional time as available | TBD |
| Rancho Cordova | <ul style="list-style-type: none"> 1 double-sided digital - 2013, Clear Channel Outdoor - Private property; no eminent domain proceedings - Includes freeway-facing signs (Hwy 50) | 3 signs (2 traditional, 1 electronic) | - City access to sign for community safety alert messaging | <ul style="list-style-type: none"> - Annual fee of approx. \$50,000 (initial 25 year term plus option for additional 25 year term) - \$75,000 signing bonus |
| Riverside County | <ul style="list-style-type: none"> 1 single-sided digital - 2009, Lamar Central Outdoor - Public property - Includes freeway-facing signs (Hwy 80) | - 2 signs | N/A | Relieved of payment of just compensation for taking of original sign, |
| Rocklin | <ul style="list-style-type: none"> 2 double-sided digital - 2012, Clear Channel Outdoor - Public and private property; no eminent domain proceedings - Includes freeway-facing signs (Hwy 65) | 3 signs | Free advertising on space-available basis, as well as access to display for emergency alerts | <ul style="list-style-type: none"> - One-time \$25,000 signing bonus paid to City - Annual fees of \$54,000 per year, with 12% increase every five years |
| Roseville | <ul style="list-style-type: none"> 1 double-sided digital - 2013, Clear Channel Outdoor - Public property; no eminent domain proceedings - Includes freeway-facing signs (I-80) | 1 sign | City use of available sign time for promotion of City events and programs | Guaranteed minimum of \$4.4M in general fund revenue over 25-year term of agreement |

Relocation Agreements Under the California Outdoor Advertising Act (Bus. & Prof. Code § 5412)

| Jurisdiction | Permitting Summary | Public Benefits (Sign Reduction) | Public Benefits (Services) | Public Benefits (Funding) |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | | | |
| Sacramento (City) | <p>4 digital and 2 traditional</p> <p>- 2010, 2012, Clear Channel Outdoor</p> <p>- Public property (2010); Private property (2012); no eminent domain proceedings</p> <p>- Includes freeway-facing signs (I-80; I-5; Hwy 99)</p> | <p>- 15 signs (19 displays)</p> <p>- Net reduction of 4,000 s.f. of sign area</p> | N/A | <p>- Initial \$330,000 payment</p> <p>- Annual payments of at least \$720,000 per year for 25 years</p> |
| San Carlos | <p>1 double-sided digital</p> <p>- 2014, Clear Channel Outdoor</p> <p>- Public property; no eminent domain proceedings</p> | 1 display | Advertising space, one 2-week spot four times per year | <p>- lease rent</p> <p>- \$100,000 up front payment</p> <p>- Greater of \$200,000 per year or \$30 of gross revenue</p> |
| San Francisco | This agreement approved a process for the City's consideration of proposals to relocate larger signs to convert into smaller panel signs. No specific signs or sites were identified. | The process agreed upon was designed to achieve a 75% reduction in existing square footage owned by the sign company. | N/A | - One-time upfront \$1.75M payment |
| South San Francisco | <p>1 double-sided digital</p> <p>- 2015, Clear Channel Outdoor</p> <p>- Private property; no eminent domain proceedings</p> | 2 signs | Advertising space, four 2-week blocks (1 spot/year) | <p>- \$40,000 per display per year (with increases every 5 years)</p> <p>- Up to \$280,000 reimbursement for City Gateway Signs</p> <p>- Reimbursement of processing fees</p> |
| South El Monte | <p>1 double-sided digital</p> <p>-2013, Clear Channel Outdoor (through CUP and development agreement/relocation agreement)</p> <p>-Private property; no eminent domain proceedings</p> | 2 signs (2 displays) | Advertising space, 1 spot 4 weeks per year | <p>- \$15,000 up-front payment</p> <p>- \$5,000 per year</p> |
| Santa Clara | <p>1 new double-sided digital</p> <p>- 2011, Clear Channel Outdoor</p> <p>- Private property; no eminent domain proceedings</p> <p>- Includes freeway-facing signs (Hwy 101)</p> | 4 signs (6 displays) | - At least 10% time to City and nonprofits (with at least half the messages shown between 6 a.m. and 9 p.m.) | - \$140,000 fee payment |

| Jurisdiction | Permitting Summary | Public Benefits (Sign Reduction) | Public Benefits (Services) | Public Benefits (Funding) |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------|---------------------------|
| Victorville | <ul style="list-style-type: none"> 2 single-sided traditional - 2013, Lamar Central Outdoor - Private property - Includes freeway-facing signs (I-15) | <ul style="list-style-type: none"> - 2 signs - Conversion to digital shall require 2:1 takedown ratio | N/A | N/A |

ATTACHMENT 2



October 19, 2015

VIA ELECTRONIC DELIVERY

Los Angeles City Planning Commission
c/o Commission Executive Assistant
200 North Spring Street, Room 272
Los Angeles, CA 90012
E-mail: cpc@lacity.org

Re: Signage/Outdoor Advertising Issues, October 22, 2015;
Hearing Agenda Item 7, CPC-2015-3059-CA

Dear President Ambroz and Honorable Commissioners:

As you consider public policy issues related to outdoor advertising, we write on behalf of Los Angeles Advertising Coalition to follow up on the issue of helpful precedent from other jurisdictions, as noted in the Department of City Planning's October 14, 2015 Supplemental Recommendation Report.

First, as to offsite digital signs, many individuals and local leaders, from nonprofits to labor groups, joined representatives of the entertainment industry and business community to testify before you in September as to the opportunities from digital signage to support and encourage job creation as well as provide public safety benefits and enhanced revenue for the City. (See, for example, Ron Miller and Frank Lima, *L.A. needs a comprehensive digital sign ordinance: Guest commentary*, L.A. DAILY NEWS (Oct. 9, 2015); Gary Toebben, *It's Time to Pass a Citywide Sign Ordinance*, L.A. AREA CHAMBER OF COMMERCE BUSINESS PERSPECTIVE (Oct. 13, 2015) [attached].) Such revenues, together with billboard removal, provide opportunities to improve the visual landscape and promote the removal of some of the over 9,000 off-site sign faces identified in LA's existing inventory. Instead of forbidding such opportunities to the vast majority of Los Angeles as a result of the small number of sign districts recommended by staff, regulatory tools can be used – as in many other cities – to allow some digital signs in appropriate locations outside sign districts while ensuring protection for the visual environment and for single-family residential neighborhoods.

At your hearing, Commissioners discussed the potential to establish objective criteria, such as through a conditional use permit process or other legal mechanisms, to allow digital off-site signs outside of sign districts. Clearly, a regulatory program can be crafted that provides for a public process considering site-specific and project-specific features. The City does that now with sign districts, which establish strict regulations for digital signage, as well as for on-site digital signage; and in both cases, issues of lighting, residential protections, and location are carefully regulated both through project permits (for sign districts) and strict Building and Safety covenant requirements (for on-site digital signage). Moreover, the City has been very successful in defending its sign ordinance including exceptions (See the Court of Appeal's decisions in *Metro Lights, LLC v. City of Los Angeles* (9th Cir. 2009), *World Wide Rush, LLC v. City of Los Angeles* (9th Cir. 2010), and *Vanguard Outdoor, LLC v. City of Los Angeles* (9th Cir. 2011).)

As noted by staff in its October 14 supplemental recommendation report, other municipalities and counties across California have used conditional use permit processes or similar processes and other exceptions to local zoning regulations to allow for new off-site digital signs. Over 20 cities and counties throughout the state have zoning regulations prohibiting new off-site signage, but allowing for exceptions for signs installed pursuant to specific provisions.

For example, the City of Downey generally prohibits new off-site signage, but under its municipal code has approved new signage with a variance, conditional use permit, and development agreement.

Approaches for authorizing new signs may also include relocation agreements, which are expressly provided for under California Business & Professions Code section 5412. Indeed, in its September 13, 2013 report to the City Council, the City Attorney explained that "such relocation agreements are authorized by the state Outdoor Advertising Act and, as state law, preempt the City's Code." In light of that, we hope the City will retain the long-existing provisions regarding relocation agreements, currently codified at Section 14.4.4.B.11 of the Municipal Code. Relocation agreements can be used to reduce the number of off-site signs in the City, improve the visual environment, and gain substantial public benefits, as has been done in many other California cities. California law encourages cities to enter into sign relocation agreements with private parties and to do so liberally under whatever terms the parties deem appropriate.

Meaningful sign reduction is a public policy goal that requires agreements with private sign owners for its implementation. Other cities across the country balance sign reduction with other benefits, establishing a variety of takedown ratios. as noted by staff in its October 14 supplemental recommendation report: for example, Dallas, Texas (3:1); Miami, Florida (from 2:1 to 4:1, depending in the circumstances); San Antonio, Texas (2:1 to 7:1, depending on the circumstances); and Minneapolis (2:1 for nondigital signs or 4:1 for new digital signs). Modernization and improvement of signage, in comparison to existing conditions, is also a legitimate policy goal.

Many California cities, like Los Angeles, prohibit new "off-site" or "off-premises" outdoor advertising displays, but allow for the discretionary relocation and/or modernization of off-site signs as exceptions. Just this past year, for example, the City of Long Beach approved a new ordinance that allows for off-site digital signage under a conditional use permit process,

which can be combined with a development agreement, to encourage removal of existing billboards that are not in compliance with the city's sign standards, under specified ratios. This conditional use permit process includes objective standards with specific, required findings ensuring that there is no net increase in off-site sign area in the city, a commitment by the applicant to produce a letter of intent or plan to reduce off-site signage, traffic safety, spacing, visual and aesthetic compatibility, and consistency with the goals of the ordinance, among others.

Similarly, San Jose and Rancho Cordova have citywide regulations in place prohibiting new off-site signs, including digital displays. Each jurisdiction, however, allows for sign adjustment permits with contractual agreements in order to facilitate the overall reduction of off-site signs and enhance the aesthetic environment. Like Long Beach, Rancho Cordova allows off-site signs using a conditional use permit process that requires adherence to specific eligibility, development, and location standards and requirements, notwithstanding a general ban on off-site signs. In San Jose, "[r]elocation approval is part of the demonstrated commitment of the city council to the aesthetic enhancement of the city," and is governed by specific height, width, area, location, illumination, and setback requirements. San Jose also allows for the use of other types of contractual agreements in exchange for off-site sign removal in other situations, provided specific findings can be made.

Other cities have adopted local implementing ordinances for state relocation agreements that specify required findings for relocation agreements to ensure that new off-site signs are appropriately located and regulated.

For example, the Sacramento Municipal Code generally prohibits new off-site signs, such as billboards, except those subject to a relocation agreement under Section 5412. In 2009, Sacramento implemented a "Digital Billboards Project" to allow new digital billboards to be constructed pursuant to agreements that would provide for the removal of traditional billboards elsewhere in the City. As a result of the project, Sacramento negotiated for the removal of traditional billboards and allowed the construction of new digital billboards. This agreement, which required the City to make specific findings related to traffic and safety, land use compatibility, and aesthetics, among others, also reduced the number of signs in the city and secured revenues for the city; it was later amended in connection with the City's efforts to support a new basketball arena.

Another example is the City of Riverside, where the Zoning Administrator may approve relocation agreements for off-site signs, notwithstanding the City's general prohibition against the construction of new off-site signs, provided that certain findings are made. Among other required findings, a relocation agreement must be found to (1) facilitate "an improvement in the aesthetic appearance of the original billboard structure," (2) not result in any increase in sign area, and (3) not result in any costs to the City.

Roseville relatively recently amended its sign code to allow for relocated off-site signs pursuant to relocation agreements, provided certain findings are made. As in Sacramento and Riverside, Roseville generally prohibits off-site signs; however, relocation agreements are allowed, provided that findings related to land-use compatibility, traffic circulation, and safety can be made. The City of Martinez also recently amended its sign code in a similar way – despite

having a general prohibition of off-site signs, relocated signs are allowed provided that findings related to spacing, zoning, and environmental impacts are made. All of these cities, like those referenced above using a conditional use permit process, regulate off-site signage by requiring objective findings to justify the use of exceptions.

In addition to the Cities of Sacramento, Riverside, Roseville, and Martinez, noted above, California jurisdictions that generally prohibit off-site signs but allow for the relocation or modernization of off-site signs pursuant to relocation agreements include, for example, the Cities of Baldwin Park, Beaumont, Benicia, Colfax, Corona, Emeryville, Fontana, Hayward, Oceanside, Ontario, Palm Springs, Placentia, Rancho Cucamonga, Rocklin, San Francisco, Santa Clara, Victorville, Vista, and the County of Sacramento. s

Like relocation agreements, sign development agreements, like those permitted in Long Beach, are freely negotiated, arms-length contracts negotiated between public agencies and private parties and provide flexibility to the City to regulate off-site signage while securing substantial benefits for the public and the community. These agreements have provided for monetary payments (e.g., Oakland), additional sign takedowns (e.g., Santa Clara, Sacramento), and the provision of other public benefits such as the free use of advertising space for amber alerts and other public-service messages (e.g., Rocklin), and, as noted, are approved with specific required findings akin to conditional use approvals. Los Angeles has authorized signage in connection with development agreements for development projects that incorporate signage, for example.

Although staff noted in its supplemental report that “[c]ommunity benefits are generally not required in other cities,” the overwhelming practice in California is that some form of community benefits are nearly always provided in connection with sign relocation agreements, development agreements, or conditional use approvals. Indeed, as noted by staff in its October 14 Supplemental Recommendation Report, digital signs in West Hollywood are required to pay a fee that provides revenues to both the local business improvement district and the City’s general fund; in Irwindale, public benefits are required; and as noted, cities across California have obtained substantial community benefits notwithstanding the lack of a municipal code requirement for the provision of community benefits in connection with a sign approval. As discretionary approvals, sign relocation agreements, development agreements, or conditional use permits provide the City with the flexibility to obtain the community benefits appropriate for the particular sign’s impact on the area and the needs of the affected community.

The City has many regulatory options to further its interests in traffic safety and aesthetics. Any process it creates can also encourage a fair, orderly, and deliberative process for all stakeholders through carefully drafted application procedures that are designed to impose reasonable limits on permit submittal to limit the number of applications that may be filed by any one applicant at any one time, and to provide full funding for City staff processing costs.

We welcome continued discussion on these issues and look forward to working with this Commission and Staff in modernizing the City’s sign regulations for the future benefit of all the City’s residents.

Sincerely,



Stacy Miller

Los Angeles Outdoor Advertising Coalition

cc: Councilmember Huizar, Chair, Planning & Land Use Management Committee
Councilmember Harris-Dawson, Planning & Land Use Management Committee
Councilmember Englander, Planning & Land Use Management Committee
Councilmember Cedillo, Planning & Land Use Management Committee
Councilmember Fuentes, Planning & Land Use Management Committee
Michael J. LoGrande, Director of Planning
Lisa M. Webber, AICP, Deputy Director of Planning
Jan Zatorski, Deputy Director of Planning

ATTACHMENT

L.A. needs a comprehensive digital sign ordinance: Guest commentary

By Ron Miller and Frank Lima

DailyNews.com



A Clear Channel digital billboard at Topanga Canyon Boulevard and Victory Boulevard in Woodland Hills is seen in this Feb. 28, 2013, file photo. (Michael Owen Baker/Staff Photographer) –

We each represent thousands of workers who work and live in the city of Los Angeles and are committed to good jobs and safe communities. We advocate for sensible policies on many issues, and we support a comprehensive digital sign ordinance that includes digital signs on private and public property outside of sign districts. It means much more to the health and safety of Angelenos than

opponents have portrayed.

The Los Angeles City Council will finally have the opportunity to move forward with a comprehensive digital sign ordinance this year — and it's about time they do something. More than 450 cities and virtually every major metropolitan area in the United States have already passed such legislation and yet the city of Los Angeles lags behind the rest of the nation. These cities enjoy the benefits that digital signs provide their communities, including significant public revenue, an important public safety tool, job creation and a public service resource.

In Los Angeles, digital signs will provide millions of dollars in revenue for vital city services and neighborhood improvements. But this revenue only can be achieved by allowing for digital signs on both private and public property throughout the city.

In addition to revenue, digital signs will bring many other benefits to the community. The technology will allow firefighters and police to utilize a state-of-the-art and immediate means to communicate public warnings and directions to residents in the case of a natural disaster like an earthquake or mudslide, an ongoing criminal threat, or severe brush fire danger on windy Red Flag Warning days. Moving forward with a digital sign ordinance will create jobs for local tradespeople who will both build and maintain these signs as well as take down existing traditional signs. And finally, digital signs allow local community partners to take advantage of public service announcements in a whole new way—allowing for much more dynamic communications to constituents from local organizations like the American Red Cross, Boys and Girls Clubs and animal shelters to promote pet adoption.

New digital signs outside of sign districts on private property will replace existing static signs and will not be located in residential neighborhoods. In fact, various proposals call for the removal of up to four times the square footage of existing static signs in exchange for one square foot of newly created digital signage that will be limited to commercial or industrial areas.

So why aren't we doing it already? It's time for the city of Los Angeles to join hundreds and hundreds of cities throughout the country and embrace this technology. We support the creation of new jobs, additional revenue for city services, the ability to instantly communicate important public safety announcements, and the potential removal of thousands of current signs in residential neighborhoods in exchange for new digital signs in commercial corridors only.

Now is the time for Los Angeles to move forward with a digital sign policy that makes sense for everyone.

Ron Miller is executive secretary of Los Angeles/Orange Counties Building and Construction Trades. Los Angeles Fire Department Capt. Frank Lima is president of United Firefighters of Los Angeles City.

Advertisement

It's Time to Pass a Citywide Sign Ordinance

Gary Toebben



October 13, 2015

Advertising is essential for growing a business and our economy. More than 6,000 small and large businesses in Los Angeles use outdoor advertising as part of their strategy to market their goods and services. Outdoor advertising also creates thousands of jobs in our region for people who design and create the advertisements and for those who construct and service billboards and signage.

Despite how important and essential outdoor advertising is for many businesses, the City of L.A. lacks a much-needed policy to regulate outdoor advertising – especially digital billboards. We need clear guidance on where and how digital signs can be used throughout the city, including on-site messaging. That's why the Chamber, as the largest business organization in the region, has strongly and consistently stood in support of an ordinance that allows for and regulates digital signage on both private and public property throughout L.A. outside of sign districts.

As a city and business community that embraces new technologies and welcomes innovation, we support the use of digital billboards and the creation of regulations that adequately address their use. By allowing digital signs to be located on private and public property, the city has the opportunity to generate a new source of revenue to fund critical public services. More than a thousand municipalities across the country have paved the way by passing digital sign ordinances, and their businesses as well as their cities and neighborhoods are benefiting. It's time for L.A. to do the same.

Now is the time to create a straight-forward and streamlined ordinance that puts confusion to rest and gives both businesses and neighborhoods a better way over where and how we advertise in our city. This can be a win-win solution for all of us.

And that's *The Business Perspective*.

Total Votes: 0 Avg Vote: 0 ★★★★★

Comments

Private comment posted @ 7:02:17 pm

Leave a Comment

Comments submitted to The Business Perspective Blog are subject to review by the Los Angeles Area Chamber of Commerce prior to posting. The Chamber reserves the right to monitor and withhold comments that include personal, offensive, potentially libelous or copyright protected language, materials or links. Only comments relevant to the topic will be posted. Comments posted must have a valid email address. [View our full terms & conditions.](#)

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ATTACHMENT 3

91.6205.18.6. Legally Existing Nonconforming Off-site Signs. All off-site signs existing in the City as of [December 1, 2002] shall be presumed to be legally existing off-site signs if one of the following requirements is met:

1. A permit exists for the sign at its current location or for any subsequent modification, and the sign is in compliance with such permit; or
2. Under the law in effect at the time the sign was constructed or modified, such sign or modification would have been permitted at the time of its construction or modification.

If neither the Department nor the owner of such an off-site sign structure can locate a building permit for the construction or subsequent modification of the off-site sign, the sign owner shall have the opportunity to submit evidence concerning the date when the sign was constructed or modified so that the City may determine whether the modification would have been legally permitted under the law in effect at the time. Such additional evidence may include, by way of example, but not limitation, , historical permits and permit records, a deed, a lease, a certificate of occupancy, an electrical permit, construction records, advertising records, tax records, and/or other similar records.

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

91.6205.18.7. Certificate of Compliance.

A. Procedure. If a building permit cannot be located for the construction or subsequent modification of the off-site sign, the owner may elect to apply for a Certificate of Compliance from the Department. The Department shall issue a Certificate of Compliance for the sign structure unless it determines that under the law in effect at the time the sign was constructed or modified, such construction or modification could not have been permitted. Evidence that may be submitted includes, but is not limited to, historical permits and permit records, a deed, a lease, a certificate of occupancy, an electrical permit, construction records, advertising records, tax records, and/or other similar records.

B. Application Fee. The owner of an off-site sign structure shall pay a regulatory fee in an amount determined by the Department upon the submission of an application for a Certificate of Compliance pursuant to 91.6205.18.6. The applicant shall also provide the address of the sign structure, the date the structure was erected, a description of all subsequent modifications and the dates such modification were made, if known, and all supporting evidence in the applicant's possession.

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

ATTACHMENT 4

14.4.25.A.5.

Penalties shall stop accruing on the date that an appeal is filed, and will resume accruing under the circumstances set forth in Subsection E of this Section 14.4.25, or upon the resolution of any judicial challenge to the City's final determination of any appeal under this Section 14.4.25, whichever is later.