



March 5, 2009

City Planning Commission
Los Angeles

RE: Proposed Sign Ordinance Revisions

Honorable Members of the Planning Commission:

The California Sign Association, serving the on-premise sign industry and its customers since 1959, has significant concern over the feasibility, practicality and economic impact posed by the proposed sign ordinance revision. We have reviewed the proposal with numerous experts and concluded it has serious technical and legal defects. While we understand the City's desire to push forward with the revision, we urge you to take the time, in the words of Commissioner Kezios, to "do this right."

First, with regard to on-premise signage, the proposed draft far exceeds the scope of city council direction. The council continues to be primarily concerned with off-premise signs, digital billboards, supergraphics and enforcement issues. Yet, the proposal before you is effectively a wholesale rewrite of the entire sign code, including the provisions for on-site business identification signage. We urge you to separate these issues and to disconnect on-premise signs from the core matters before you. It will make the task simpler and afford the on-premise industry time to work with staff to understand the on-premise concerns and to jointly develop a workable solution.

We take exception to the fact that the very stakeholders, i.e., the on-premise sign industry and its customers (tax-paying Los Angeles businesses, retailers and merchants), who will be significantly and adversely affected by the on-premise provisions, were not consulted nor asked to participate in the development of the ordinance. CSA has worked with cities throughout the State for 50 years. We have a positive track record of cooperatively developing mutually agreeable sign ordinances.

While we see no direction or reason to change the on-premise provisions at this time, with regard to the proposal before you, several key areas relative to the on-premise signage provisions need resolution:

1. Maintain the existing distinction between on-site and off-site signs. Failure to retain the difference will result in the unintended proliferation of off-premise message displays, in particular along freeways where existing on-premise signs visible to the highway could be converted to billboards. It will also result in severely reduced allowances for new on-premise signs, posing a significant competitive disadvantage for new business. Staff has analyzed the Los Angeles sign ordinance relative to neighboring "business friendly" jurisdictions. This proposal will not make LA more "friendly." New businesses will simply locate just outside city limits, further drawing potential revenue from city coffers.
2. Allow on-premise digital message boards. Digital signs, or "electronic message centers," have been recognized for decades throughout California and are approved for use by the FHWA. Caltrans operates more digital boards along the highway than any private enterprise. Numerous businesses and organizations from a variety of areas, such as Walgreens, CVS pharmacy, theatres, grocery stores, gas stations, hotels, schools, community centers and many cities, including the City of Los Angeles, all use digital signage. The city's proposal effectively eliminates all these common, established uses. We don't believe that was the council's intent. The city may develop reasonable time, place and manner standards, but a complete prohibition of this unique medium of communication is unjustified and unconstitutionally overbroad. Mere legislative preference is insufficient. *Sussli v. San Mateo* (1981) 120 Cal.App.3d 1, 7. ("The burden of establishing whether the regulation in question is sufficiently narrowly drawn in serving a compelling state interest is placed upon the government seeking to impose the regulation.")
3. Maintain the 4:1 overall combined ratio of allowable signage per frontage. The proposal arbitrarily seeks to reduce allowable on-site square footage to 1:1. We see no rational time, place or manner basis for this restriction. To the contrary, there are numerous scientific studies on conspicuity and legibility, which set forth standards for the height and size of signage, depending on speed of traffic and setback. We don't believe this data has been properly considered yet by the planning department in making its recommendation. As a further unresolved matter, how will the city address nonconforming signs? On a multi-tenant site, will existing signs be required to conform? The city cannot hold a new business sign hostage until others are brought into conformity. Business & Professions Code Sec 5498.1 If the city were to require conformance of existing signs, it will first need to comply with the inventory and abatement provisions of Business & Professions Code Sec 5491.1.

4. Wall signs to be overall 3:1 ratio, 2:1 for building, and 1:1 for lot frontage, with no square footage limitation on wall signage and no limit of amount of wall signs, as long as the maximum allowable signage area is not exceeded.
5. Allow pylon signs to remain at 400 square feet in area "per face."
6. Height should be retained at 42' for overall maximum height from street level for sites that have at least 100' of frontage, unless a lower height limit has been approved for the area.
7. Street frontage for pylon signs to remain at a minimum of 50 feet or more to qualify for pole signs.
8. Lot sizes are far too small for monument signs and pole signs: 14.4.4 M. The chart should show monument signs starting on lots of 0-50 feet. rather than 100-200 feet. It should also allow a pole sign starting on 100-200 feet rather than 400-600. The sign area for monuments are so small that they would get lost on lots as proposed. It essentially eliminates monuments as we know them.
9. Monument sign area: 14.4.7 A. Area. the maximum sign area of any one monument sign shall not exceed a total of 60 square feet for all sign faces. This means each face may not be larger than 30 sq ft. This is extremely small. The existing ordinance allows 75 sq ft per face (150 sq ft total). That's a 60% reduction. This may be the most restrictive and adverse change of all. It makes monuments look more like squat wayfinding signs. If monument signs continue to be required to be wider than high, then it will not be possible to get a sign higher than 5'5", rather than the proposed 8' high. This would make it difficult to see signs over cars. In addition, signs are measured from the sidewalk; so if there is a small berm, height would be further reduced.. If the wider-than-high requirement is eliminated, then most signs would be monolithic in shape. An 8' high sign would be no more than 3'9" wide. Although monolithic signs can be attractive in a planned architectural setting, they're not effective for standard commercial properties. Furthermore, the portrait shape of the sign does not allow text to be large enough to be easily seen and reacted to by motorists.
10. Excessively reduced wall sign area: 14.4.4 K Maximum Sign Area. The maximum sign area allowed on a lot shall be one square foot of sign area for every linear foot of street frontage and 1.5 square feet of sign area for every linear foot of building frontage. The proposed reduction is deceptive. This is a 37.5% reduction for the aggregate, but it works out to be a minimum of 50% reduction for wall signs. The existing calculation allows 2 for the street and 1 for the building, but the new calculation switches the proportions. Since the street frontage is typically larger than the building, the final calculation will end up being smaller. In practical application, wall sign calculations will be 50% to 75% smaller than what's currently allowed. This is difficult to explain without visuals, but is easily shown in when we calculate a maximum allowable wall sign size.

11. Wall sign area for multi-tenant sites: "Premises sign area"... allowance of 1.5 square feet of sign area per foot of building frontage. This sign area is just barely acceptable for sites with one, two or three tenants, but sites with more tenants will see a dramatic reduction in allowable area as their allowed sign area reduces proportionally to the number of tenants. Especially if they have pole signs or monument signs on site. It appears that street frontage cannot be included in tenant wall sign area calculations. If it is allowed, the sign area could be workable for most sites.
12. Confusing sections: Planning staff stated that the existing sign ordinance formulas are confusing for customers, as well as building/safety staff. Many of the proposed calculations are equally or more confusing than the one or two confusing items in the current ordinance. Examples:
- a) There is no reference to wall signs yet. The Recommendation Report refers to "premise signs" but it is not clear that this means wall signs for individual tenants. This is demonstrated by the fact that 14.4.4 K does not reference wall signs but does refer to the 1.5 building frontage allowance.
 - b) 14.4.4 L (1),(2) and (3). Lots with Multiple Street Frontages. There is nothing intuitive or clear about the formulas.
 - c) 14.4.11 B. Height. The maximum height of any one pole sign shall not exceed the maximum sign area permitted for a single sign face divided by four. This is obviously a 25' high maximum. In what situation would the maximum height be reduced? If a site uses up all of its sign area and leaves the pole sign with a 60 square foot sign, rather than the full 100, would it mean that the pole sign height could only be 15' high?
 - d) 14.4.7. The language that requires that *Monument signs shall have a horizontal dimension equal to or greater than their vertical dimension* is no longer in the section has been removed. But the language is still in the definition language. Does this requirement still exist?
13. ADA signs. The section on Information Signs is unclear. ADA signage requires 80" clearance for disabled parking post and panel signs. The proposed height is too short at 6'6" (78").
14. Enforcement. We recognize that the city has serious enforcement problems. We believe they can be resolved by a concerted effort, but severe increased penalties will certainly be challenged as unconstitutional. Instead we urge the city to establish a code enforcement program modeled on successful protocols in nearby cities.

Sincerely,



JEFFREY L. ARAN, Esq.
Legal Counsel

Director of Government Affairs
916.395.6000

*"[I]n the area of First Amendment freedoms . . .
the touchstone of regulation must be precision –
narrowly drawn standards closely related
to permissible state interests."*

-People v. Fogelson (1978) 21 Cal.3d 158