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

March 24, 2013

Re: **Billboard and Visual Landscape Visioning Group**

Dear Councilmembers Reyes, Huizar, and Englander:

The Federation of Hillside and Canyon Associations, Inc., representing 40 resident and homeowner associations spanning the Santa Monica Mountains and their 200,000 constituents, would like to thank the Planning Department and KH Consulting for inviting us to participate in the Billboard and Visual Landscape Visioning Group.

The mission of the Hillside Federation is to protect the property and the quality of life for residents of the hillside areas. The Federation supports policies and programs that best preserve the natural topography and wildlife of the mountains and hillsides for the benefit of all the people of Los Angeles. In accordance with that mission, the Federation has consistently opposed the placement of commercial signage within the Santa Monica Mountains, other hillside areas, and public parks. Commercial advertising in hillsides and parks degrades greenscape and open space to the detriment of all seeking to enjoy the aesthetic and recreational opportunities of our hillsides and parks. Digital billboards pose the additional problem of degrading the visual landscape even when placed miles away from otherwise protected hillside areas. These public resources must be protected against the blighting impact of digital billboards.

The complex of important aesthetic, economic and legal questions raised by the permitting of digital signs are not capable of quick resolution. Indeed, the Visioning Group achieved consensus on only two issues. First, the process that led to the need for this Visioning Group was fundamentally unfair. Second, in order to achieve a sound and fair resolution, the City cannot rush the decision-making process. At this early stage, there is not just disagreement between industry and community, but disagreement within those categories of stakeholders. There is no single industry viewpoint nor is there a unified community position.

The lack of consensus evidences the complexity of issues and the critical need for a dedicated Billboard & Sign Unit within the Department of Planning. The Unit would analyze current billboard locations and establish "baseline" conditions for assessing the impacts of future billboards, recommend policy and legislation to protect the visual landscape against blight, including special

Beachwood Canyon Neighborhood  
Bel Air Knolls Property Owners  
Bel Air Skycrest Property Owners  
Bel Air Ridge Association  
Benedict Canyon Association  
Brentwood Hills Homeowners  
Brentwood Residents Coalition  
Cahuenga Pass Property Owners  
Canyon Back Alliance  
Crests Neighborhood Assn.  
Franklin Ave./Hollywood Bl. West  
Franklin Hills Residents Assn.  
Highlands Owners Assn.  
Hollywood Dell Civic Assn.  
Hollywood Heights Assn.  
Hollywoodland Homeowners  
Holmby Hills Homeowners Assn.  
Kagel Canyon Civic Assn.  
Lake Hollywood HOA  
Laurel Canyon Assn.  
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.  
Shadow Hills Property Owners  
Sherman Oaks HO Assn.  
Studio City Residents Assn.  
Sunset Hills Homeowners Assn.  
Tarzana Property Owners Assn.  
Torreyson Flynn Assn.  
Upper Mandeville Canyon  
Whitley Heights Civic Assn.

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protections for uniquely vulnerable hillside, park and open space areas, review safety studies for digital billboards and conduct new studies if necessary, recommend the passage of ordinances designed to achieve these objectives, establish an open and transparent process that would include public participation across the wide spectrum of interested stakeholders, and implement and monitor any ordinances regulating billboards and signs. The City should allocate the funds needed to establish this Billboard and Sign Unit.

In order to properly assess the potential impacts of permitting billboards, especially digital billboards, the Billboard & Sign Unit must first establish a “baseline” for measurement. To establish this baseline for considering future signage, the City must first have illegal signs removed or otherwise brought into compliance with the law. The first step in this process is the immediate removal of the digital billboards that were improperly permitted under the illegal settlement agreement entered into between the City, CBS Outdoor and Clear Channel in 2006. The Court of Appeal in the *Summit* case has ruled that the Superior Court must enter an order compelling the City to revoke those illegal permits. The illegally permitted digital billboards should then be removed. Second, the Department of Building and Safety has completed a comprehensive analysis of all static billboards within the City and should now seek to bring all static billboards into compliance with the law. This will establish a baseline against which the Billboard & Sign Unit may properly assess the impacts of permitting any future signs.

The City passed a new ordinance banning off-site signs in 2002 “to eliminate the visual blight that is often associated with the proliferation and saturation of billboards... we can no longer tolerate their proliferation on an ad hoc basis throughout the City.” (CF # 02-0138.) This ban has been consistently upheld by the federal courts. These courts have ruled that the ban passes constitutional muster under the *Central Hudson* test based on the City’s legitimate concern for traffic safety and aesthetics. The City Attorney has advised that, in order to protect this ban and the City’s efforts to regulate signage against future legal challenges, off-site signs should be banned except in carefully selected and regulated “Sign Districts.” The permitting of off-site signs outside Sign Districts would jeopardize the City’s ability to regulate signage by undermining the safety and aesthetic justifications for such regulation. Thus, according to the City Attorney, there is an undefined point at which the permitting of off-site signs outside Sign Districts would undermine the ban and the City’s ability to regulate signage.

The Federation is very concerned that the City not jeopardize the ban against off-site signs outside Sign Districts and that it maintain the ability to regulate signage. That is why the Federation strongly supports the new Sign Ordinance that will soon be presented to City Council for passage. This proposed ordinance has been designed to comply with the *Central Hudson* test by regulating off-site signs within Sign Districts, banning such signs outside Sign Districts, and requiring an open and transparent legislative process for the establishment of Sign Districts, thereby assuring public participation in the process.

The Federation is also concerned that the Sign Ordinance, even if passed, would be threatened if the City were to pass legislation legalizing the digital billboard permits invalidated by the Court in *Summit* because the placement of those illegal digital billboards does not conform to the safety and aesthetic justifications for the City’s sign regulations.

President Dwight David Eisenhower observed that “*A people that values its privileges above its principles soon loses both.*” The City’s 2002 ban on billboards established the bedrock principle that the proliferation of off-site signs on an ad hoc basis cannot be tolerated. The City needs to reaffirm that principle now that the City’s ability to regulate off-site signs is threatened by proposals to pass legislation that would undermine the City’s future ability to regulate signage. The Federation recommends that the City take the following steps to protect its police power to regulate off-site signs for the benefit of all:

1. The City should implement the *Summit* decision by revoking the illegal digital billboard permits and by compelling the removal of those illegal billboards. The City must not attempt to retroactively legalize those billboards.

2. The City should evaluate the status of all static billboards and bring them into compliance with the code. The first two recommendations are essential for establishing a proper baseline for any future permitting of off-site signs.

3. The City should adopt the currently proposed Sign Ordinance, which establishes a fair balance between sign and sign-free areas and does so in a manner that complies with the *Central Hudson* test by permitting off-site signs only within properly defined Sign Districts. And any “grandfathered” Sign Districts must be required to comply with the Sign Ordinance.

4. The City should adopt a fully funded Billboard and Sign Unit within the Department of City Planning to recommend, on an ongoing basis, policies and ordinances necessary to achieve the City’s goals. The Unit should operate in an open and transparent manner, providing meaningful opportunities for public participation. In that regard, the Billboard and Visual Landscape Visioning Group should be retained to provide essential public input on the complex issues raised by off-site sign regulations.

With these recommendations in place, the Federation is confident that the City of Los Angeles can achieve its desired aesthetic vision.

Sincerely,

*Marian Dodge*

Marian Dodge

cc: Councilmembers  
Coalition to Ban Billboard Blight