



City of Long Beach
Working Together to Serve

NB-23

Office of Dee Andrews
Council Member, Sixth District
Memorandum

Date: December 13, 2011

To: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

From: Dee Andrews, Councilmember Sixth District *DA*
Rae Gabelich, Eighth District *RG*
Steven Neal, Ninth District *SN*

Subject: **AGENDA ITEM:** Protecting Neighborhoods & Maximizing Community Benefit For Digital Billboards

DISCUSSION

Billboards have the potential to create significant environmental impacts on our residential neighborhoods and communities. Although the new digitals would for the most part be located on major arterial streets, in many areas these billboards would nonetheless still light up private residences.

We can learn from the City of Los Angeles mistakes. An article in the *L.A. Weekly* about the disturbance that ensued in the City of Los Angeles when digital conversions were allowed to take place is instructive. It quotes one Venice resident, Mindy Taylor-Ross, who had to live with the impacts of a digital billboard: "It flashes through my window all night long . . . My bedroom and bathroom change color and intensity with the billboard. I can see it every night in bed."

The then-President of the Los Angeles City Council, Eric Garcetti told the *New York Times*, "It was probably a mistake." A week later, he went further, telling the *L.A. Weekly*, "It was a really bad decision," in which he was "blinded" by a promise that some illegal billboards in his own area, Echo Park, would be removed. In short order, residents of Los Angeles demanded environmental review of these digital billboards and the Los Angeles City Council took a step back and banned digital billboards altogether.

Given what we know about the Los Angeles experience, the fact that Los Angeles is now embroiled in costly litigation with Clear Channel and CBS to have some of the worst-offending digital billboards come down, our decision to approve digital billboards should give us great pause. At minimum, we need to fully understand the environmental consequences of this ordinance.

In the City of Long Beach when fixing streets and sidewalks, we direct our resources to improve the worst areas first. By doing so, over time we improve the quality of life of the residents in Long Beach. Here we have an opportunity to identify the worst blighted billboards and we can create a policy to remove them first over other static billboards that do not have a negative impact. The City Council should consider opportunities to create a sustainable fund from the digital billboards that pays for and removes the worst blighted billboards first. This can be achieved with the Nexus study for fees and possible revenue sharing opportunities for digital billboards.

Furthermore, we speak of opportunities for removing blight from our city yet not all neighborhoods are the same as where the blighted billboards are located. Some Districts might be left out of participating and removing blighted billboards only because they are located in an area where digital

billboards are less attractive. I can also imagine a very real scenario where static billboards are removed from one district only to have a digital billboard placed in another district that has no static billboards removed. This would be unacceptable and unjust for the areas where new billboards and digital conversions would be allowed. It is unacceptable when billboards in one area are removed just to put up digital billboards several miles away. We need more equity and parity on this process.

Recommended Action:

Request the amending of the Long Beach Municipal code related to Billboards as follows;

- A) Request the City staff to prepare an Environmental Impact Report to study the aesthetics, land use, energy usage, and traffic safety impacts of digital billboards, with a particular emphasis on understanding how light trespass could impact residents' homes and sleep should this ordinance take effect.

- B) The Department of Development Services report back on every possible monetization tool Available to the City from billboards.

Fiscal Impact:

There is no fiscal impact.

The Nexus Study and the Environmental Impact Report will be paid for by the billboard companies that opt in to participate in the digital billboards program in our City.

Los Angeles Times

LOCAL



L.A. NOW

SOUTHERN CALIFORNIA -- THIS JUST IN

CBS Outdoor to pay L.A. \$4 million in supergraphic sign settlement [Updated]

March 4, 2011 | 1:46 pm

An outdoor advertising company sued by the city of Los Angeles over six contested supergraphics has agreed to pay more than \$4 million to settle the case, officials said Friday.

CBS Outdoor had said it had the proper permits to maintain oversized signs on four buildings in Hollywood and downtown.

Lawyers for City Atty. Carmen Trutanich disagreed, saying the firm had gone beyond what the city agreed to by placing supergraphics instead of painted murals on three of those buildings.

One location in the lawsuit was the [Figueroa Hotel](#), a building where CBS Outdoor had vinyl supergraphics on both the north and south sides for years, said William Carter, Trutanich's chief deputy.

"Our position is none of the vinyl was permitted," he said.

CBS Outdoor spokeswoman Shannon Jacobs said her company had operated "all of the signs in question legally and appropriately."

"We are pleased to put this dispute behind us and continue to serve our clients and the community," she said in a statement.

The legal settlement was part of a larger effort by Trutanich to target unapproved billboards and supergraphics. For years neighborhood groups have said the multistory signs symbolize the city's inability to crack down on even the most obvious violators of planning laws.

Ultimately, the agreement reached with CBS Outdoor will keep advertising off of one of the four buildings in question -- an office building at [1025 N. Highland Ave. in Hollywood](#).

CBS Outdoor can continue to have painted mural advertising on the other three and would be allowed to seek permits to install supergraphics at all of the contested locations. The city, in turn, has reserved the right to oppose such permits.

Advertisers said that at the peak of the real estate boom three years ago they could make as much as \$100,000 a month by placing one supergraphic on a high-rise.

CBS Outdoor has long been a player in the city's billboard policies, supporting candidates and retaining lobbyists at City Hall.

On Thursday, the Los Angeles City Ethics Commission reported that CBS Outdoor spent \$12,000 on billboards in Highland Park and Boyle Heights promoting Councilman Jose Huizar, who is running Tuesday for reelection.

Huizar serves on the council's powerful Planning and Land Use Management Committee, which reviews billboard issues.

[Updated at 4:13 p.m.: CBS Outdoor has spent \$7,500 this week on billboard advertising for Councilman Bernard Parks, who faces a pair of challengers in Tuesday's election.]

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-- David Zahniser at Los Angeles City Hall

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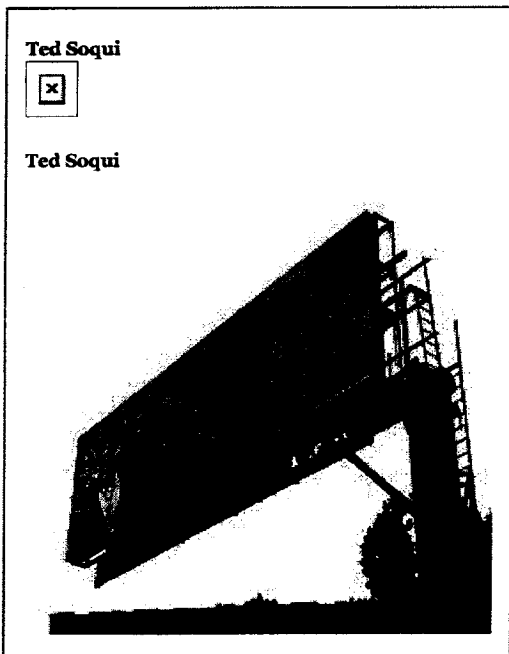
Digital Billboards Become a Bohemian Blasphemy

Silver Lake, Hollywood, the Valley and Westside take on City Hall's anti-green transformation of LA

By Christine Pelisek

published: November 20, 2008

Silver Lake resident Ric Montejano was walking Sparky, his Chihuahua-mix, when he came upon something that cut him to his "very soul." Two blocks from his place, on the corner of Silver Lake Boulevard and Effie Street, near a sleek little Italian café and a pricey wine shop, a massive, blazing digital billboard flashed huge images of Sean Combs in his skivvies, a grinning Ellen DeGeneres and an KNBC promo. "I immediately started yelling," says Montejano, who's lived in the area since 1972. "Six months down the line there will be three. Then six. There will be no stopping it." The former flower child, who loves the upscale, yet still bohemian, community east of Hollywood, decided to protest. Shirtless and sporting a fedora, Montejano picketed with Sparky, hoisting up placards reading: "Honk if You Hate the Billboard," "This Ain't the Strip!" and "Not in my Front Yard."



Overnight, somebody scrawled across the billboard-in-question: "We Hate this Billboard. Take it down." A record number of calls poured in to the local grass-roots civic group the Silver Lake Neighborhood Council, and phones started ringing downtown at the offices of L.A. City Council President Eric Garcetti. The callers were furious about what City Hall had peddled as almost routine billboard "modernizations," which didn't sound like more than a perfunctory buffing.

Quickly, the Silver Lake sign — from Clear Channel Outdoor advertising — became the biggest issue to hit the local neighborhood council in its sometimes-roiling five-year history. "We hate it," says Laura Dwan, co-chair of the Silver Lake Neighborhood Council. "It went up very suddenly, with no notice to the community, whatsoever."

Hating it didn't particularly matter. It turned out that Montejano's original fear was true. Hundreds more of these unavoidably intense new ad displays are coming to local streets, and almost no part of L.A. will be spared. The LED billboard in Silver Lake is among at least 50 such displays, each containing 449,280 bulbs, erected in the first phase of a move to proliferate more than 877 billboards, from Los Feliz to West Hills to San Pedro to Boyle Heights.

Many Angelenos say they appeared out of nowhere — a reasonable reaction since there has not been a minute of public debate over whether Los Angeles residents want to live with them. They were instead hurriedly approved by Garcetti and his council colleagues on September 13, 2006. On that day, the 15-member L.A. City Council eagerly handed the big outdoor ad corporations an almost-ludicrously profitable deal: the use of several hundred existing billboards in L.A. as the canvases on which to mount

all those very tiny, very hot, blinking bulbs.

Each new sign is capable of pulling in \$735,000 in annual gross ad revenue, with a top monthly intake of \$128,000 for a single heavily booked, LED display. Thanks to the Council's action, signed several days later without any challenge by Mayor Antonio Villaraigosa, the huge billboard firms stand to reap a windfall of up to \$1 billion in ad revenue each year from the 800-plus digital displays, according to *L.A. Weekly* calculations.

City Hall's take for granting this crass new form of clutter: about \$100 per billboard. Yet, as a mounting tide of critics notes, the damage to the city is hard to understate.

A study by the U.S. Green Building Council in Texas found that the yearly carbon consumption from a single digital billboard is enough to power 13 homes. Beyond excessive power usage, the light pollution these signs emit is so intense that, for instance, one billboard that was erected this year — near Topanga Canyon and Victory boulevards in the San Fernando Valley — can be plainly seen by hikers on Top o' Topanga's scenic overlook, four miles away.

Drivers on La Brea Avenue report being mesmerized by three billboards flashing high-intensity images into their faces near Pico, Olympic and Melrose boulevards. Kevin Glynn, a member of the Miracle Mile Residents Association and MidCity West Neighborhood Council, says, "It's just a matter of time before somebody is run over by a driver bedazzled by the graphics. They're really hideous and cheap. Where are the billboard taggers when we need them?"

The searingly intense signage is invading private homes. Venice resident Mindy Taylor-Ross has combated the glare on a nightly basis for the last six months, ever since a digital billboard appeared on the corner of Superba Avenue and Lincoln Boulevard, around the corner from her cozy bungalow.

She's amazed that her own councilman, Bill Rosendahl, voted for the 2006 deal that utterly fails to protect people inside their own homes. "It flashes through my window all night long," Taylor-Ross says, invading her privacy, even her thoughts. "My bedroom and bathroom change color and intensity with the billboard. I can see it every night in bed."

Worst of all, City Hall's most powerful people cannot tell her why this is so.

In interviews with *L.A. Weekly*, elected leaders paint a picture of confusion and ignorance that led to their 2006 unanimous vote to grant broad new rights to the digital-ad companies. Some City Council members, seven of whom, along with Villaraigosa, are seeking re-election March 3, say they have no recollection of why they agreed to the dramatic digital makeover of the city's streets.

Hollywood-area Councilman Tom LaBonge says he is trying to retrace his steps: "I am looking at my daily calendar for that day. I don't recall it being a lengthy discussion at all," such as the council often engages in over matters its members do find important "like an accident with a fire truck, or a police matter." Asked to consider jumping into a new form of mass advertising that affects hundreds of thousands of city residents, LaBonge says, "We just took it, and obviously many of us regret it. It seems like this city has never had a successful strategy with billboards."

Council member Dennis Zine is equally clueless about what happened that day. "I can't recall back that far," he says. "When we discussed digital, I don't think anyone had a clear idea of what it was about. It was new to me."

Sounding like a small-town denizen bewildered by newfangled technology, Zine adds, "I don't know if any of us saw how bright they would be. It's a whole new world. I had never seen it before, so I don't know how we would have known what it is. I thought it would be one advertisement on the board."

When *L.A. Weekly* told Zine that, beyond that failure, the Council approved specific wording that allows digital billboards to be called mere “modernizations” — and thus not subject to basic environmental review or zoning restrictions — he openly scoffed, “It is a major change, not a minor alteration. It’s like having a wagon versus a car!”

City Attorney Rocky Delgadillo played a key role in bringing the deal to the Council two years ago. But much of the responsibility also lies with Councilman Garcetti, the fresh-faced enviro who runs the council with a strong hand, pushes hard for unanimous votes, and rewards his favored members with plum committee assignments.

Garcetti, who for five years has toiled around L.A. in an EV1 electric car, long ignored criticism of the sweetheart deal he helped to push through. Despite outcry from Valley, Hollywood and Westside residents, it wasn’t until a few weeks ago, amidst the erupting anger in Silver Lake — in a neighborhood not far from Garcetti’s own, where he has many friends — that Garcetti, a billboard enabler, began to question himself.

“It was probably a mistake,” Garcetti told *The New York Times* on Nov. 5. A week later, he went further, telling *L.A. Weekly*, “It was a really bad decision,” in which he was “blinded” by a promise that some illegal billboards in his own area, Echo Park, would be removed.

In mid-November, under a hail of public criticism, the city Planning Commission backed a six-month moratorium to halt the 800 digital billboards still to come. But even the moratorium is being watered down, freighted with 26 special “exceptions.” Although the City Council is expected to vote on the moratorium soon, LaBonge admits that disgusted residents in many neighborhoods have made it clear that digital billboards “have absolutely been rejected by the people.”

Not that it matters. Because the Council approved the LED deal without understanding what it said or meant, LaBonge concedes, “We did lose our ability to control proliferation. And I was part of the team that lost the ability because of the settlement.”

How is it possible that commercial advertising that can change a bedroom’s color scheme or be viewed for miles has no “environmental impact”? How could a purportedly green mayor and City Council dominated by “green” politicians have allowed such an anti-community onslaught?

The answer is a tale of incompetence on the part of city officials, and arrogance on the part of billboard companies that hammered away at local laws using top legal guns like First Amendment guru Laurence Tribe. And it’s complicated by the old story of money, in the form of campaign contributions from the billboard companies to every single elected official involved. Villaraigosa, Delgadillo and Garcetti thought they could play nice, cutting a deal with the big boys of billboard advertising and come out ahead. A growing chorus of critics now says they were wrong.

For weeks this fall, Garcetti seemed stunned by what he and the City Council had unleashed. Long a backer of supersized outdoor advertising, Garcetti suddenly switched sides. Pilloried by residents of Silver Lake, he wrote a motion asking Delgadillo and the Department of Building and Safety to pursue environmental and legal options regarding the Silver Lake sign, and asked Delgadillo to explore avenues to limit billboard blight in residential neighborhoods. He also contacted Clear Channel, and later informed Silver Lake residents that the company agreed to dim the Silver Lake Boulevard billboard in the evening, and completely turn it off at midnight.

But by the time the powerful City Council president had taken an interest, it was two years too late. Residents want the signs gone, but an estimated 50 recently switched-on LED displays — the behemoth at the intersection of Topanga Canyon and Victory boulevards that can be seen from a Santa Monica Mountains overlook; or a piercing sign that floods a bedroom in Cahuenga Pass — are almost certainly

here to stay.

They are unaffected by the six-month moratorium now under consideration. Legal experts say that the eyesore will loom over charming Silver Lake Boulevard for years. And Garcetti is already lowering expectations, using the term "extremist" to describe any plan to actually ban LED billboards.

Last April, *L.A. Weekly* revealed in its cover story "Billboards Gone Wild," a long parade of ill-fated choices that has turned Los Angeles into the center of the illegal billboard industry in the United States. Today, 11,000 billboards bristle along L.A.'s boulevards, streets and avenues, 4,000 of them illegal, some possibly unsafe.

Few environmentalists or anti-clutter activists trust Villaraigosa, Delgadillo or Garcetti to hold tough, once the proposed moratorium ends in mid-2009. For years, their efforts to address L.A.'s worsening clutter have sputtered and backfired, including Garcetti's televised — and, it turns out, hollow — public vow two years ago to remove 15 illegal billboards on Echo Park Boulevard not far from his own "green" home recently featured in *Dwell* magazine. He has managed to remove just two.

Other cities, like Seattle, Houston and Philadelphia, have cleaned up billboard blight, wiping out the visual pollution and creating attractive boulevards and neighborhoods. Not Los Angeles. Current and past mayors and city councils have continually capitulated to pressure from billboard interests — but even more so since the firms hauled L.A. into court in 2002 over a modest \$314 inspection fee the city hoped to collect. The money was to be spent determining the locations of all 4,000 illegal billboards, then take them down.

The fee was fought hard through the courts by Clear Channel Outdoor, CBS Outdoor, Regency Outdoor and Vista Media, but ultimately a federal Court of Appeals for the 9th Circuit agreed that the big firms had failed to show how a small fee would cause them "constitutional harm."

The 2004 9th Circuit ruling was a major victory for people who were sick of L.A.'s ugly, ad-cluttered neighborhoods, and its singular reputation as the center of the illegal billboard industry. Neighborhood leaders eagerly waited for City Hall to release a document identifying the 7,000 legal and 4,000 lawless billboards, whose locations were known only to the advertising firms.

But then, something strange, and still widely misunderstood, occurred. Delgadillo, a major recipient of billboard-company largesse during his campaign for office, having beat the billboard giants in the 9th Circuit ruling, two years later inexplicably agreed to "settlement" meetings with the companies' high-powered attorneys.

Nobody — not Villaraigosa, Garcetti or any of the other City Hall politicians who have taken money from outdoor advertisers or received free campaign billboard ads from them — publicly questioned Delgadillo's behavior. He brought to the City Council a "settlement" he had hammered out with Clear Channel Outdoor and CBS Outdoor. The odd deal, never debated by the neighborhoods it would affect, was quickly accepted by Garcetti and the council, and signed by Villaraigosa.

Today, there is little disagreement that it was a major capitulation to the billboard giants, unparalleled in the United States. Yet Garcetti is still confused, claiming a few weeks ago on KPPC radio that the settlement allowing digital conversions was a result of the city losing its case in court.)

In fact, the city won. (Garcetti now tells the *Weekly*, "it is embarrassing" that he, the Council, Villaraigosa and Delgadillo all settled, knowing they had won in court.)

The settlement requires Clear Channel Outdoor and CBS Outdoor to each take down 3 percent, or just 49 of their 1,657 and 1,628 signs, respectively, and to provide City Hall with a list revealing all billboard

locations so building and safety inspectors can begin a long delayed inspection effort. The firms also agreed to pay a tiny fee every three years: \$186 per existing traditional (not digital) billboard — a rate curiously knocked down from the hard-fought fee of \$314. For doing all this, the companies got a favor back: the right to “digitally modify” hundreds of traditional billboards.

It was all explained in a two-page report handed out to council members and unanimously approved. But none of the requirements came with any teeth. None of the billboards were removed, and the list of thousands of illegal signs was never forthcoming. No fees were paid. No inspection program began.

Where was the City Council in all of this? Its members are the highest paid City Council in the nation at a salary of \$171,648 a year. Each has a personal staff of about 20 aides, yet they even failed to restrict the neighborhoods or locations where the outdoor displays could go. As a result, the LEDs can be erected anywhere the billboard firms want to place them.

"There is no massive conspiracy of billboard companies owning Council members," Garcetti insists. He says City Attorney Delgadillo's staff barely explained the details to the Council, and dramatically de-emphasized the digital makeover to come. Garcetti concedes, "I don't want to make too many excuses," but adds "you have to rely on your lawyers."

The loose terms negotiated by Delgadillo placed the outdoor advertising companies firmly in charge of L.A.'s street-scape. Dennis Hathaway, president of the Coalition to Ban Billboard Blight (www.banbillboardblight.org), recalls how: "The agenda item referred only to 'conferring with legal counsel,' and no member of the public would have known that a public discussion would be held, or what the subject of that discussion might be."

The Council and Villaraigosa had plenty of chances to understand what they were doing. Two months later, in November 2006, following furious complaints from anti-clutter activists over the deal, Delgadillo returned to the Council, asking it to approve a nearly identical deal allowing a smaller firm, Regency Outdoor, to also spread LED billboards around the city. Again, it could “modernize” 38 billboards if it removed just five illegal ones for which the firm had never been fined.

On November 28, very little debate took place at the brief meeting in the marbled City Council chambers. Garcetti actually declared that it was “refreshing” to have had a discussion of the billboard settlement in public. Reminded of that short Garcetti speech, Hathaway says, “He either didn't notice or didn't care that no members of the public were able to add their voices to a debate on a matter of intense interest in many of the city's neighborhoods.”

As feared by critics, the deal helped only the billboard giants. The city's Department of Building and Safety never launched the program to charge billboard fees and remove illegal ones. But the companies were prompt about enriching themselves. This year, digital signage began popping up all over L.A.—about 100 permits have been issued by City Hall.

The key players, Villaraigosa, Garcetti and Delgadillo, watched it unfold without complaint.

Eighteen months ago, a quiet ambush of sorts unfolded on L.A. streets. Crews showed up in several neighborhoods and, without public notice or debate, began dismantling the front and back of longtime billboards, replacing them with huge, black faces. The darkened faces, containing 449,280 LED bulbs, represented an advertising revolution sweeping through some American cities where mayors and city councils said “yes.”

Firms like Clear Channel Outdoor and CBS Outdoor have spent billions of dollars on loads of LED bulbs from Daktronics of North Dakota, and on lobbying city councils nationwide to, in essence, flip the switch to digital.

But residents of Los Angeles were not invited to the debate. In more than 50 L.A. locations, LED bulbs were soon glowing, pitching everything from Fords to banking. Nobody knows whom to blame, and angry calls and letters to the City Council members “just got ignored,” says Hathaway.

Activists have discovered that in Los Angeles, the brilliant new signs are overseen by a creaky, 30-year-old California Environmental Quality Act Law (CEQA) law written to exempt the city’s traditional billboards from environmental review.

Incredibly to legal experts, the City Council’s deal did not plug up this exemption — a mistake critics say might be expected from a college law school student but not from seasoned lawyers and political strategists at City Hall. Says Assistant City Planner Michael O’Brien, “It is one of the city exemptions the Council adopted, but they adopted it years before billboard companies began plastering the city with supergraphics and digital billboards.”

Because all 17 elected officials involved — the Council members, mayor and city attorney — failed to address that loophole, a billboard company in L.A. can file a CEQA exemption claiming a mere “modernization” is under way, then erect a digital billboard.

As a result, the city is rewarding years of bad behavior by Clear Channel, CBS Outdoor and Regency Outdoor, allowing them to go digital even if the old billboards they choose for “modernization” are in a no-billboards zone, community design overlay protection area, or pedestrian-oriented district that bans billboards.

“Los Angeles has lost control of its built environment, and that is something that should concern all citizens,” says Kevin Fry, president of the anti-clutter organization Scenic America, who is watching Los Angeles with fascination and dread.

“Every time you carve out an exception, you weaken the underlying structure of your sign code, and at one point it all falls apart,” he says. “The tail is wagging the dog, and the billboard companies are running L.A.”

Activist Hathaway says, “Even if that settlement were overturned, I imagine the billboard companies would fight tooth and nail in the courts to keep the digital billboards they’ve already converted.” The count of LED billboards that have sprung up in spots like 1333 Westwood Blvd., and 1701 N. Silver Lake Blvd., is believed to be about 50.

Each sign, including the one in Silver Lake that has put Garcetti in the cross hairs, will require a fight to remove. Success in court will be close to impossible, says Fry, because the billboard giants have vast legal resources to argue that their First Amendment Rights are being attacked. “They are like a virus,” he says. “Once they are in your system, they can’t be removed.”

LaBonge’s new concern, with motorists gawking instead of watching the road, is: “Who is liable? If I am driving down the street and I see a board and I keep looking at it and bang and I get into a fender-bender, who is liable? Are we liable because we allowed these up?” It’s a good question, and one never discussed by the City Council.

Early this year, when the first digital billboards showed up, Encino resident and longtime activist Gerry Silver decided to challenge the Villaraigosa administration’s decision to put up a bright, digital billboard on Ventura Boulevard, near his home. The terse notification of the city’s action read: “Modernization of an existing 14-foot x 48-foot billboard with digital technology.”

Silver contacted the city’s planning department and asked for a copy of whatever paperwork had been generated that would allow a flashing billboard, directly facing a rush-hour crowd of 30,000

commuters.

Last February, Silver received the paperwork — and was surprised to see that Clear Channel Outdoor got the go-ahead from Villaraigosa's planning chief, Gail Goldberg, the city's top planner, who promotes herself as someone interested in "community" and a "sense of place." A busy woman, the architect of the mayor's relentless push for dense apartment complexes citywide, Goldberg had made the final decision on a single billboard approval in the Valley.

Silver, who is plugged into the arcane rules of City Hall, formally asked the obscure South Valley Area Planning Commission to rule against Goldberg's decision. He argued that Goldberg wrongly gave Clear Channel Outdoor a "categorical exemption" from environmental review on the inappropriate grounds that switching a billboard to digital is a "minor" alteration.

To Silver, the proposed sign, with its gigantic, changing images, raised questions of driver distraction, would use far more energy than a conventional billboard and created potential light pollution for residents — all environmental issues.

The day before an August 27 meeting of the South Valley Area Planning Commission to decide Silver's case, Clear Channel Outdoor got cold feet. For the first time in anyone's recollection, a huge billboard company chose to walk away from a fight with L.A. residents.

The "Encino incident" is now talked of as a watershed moment in the gathering war by Angelenos against digital billboards. In fact, Silver and others fighting billboards are charter members of the Valley Secession movement, long sick of decisions from downtown that change their lives. Many are accustomed to drilling deep into the downtown bureaucracy in order to be heard.

The group Silver belongs to, the Coalition to Ban Billboard Blight, was the first in L.A. to challenge the absence of environmental review in digital-billboard approvals. But such challenges soon spread to other areas of the city. The same week Clear Channel abruptly abandoned its Ventura Boulevard plan, Westwood residents protested an enormous new digital sign switched on along Westwood Boulevard with no notice given to the Westwood Homeowners Association or Westwood South of Santa Monica Boulevard Homeowners Association.

On August 25, the two groups paid a \$106 appeal fee to the Department of Building and Safety, arguing that L.A. law specifically bans flashing lights in their leafy, "pedestrian-oriented district" near Westwood.

Westwood residents soon discovered that the Villaraigosa administration was so ill-prepared to handle angry citizen challenges against the unpopular LED displays that City Hall doesn't have a complaint form. "I think the issue had been viewed as a bunch of Westside NIMBYs [who are] only concerned about their neighborhoods," says Barbara Broide, president of Westwood South of Santa Monica Boulevard Homeowners Association. "We went for a way to appeal the billboard — and there wasn't an obvious way."

In early October, the homeowner groups got a call from the Department of Building and Safety informing the members, many of them lawyers and Realtors, that the city was rejecting their appeal. A barely understandable, handwritten note from a building and safety worker stated dismissively: "Settlement agreement allows the modernization, and signoff is not required, as this is not a new sign."

If Westwooders wanted to fight it, they'd have to appeal to Villaraigosa's political appointees on the Building and Safety Commission downtown — and pay an additional \$233.20 fee.

The next week, the two Westwood groups appealed two more huge digital signs, again in areas that

specifically ban such clutter; one at 2131 Westwood Blvd., in the protected Pico-Westwood Neighborhood Oriented District, and another on Santa Monica Boulevard, east of Beverly Glen, on a designated scenic roadway.

City Hall's handling of these initial neighborhood complaints soon took on an inept, Kremlin-like flavor: A billboard in Encino was approved by \$202,577-per-year planning czar Goldberg, while a group opposing a billboard in Westwood got the shove-off — in a handwritten note from an obscure Building and Safety employee.

What on earth was going on? Despite his training, Fifth District City Councilman Jack Weiss, a former assistant U.S. Attorney who now represents both Westwood and Encino, couldn't figure out who was in charge.

Weiss, who is running for city attorney to replace the termed-out Delgadillo, is the most outspoken billboard critic among elected leaders at City Hall. He is the only one who has consistently attacked the 2006 deal he once backed, although he has been joined of late by another Westsider, Rosendahl.

Weiss was furious about the Keystone Kops vibe in City Hall, and the inability of citizens to get a straight answer about how to challenge digital billboards. When he asked Department of Building and Safety officials for city records showing where the next planned digital conversions would appear, he was told that some of the details were under wraps — by orders from Delgadillo's office.

The confused nature of the city's oversight appalled Weiss. In a letter to Weiss, Delgadillo insisted that he had repeatedly told the building and safety workers that the planned locations of digital billboards were public information. But the refusal of city employees to provide those locations to Weiss, a powerful sitting member of the City Council, spoke volumes. (The balking employees eventually handed over the information.)

In October, Weiss filed a City Council motion publicly slamming the two different legal interpretations coming from Delgadillo.

In the case of 1333 Westwood Blvd., Weiss wrote, the city attorney's office said that despite an existing ban against flashing signs, "the Planning Department could not limit or restrict the request for billboard digitization." On the other hand, Weiss said, Delgadillo decided that at the Encino location, local restrictions on signage in the Ventura Boulevard Specific Plan had to be honored.

Nobody in City Hall appears to agree what trumps what, even as Los Angeles faces a tsunami of more than 800 additional digital billboards.

Yet, until the Silver Lake blowup, the leading advocates of more and brighter billboards — Villaraigosa and City Council members Jan Perry, Herb Wesson and Ed Reyes — were pushing hard for even more billboard proliferation, advocating special "sign districts" that, unknown to most L.A. residents, trump all local zoning and clutter protections.

Moreover, again led by Perry, Wesson and Reyes, the city this year allowed the construction of once-banned billboards that tower over the 10 freeway, and is considering approving 50,000-square-feet of digital billboards covering much of the taxpayer-owned Convention Center, and a sign district that would transform much of Koreatown into something akin to New York's Times Square.

Residents have been shut down again and again if they complain. Cahuenga Pass resident Roberta Dacks immediately voiced her opinion about the digital billboard that popped up last spring on the heavily congested corner of Cahuenga and Barham boulevards, where it flashes images of big Disney characters. "Suddenly, we see this big blue thing at night," she recalls, "as if someone's plasma TV is

outside our window.”

Dacks called LaBonge’s office, which managed to convince the billboard owner, CBS Outdoor, to turn the brightness of the half-million bulbs down — by a miserly 2 percent. According to Dacks, it soon returned to full brightness. “Maybe if it was in Griffith Park,” says Dacks sarcastically, “if the deer were disturbed by it.”

Patti Negri, president of the Hollywood Dell Civic Association, received a similar response from LaBonge’s office several weeks ago, when a digital billboard appeared, seemingly overnight, on Cahuenga Boulevard between Franklin Avenue and the 101 freeway, between the neighborhoods of Hollywood Dell and Whitley Heights. Negri said the “modernization” was particularly irksome because Hollywood Hills residents had attended a June workshop organized by Goldberg’s Planning Department to discuss ugly signs cropping up in Hollywood.

The overwhelming message from residents at the meetings was: no more billboards. “We understand in Hollywood you want glitz and glamour, but we have families and young kids,” says Negri, a Hollywood Hills resident. “We don’t need giant mummies flashing in our bedrooms at night. They have to know how vocal we have been. It’s just a slap in the face.”

“Why do you even invite us?” said a pissed-off Tammy Ehrenfeld. “Each and every community member has voiced their opinion of how they are appalled.”

Some council members are not used to being unpopular or tarred with an anti-environmental brush, and are acting largely, if not entirely, because of public outcry.

LaBonge has not returned a phone call to Ehrenfeld about the LED sign that has upset neighbors in Hollywood Dell and Whitley Heights. And Garcetti clearly doesn’t like his unflattering new image. He ran for office as a green candidate and lives the Silver Lake ethos — except that he has taken eight contributions from outdoor advertising companies, according to the City Ethics Commission. Garcetti says he stopped taking money from Clear Channel, Regency Outdoor and Vista Media after his first campaign, and claims “\$500 doesn’t influence you.”

Back in November 2006, Garcetti complained about the negative media reaction after the City Council unanimously approved the deals with the signage-ad giants. Garcetti spoke glowingly of Delgadillo’s agreement, and announced that 15 unseemly billboards owned by Vista Media in his own council district, along Echo Park Boulevard, would finally be removed.

Most never were. A few weeks ago, Garcetti’s inability to grasp the sweetheart deal he approved was featured prominently on KCET’s two-part series on billboard blight, which replayed a video of his warm praise for the deal.

Garcetti’s newly discovered opposition to outdoor advertising has activists noting that he — who threw a fund-raiser for Barack Obama during the Democratic National Convention — aspires to a higher office, possibly mayor. He is up for re-election in March.

“I find it rather interesting that Garcetti has gotten religious about it,” says Rusty Millar, co-chairman of the Silver Lake Neighborhood Council. “Well gee, hello, the fight against billboards began with Lady Bird Johnson. The only one who benefits is the owner — and the council member who gets the donation.”

In October, the City Council’s Planning and Land Use Management committee unanimously passed Garcetti’s resolution that asked the city attorney whether there is any way, now, to subject LED billboards to environmental review. Fed up Silver Lakers were on hand to protest Garcetti’s handling of

events to date. "Silver Lake is one of the most desirable neighborhoods in Los Angeles," raged area local Suzanne Feller-Otto. "In one step, you have taken it down to the bottom."

Music publisher Robert Balter, who lives a half-block from the LED sign, told the committee, which meets on the third floor of City Hall in the John Ferraro Council Chamber, that the only entity to benefit was Clear Channel Outdoor. "The city gets absolutely nothing but a \$100 fee — if that," he said. "The city doesn't get anything and the neighborhood gets an accelerated deterioration of their quality of life."

On October 15, the city's Planning Commission adopted a preliminary motion to temporarily ban the proliferation of LED billboards while city officials study a possible rewrite of loose regulations that have left L.A.'s streets among the ugliest in the nation.

City Planning Commission President Jane Ellison Usher repeated what the anti-billboard activists have been asking for months: What benefits did Los Angeles residents get from City Hall's 2006 deal? "That question alludes many of us," said Usher to the crowd of billboard protesters. She also attacked the City Council's recent decision — sought by Councilwoman Jan Perry — to allow four ultrabright billboards along the 10 freeway, where billboards have long been banned. Usher said she was "tired of the city of Los Angeles being the doormat of the billboard industry."

After hearing these and other attacks, Delgadillo surprised everyone, asking the City Council to adopt immediately a six-month ban on all new billboards, including digital and supergraphics, so the city can "consider legislative changes to the city's entire" set of toothless laws.

Delgadillo's office says it hopes to adopt "time, place and manner" restrictions that might be superimposed upon the original sweetheart deal or, perhaps, come up with modest new rules, such as requiring bright billboards to be a certain distance from homes.

Having repeatedly brought City Hall to its knees while smaller cities like Seattle and Houston hold firm, the billboard giants are probably not too worried about the proposed billboard moratorium.

The Council's penchant for torpedoing its own anti-clutter laws by continually approving exceptions — like seven new "sign districts" sought by Perry, Hahn and Wesson — is expected to continue apace once the moratorium is lifted.

Already, city leaders are weakening over the proposed "moratorium," with Villaraigosa's Planning Commission approving 26 possible "exemptions" just last week.

Knowing how weak City Hall is, the billboard giants "will almost certainly file a lawsuit," says Scenic America's Fry. "You can count on it. There is no more litigious industry than the billboard industry. They will do everything they can to protect their interests."

But every-day Angelenos are working to protect their interests, too. On November 5, the Silver Lake Neighborhood Council Governing Board, meeting at Micheltorena Street Elementary School, voted to strongly oppose digital billboards near neighborhoods, "due to the adverse impact and diminished quality of life," according to their statement. As Silver Lake resident Elizabeth Bougart-Sharkov explains, "The intent of digital billboards, with their bright lights and incessant motion, is to distract the attention of drivers and pedestrians."

Miles away in Westwood, Broide says, "This is an issue having to do with the beauty of the city. They are an assault to our privacy and landscape. Like all scourges, when they start to spread and people start becoming alarmed, action is hopefully taken."

But a laid-back guy in Silver Lake, who stripped off his shirt and waved his sign and finally got City

Hall's attention, points to the real obstacle: "It's all about money, and there are things that shouldn't be about money," says Ric Montejano. "A person's home and neighborhood shouldn't be about money. It should be about where you want to live."





City of Long Beach Memorandum
Working Together to Serve

REQUEST TO ADD AGENDA ITEM

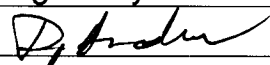


Date: December 9, 2011
To: Larry Herrera, City Clerk
From: Dee Andrews, Councilmember Sixth District
Subject: Request to Add Agenda Item to Council Agenda of December 13, 2011

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Request the amending of the Long Beach Municipal code related to Billboards as follows;

- A) Request the City staff to prepare an Environmental Impact Report to study the aesthetics, land use, energy usage, and traffic safety impacts of digital billboards, with a particular emphasis on understanding how light trespass could impact residents' homes and sleep should this ordinance take effect.
- B) The Department of Development Services report back on every possible monetization tool Available to the City from billboards.

Council District	Authorizing Councilmember	Signed by
6 th	Dee Andrews	
9 th	Steven Neal	
8 th	Rue Gabelich	

CC: Office of the Mayor