



Venice Neighborhood Council

P. O. Box 550, Venice, CA 90294

www.VeniceNC.org



October 20, 2026

Jack Chiang, Assistant Zoning Administrator
Los Angeles City Planning
200 N. Spring St.
Los Angeles, CA 90012

Re. 52 Windward Ave/DIR-2026-3938-BSA

Dear Zoning Administrator Chiang,

While there are several significant reasons that the Venice community is firmly opposed to allowing non-conforming off-site advertising, because we heard at the recent City public hearing that you would determine the case based solely upon the arguments made in the appellant's case, rather than lay out the several reasons for our opposition this letter will concentrate entirely on the arguments raised by the Appellant.

Thus, while not a complete or comprehensive account of our strenuous opposition, this letter will offer legal citations and facts regarding the above-mentioned signage case.

First, it should be clearly stated that the applicant's argument of a continuous non-conforming use (grandfathering) of a sign is not applicable here. The nature of the sign now, since "Saloon" was painted over in 2022, is that of a change from an on-site advertising use to an off-site advertising use. As was mentioned by the LADBS inspector, the "continuous" use started when the Saloon sign was painted in the 1990s, well within the present code schemes. However, this is really a new sign since 2022, when the Saloon sign was painted over. The below discussion will explain why this is and the applicable laws and codes.

The painted wall sign on the building at the 52 Windward Ave property originally identified and advertised the Saloon, a business operating at the premises. In approximately 2022, that sign was painted over and replaced with a commercial advertisement for Miller Beer.

The premises are occupied by Menotti's, a coffee shop that does not sell beer or other alcoholic beverages. The building owner receives compensation for displaying advertisements for Miller Beer and other third-party products that are not sold or offered at the premises.

Under LAMC 14.4.2, the Miller Beer advertisement constitutes an off-site sign because it promotes a product sold or offered elsewhere than at the premises. This is not simply a change in the wording of an on-site business sign; it is a change from advertising an on-premises business to displaying paid commercial advertising for unrelated third parties.

LAMC 14.4.4(B)(11) generally prohibits off-site signs, subject to specified exceptions. The California Court of Appeal upheld the City's regulatory distinction between on-site and off-site signs in *Lamar Central Outdoor, LLC v. City of Los Angeles* (2016) 245 Cal.App.4th 610.

Accordingly, the property owner's assertion of continuous lawful non-conforming use should not be accepted because it has been established that the existing off-site advertising use was not lawfully established and does not qualify for continuation under the applicable zoning regulations. The historical existence of an on-site painted business sign does not establish a grandfathered right to conduct off-site commercial advertising.

We therefore request that you affirm LADBS's findings and disallow this non-compliant off-site advertising as a continuation of the original on-site sign.

Further Details of the Legal Arguments

Why does this sign lose its non-conforming legal status?

1. **Abandonment of the Original Use:** Non-conforming status is granted exclusively to protect the continuance of the *exact* original use. After a period of promoting the onsite business with a sign, when a landowner begins leasing that space to off-site entities, which is not the original use, the original "on-premises" use is considered legally abandoned, forfeiting the exemption of a "non-conforming continuous use."
2. **Expansion of Non-Conformity:** Shifting to off-site advertising effectively converts a private business accessory into a commercial billboard. Because Los Angeles strictly regulates new off-site billboards, converting an onsite sign into an off-site sign represents an illegal expansion of a non-conforming use.

Key Case Law

The legal separation of on-premises and off-premises signs has been heavily litigated. The landmark cases below establish how courts view this distinction:

1. Metromedia, Inc. v. City of San Diego, 453 U.S. 490 (1981)

- a. **The Case:** San Diego enacted an ordinance that banned off-premises commercial billboards but allowed on-premises commercial signs. Outdoor advertising companies challenged this as a violation of free speech.
- b. **The Ruling:** While the U.S. Supreme Court struck down the San Diego law as too broad, it reaffirmed a prior case that allowed a city to legally distinguish between on-premises and off-premises signs.

2. State/Local Application: Lamar Central Outdoor, LLC v. City of Los Angeles (Cal. Ct. App. 2016)

- a. **The Case:** The City of Los Angeles established a strict ban on new off-site signs and prohibited any alterations or conversions of existing grandfathered off-site signs to digital formats.

b. The Ruling: The California Court of Appeal upheld the City's ban. This and similar state cases reinforce that because off-site advertising is an entirely different category of land use, owners of standard on-premises signs cannot retroactively bypass billboard bans by simply changing the message to an off-site business.

The underlying violation is that under LAMC 12.03, an Accessory Use is defined as a use that is "customarily incidental to that of the main building or the main use of the land."

- a. An On-Site Sign is legally classified as an *accessory use* because its sole legal purpose is to identify or support the primary business operating on that specific lot.
- b. An Off-Site Sign (Billboard) is classified as a *principal commercial use* of land--it is an independent outdoor advertising business.

When a property owner shifts an on-site sign to an off-site sign, they are not just changing the text; they are completely altering the legal classification from an accessory use to a primary commercial land use by essentially entering a new line of business for the property.

In conclusion, this site loses grandfathered status under LAMC 12.23 which dictates that a legal non-conforming structure or use is strictly limited to what originally, lawfully existed.

- Prohibition on Expansion/Alteration: Under LAMC 12.23.B, a non-conforming use of land or a building cannot be expanded or changed to another non-conforming use.
- The Conversion Trap: Because a standard commercial zone or specific plan may permit accessory on-site signs but strictly prohibit new off-site commercial signs, changing the use to off-site advertising represents an illegal expansion of a non-conforming use. The original right to maintain the non-conforming on-site sign is legally abandoned the moment the on-site accessory purpose ceases.

For the forgoing reasons (and others we'd be happy to elaborate on if you wish) we urge you to deny the appeal and uphold the LADBS decision.

Thank you for your time, dedication and consideration of this issue.

Sincerely,

David Feige, President
Venice Neighborhood Council