

March 7, 2005

**Honorable Chairman and Members of the  
Hermosa Beach Planning Commission**

**Regular Meeting of  
March 15, 2005**

SUBJECT: TEXT AMENDMENT 05-1

TO ALLOW SIGN OWNERS TO SUBSTITUTE NON-COMMERCIAL  
SPEECH ON A COMMERCIAL SIGN

INITIATED BY THE CITY ATTORNEY

**Recommendation:**

To recommend the City Council amend Section 17.50.010, to add a substitution clause that will allow the substitution of non-commercial sign copy on commercial signs.

**Background:**

The City Attorney is recommending that the City make this amendment to be consistent with case law regarding freedom of speech under the First Amendment to the Constitution.

**Analysis:**

The City is not generally permitted to regulate signs on the basis of what the sign says (the content), only on physical sign and location. A substitution clause will allow an owner to substitute non-commercial speech for any commercial speech on an otherwise legal sign. For example, a sign owner could remove the name of a store and substitute a political or religious message. Currently the sign ordinance favors commercial speech over non-commercial speech, which is not consistent with case law.

The City Attorney is advising staff and the Planning Commission that without this substitution clause the City is open to potential lawsuits, which may either cost the City in legal fees, or invalidate other provisions of the sign ordinance.

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Ken Robertson  
Senior Planner

CONCUR:

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Sol Blumenfeld, Director  
Community Development Department

**Attachments:**

1. Proposed Resolution