



Our Letter

Our Letter No. 3

January 9, 1984

SANDBAGGING BUSINESS

A new sign ordinance is going into effect in Vallejo.

On January 23rd, or a Monday evening soon-after, the legislators at City Hall are going to enact further anti-business legislation. The deck looks stacked ! Private businesses are going to lose almost 2/3rds of their currently permissible sign area. It will be declared illegal and a "public nuisance" to have more than 1.5 square feet of sign per foot of building frontage. Current ordinance permits businesses to have 4 square feet per foot of street frontage. **This will affect ALL Businesses**, not just new businesses.

All businesses are to be further restricted in their ability to let the buying public find what it is looking for. Stringent, oppressive and tyrannical provisions in this new regulation will require Vallejo business owners to destroy significant amounts of their private property. **This property is to be declared "unnecessary clutter"** in order to create "a more pleasing environment in which to shop, work and live; to enhance the property values" After dismantling and destroying this capital investment those private enterprises that want to continue to let the shopping public know where they are and know what they have to offer will be forced to give up numerous identifying, directing, proven informational processes in addition to having to miniaturize their visibility. Isn't this but another example of local-government-spawned obstructing and obscuring information intended for the public ?

Loss of revenue? Loss of commerce? This city just does not seem to care. "BEAUTY" must, shall prevail. A city used to be a place where houses of commerce were gathered, surrounded by the residences of those earning their livelihood in these commercial activities.

Now this City is to be "**Beautified**" regardless of the consequences to the houses of commerce and lives of those employed. To make up for this loss of capital investment and business revenue, our commercial establishments may have to curtail employment, cut back youth employment programs, restrict handicapped employment programs. The City may not itself be able to survive the continuing onslaught of the anti-free enterprise endeavors of our cosmetically oriented rulers, their advisors and entourages.

Will this ordinance make it possible for the City to reduce or eliminate the 7 1/2 % utility users tax we all pay? Will the new signs be taxed on the new sign cost? The City generously proposes the business owners be allowed to "amortize" the rate at which they are forced to pull down these good functioning items of business property.

Am I for the individual entrepreneur, businessman? **YES !**

It's up to the individual businessman to choose between a good sign and a crummy sign. I look at signs and admit that there are crummy looking signs and good looking signs. When I look at women I recognize that there are good looking women and not so good looking women. But it's up to the individual to decide that for himself. Beauty is in the eyes of the beholder. What is good looking to one person may not be to another.

The sign ordinance presently being considered was conceived, developed, and written out of sight of the main body of the public desirous of being party to public input. The Concerned Merchants of Vallejo requested for two years to make input at the meetings of this public body appointed by the mayor. These sign ordinance committee meetings were, however, systematically held in out of the way places and times, unannounced. Efforts to gain access were even denied to concerned, actively interested business people. Some of us think that "Beauty" has made a Beast out of those in authority- and for the sake of Beauty the merchants are being scapegoated, legally vandalized and forced into closure in some cases.

"The law is the law is no longer the law. Sorry! Too Bad! You lose !"

I think the City is willing to penalize businesses. The small businessman and larger businesses are scapegoats. It is not the fault of the small businessman that businesses here are failing and moving out. It's easier and more attracting for shoppers to get on the freeway to go to Hilltop Mall, Solano Mall or Sun Valley Mall. There is no vision at City Hall for Springs Road or Tennessee Street. They saved the sandbags intended to prevent the 5th recent flooding of the Larwin Plaza; rip-rap along Highway 37. We hear it is "illegal" to repair the Napa River Dike; but we see it is not illegal to sandbag the businessman.

The north Vallejo businessman is suffering. He is not able to improve his image because the city is not willing to invest in providing safe, dry places for people to park and shop. There is no guarantee City Hall will not allow north Vallejo to continue to deteriorate. There is no guarantee more parking lots won't be torn out to spur slow growth. City Hall is going thru the motions of trying to get the Napa River levees repaired. So far these efforts have been at best ineffective to date. City Hall continues in a program designed to let upper Sacramento Street disappear into the bay muds. Mosquito and rat infested stagnant pools of water and weeds continue to stand in preservation. One wonders if it was studied indifference that let Lake Dalwig become a flooding catch basin in the Lemon Street area two years ago. Was this the result of one pump not being turned on. J.C. Penneys saw the handwriting on the wall. They are now in Napa, Sun Valley, Solano Mall. City Hall has done little to speak of to help Sears physically bail itself out.

So far the City hasn't exercised its right of eminent domain to require businesses to stay. They haven't been able to keep them by attracting them. --- Instead they have gone for "spurring" (further regulating) them. With the help of the Associated Vallejo Taxpayers' one good business was able to fight its way through the local Real Estate Control Commission to start up a business after three years of "procedural" delays. The City of Oakland is going for eminent domain of a private property called the (Oakland) Raiders. What is to prevent a

city such as New York from declaring eminent domain over the Columbia Broadcasting System, a privately held corporation ?

The "unnecessary clutter" as defined in the proposed ordinance may well be in the attitudes and minds of those intent on eliminating the private enterprise minds from the community, by eliminating those who stand for the freedoms of the individual, by ridding itself of those who stand for letting the creative and productive people of this community get an even break. Is "fairness" only for those who can't take care of themselves ? This City seems intent on eliminating the productive and creative one by one until only the conforming (the tyrannized) and the complying (the oppressed) are left.

In the proposed sign ordinance it says "the Planning Department may require a sign (of) less (area) ... or (be) subject to more stringent standards when based upon articulated reasons related to ..." What are articulated reasons ? The fastest or loudest talker, the person with the most (legal) muscle ?

What is the following statement about ? : "The preservation and improvement of the appearance of the City as an attractive place to work, live, visit or conduct trade." How can this City be an attractive place to work if the businesses are line by line, square foot at a time shut down from showing to the buying public what it is looking for? How can this City become an attractive place in which to live as personal homes become more and more costly to own, as Planning ups the ante in its unending sets of new requirements for private housing ?

The restrictions may end up taking pride away from entrepreneurs. People take pride in their signs. Perhaps as with other City regulations the latent goals include reduction in personal incentive and pride in ownership and achievement. Personal pride goes with personal freedom. Can people wearing designer jeans, advertising the products they wear be required to cover up these walking advertisements ?

Increasing the numbers and intensities of regulations merely intensifies the dependency of us all on the regulations and policing by others; hiring enforcers to do the jobs we as individuals could do better by each independently managing his own behavior, i.e. getting along with each other for mutual get-on-with purposes. Shortly after taking office many elected "representatives" are persuaded instead to rule, to make regulations instead of represent us. A very large number of these regulations are passed on the basis of the hypothetical. "What if someone next door to you painted his house with polkadots." "It might set a precedent." Big deal ! So far no one has for real. And then if I lived in a neighborhood where there were polka dots it could well relieve the tedium of the earthen tones. It might just as well make the neighborhood a better one.

Many rulers love to make regulations "to protect" us from the non-conforming, the non-compliant (in order to make us all more compliant and conforming with less individuality to our names). But ! Those societies most characterized by compliance and conformity are those ruled by tyrants. Citizen compliance and conformity are crucial to the continuation of their rule. Use of the requirements for conformity and for compliance in a democratic society, enacting regulations in these directions, for whatever reason, especially for regulating the market place,

commerce, the entrepreneur and the open exchange of trade is an **extravagant extension of representative government.** Laws of this nature are well past the point of representation and instead mush into the area of gaudy tyranny and oppression by rulers who are no longer representing more than their own power.

The disguises and rationalizations used to persuade the populace in believing that many such rules are necessary for "the protection of the populace and against the evils of capitalism" are just that, rationalizations, semi-plausible, less than half-truths. The free market is the only place where rapacious greed and (legalized) coercion are superseded by the principle that attracting is more important than covetous grabbing. You have to attract customers to the market place to sell your goods. Government planners only plan for needs, only make for scarcities. They do not consider the individuals "wants" that make a free society go. It can be argued that they do not attract; they only reduce incentives, regulate supply, reduce motivation, grind down on the private enterprise producer and grind up the creative.

This or any sign ordinance is in restraint of trade. There is no documentation that any sign ordinance ever improved any of the qualities of life. There is no evidence they ever :

1. reduced work absenteeism or employee turnover,
2. reduced school absenteeism or illiteracy,
3. reduced the incidence of death, nor the causes of death,
4. reduced the hazards to physical or emotional health
5. reduced divorce, rape, child abuse, incest, alcohol consumption, or drug use,
6. improved longevity,
7. improved pride in community,
8. improved incentive,
9. attracted more productive and creative people to live in your neighborhood.

There is evidence though that sign ordinances do restrict commerce to the point that they interfere in the free flow of information between people.

The signs downtown are so obscured by the jungle of City foliage that you can scarcely see even part of them.

Several years ago when traffic on Georgia Street to the waterfront was shut off, businesses there began to fold shop. Close off thru traffic and you cut down business exposure and business receipts. J.C. Penney understood early. It took Levee's more than a decade to get the message.

Since the 1973 sign ordinance was put into place we've seen one business after another closed down on Tennessee Street. Now empty buildings and empty lots abound. Minimal if any tax revenues from large areas and stretches between Wilson to Marin, Sutter to El Dorado, Monterey to Colusa on Tennessee Street. Here though, the lack of traffic and therefore visibility isn't the problem (yet).

There has been selective enforcement of the 1973 sign ordinance, e.g. Liled's historical Candy Cane. Now Dairy Queen's clearly identifying business logo is being pulled down.

At a recent public hearing the owner of a viable, thriving business on Tennessee St. said "my major concern is a differentiation between new buildings and existing buildings. While the objectives may be laudable, does this city really want to pay the price ? It has been reported there are some 1500 businesses, and I wonder if the City wants to alienate some 90 percent of these businesses. When those businesses went in and got permits from the City, they in effect entered into a contract that they would expend their own resources in exchange for "consideration" from the City. Now continuingly this City changes the conditions of their contracts with their merchants. I can understand some of the rationale for new businesses; however, for old businesses I wonder whether or not the City has (some) responsibility to live by the contract negotiated when that business went into effect."

He said he was taken to court for an A-frame on his roof under the supposition that he was the only person left on Tennessee Street with such a sign; and yet at another business on the same street that A-frame sign came down only in the last couple of days. "So it took a longtime to comply with the old ordinance, and now there is a more restrictive ordinance." To bring this city within this newer more restrictive ordinance in the proposed period of time would require hiring even more (policing) personnel.

Staff reported that only 25-30% of the legal signs would be affected by the new sign ordinance.

The merchant continued to say "with the lack of rapport between the merchants and City. Hall, it is questionable what the intent of the sign ordinance is." He urged the City to "protect the merchants it has. **The City should use its resources and efforts to attract new merchants rather than almost going out of its way to cause them to wonder why they remain in Vallejo.**"

What about the signs at K-Mart, American Savings and Loan, Crocker Bank, Travel. Lodge, 7-11, etc. etc. . . . ? Some people have estimated more than \$10 million worth of private capital investment must go.

Another merchant said "there is a history of businesses being told how to design, (and therefore) getting the message from the City to move out."

"Eye sores ? "I'd have to say that visually or attitudinally caused conjunctivitis is better treated in a doctor's office than by massive destruction of private property. Reorientation, reconstruction of prejudicial attitudes of what is aesthetic should probably be taken care of less expansively by means other than those requiring restrictions on and destruction of the capital investments of businesses. Businesses should not be obscured from the free markets. **Demonstrably effective methods of free enterprise and allowing the public to find what it wants to buy should not be further obscured either for the sake of Beauty or the Beast.**

I heard an architect say that "people should be allowed to express themselves freely and openly; To be free to preserve the new signs and preserve the old signs. Make signage optional, not limit signage to homogenized versions. Preserve the design value of the old. Signage does not affect the welfare of people - it does not harm anyone. Developing a sign ordinance is a waste of time. Why not use the time setting up an enterprise zone instead. Reduce the political, bureaucratic red tape and create real incentive. STOP penalizing those here already in the name of 'cleaning up the unnecessary clutter' of successful businesses."

Intrusion of government into commerce and lives of individuals beyond the measures to prevent coercion and fraud may be fraudulently perpetrated actions. The citizenry is subject to persuasion possibly brought about by special interest groups and governments misrepresenting the dangers inherent in a people being free in a society of the free. More than one person has remarked that very likely the special interest groups have more than a shirt tail relationship to the few isolated exaggerations of "freedom to the extreme" that so easily prompt short sighted politicians into clamping repressive measures onto the populace at large "to protect us."

This proposed ordinance declares this regulation is "to make businesses easier to identify and locate by eliminating unnecessary clutter." If it passes though, it will make businesses harder to find. It is the explicit intention of this ordinance to make individual business less, and less, and less identifiable, individually recognizable or locatable by making "illegal" the eye catchers that the public relies on.

Signs are land marks. They have architectural value, historic and artistic. It doesn't matter in which generation they were conceived. It matters that they have all earned their weight in gold as heroes of the free market. **I wonder what would happen if the sign on the front wall of City Hall were removed ? Would their revenues decrease ?**

What should be done about this proposed oppressive legislation ? How do we approach this? What does it take? First it takes an idea. Simply speaking, we need to set aside the oppression of commerce **and get-on-with the job of bringing in commerce.**

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