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19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **COUNTY OF LOS ANGELES**

21 GENTE ORGANIZADA,
22 Plaintiff and Petitioner,
23 vs.
24 CITY OF POMONA; and DOES 1-10,
25 Defendants and Respondents.

Case No. 23STCP03044
**VERIFIED COMPLAINT AND PETITION
FOR WRIT OF MANDATE**
[Code Civ. Proc., §§ 1094.5 and, 1085, et seq.]

1 INTRODUCTION

2 1. Gente Organizada brings this Petition to challenge the City of Pomona’s (“the
3 City’s”) clear and gross violation of the most fundamental of constitutional rights: the right to free
4 speech. Gente Organizada (“Gente Oganizada” or “Petitioner”) is a community-led social action
5 non-profit organization based in Pomona. The organization’s mission is to serve the community’s
6 youth and immigrant families by building intergenerational power and wellness. Its mission also
7 includes using art to empower youth. Consistent with these goals, Gente Organizada displays three
8 pieces of art on its Youth Center that convey political messages: (1) an image of a group of
9 individuals marching with a sign that reads “defund Pomona police”; (2) photographs of protests
10 against biased policing with an image of some of Gente’s community partners alongside the
11 message “end institutional violence”; and (3) a painted sign that included the organization’s name
12 and its role as: “A home for: community organizing, youth & parent leadership, wellness,
13 education & arts programs.”

14 2. In violation of the First Amendment to the United States Constitution and Article I,
15 Section 2 of the California Constitution, the City has ordered Gente Organizada to take down this
16 artwork. The City’s ostensible reason is that they violate Pomona Zoning Ordinance Section 503-
17 K (“PZO § 503-K) which prohibits certain “signs” and “banners” in the City. And the City made
18 sure the consequences of noncompliance with its edict were clear: the City sent the citation to the
19 home of Gente Organizada’s co-founder and threatened him that, unless he and the Organization
20 immediately got in line and took down their art, the City might “take criminal action” to force
21 them to do so. Gente Oganizada challenged the citation in an Administrative Hearing, but the
22 Hearing Officer upheld the City’s citations.

23 3. Now, by this Petition Gente Organizada challenges the Hearing Officer’s decision
24 and the constitutionality of PZO § 503-K. As set forth more fully below, the City’s actions are
25 illegal and violate fundamental constitutional rights.

26 4. *First*, the Hearing Officer’s decision was erroneous.

27 5. In deciding to uphold the citation, the Hearing Officer made several clear legal and
28 factual errors. Moreover, the City improperly applied the sign code to Gente Organizada’s hung

1 artwork. The City cited Gente Organizada for not having first obtained a permit for the artwork.
2 But, by its plain language, the City’s sign code does not even apply to the artwork in question.
3 Rather, the permitting requirements in the sign code apply to business-related signs, or signs of a
4 commercial nature.

5 6. The hung images for which Gente Organizada was cited do not convey a
6 “business”-related message. Nor is the organization a traditional “business” that sells goods or
7 services.

8 7. *Second*, the sign code is unconstitutional and violates the First Amendment of the
9 United States Constitution and Article I, Section 2 of the California Constitution, both facially and
10 as applied to Gente Organizada. Specifically, the ordinance contains multiple content-based
11 distinctions whereby different signs and banners are treated differently depending on their content.
12 In addition, the code is unclear and vague, making it impossible to determine whether certain signs
13 or banners are exempt from permitting requirements, require a permit, or are altogether
14 impermissible.

15 8. In short, the City’s actions constitute a clear violation of fundamental constitutional
16 rights. Gente Organizada seeks writ and other relief to remedy those wrongs and prevent future
17 attempts by the City to silence members of the public who wish to say and communicate message
18 with which the City may disagree.

19 **PARTIES**

20 9. Plaintiff and Petitioner GENTE ORGANIZADA is a community-led social action
21 nonprofit organization based in Pomona, California. It is located at 638 W. Holt Avenue, Pomona
22 CA 91768.

23 10. Defendant and Respondent CITY OF POMONA is a city located in California. It is
24 a municipal entity with the capacity to sue and be sued. It is a Charter City under the laws of the
25 State of California.

26 11. Does 1-10 are individuals and/or entities whose true names are unknown to
27 Petitioner at this time. Petitioner will seek leave of this Court to amend their true names and
28 capacities when they have been ascertained.

1 **JURISDICTION AND VENUE**

2 12. This Court has jurisdiction under Code of Civil Procedure §§ 1094.5 and 1085.

3 13. Venue is proper in this Court pursuant to Code of Civil Procedure § 395(a) because
4 the harm alleged herein occurred in Los Angeles County.

5 **STATEMENT OF FACTS**

6 **A. Gente Organizada’s Community Involvement**

7 14. Gente Organizada is a community-led social action non-profit organization based
8 in Pomona, whose mission is to organize to build intergenerational power and wellness for youth
9 and immigrant families in the City. Gente Organizada owns and operates a Youth Center located
10 at 638 W. Holt Ave., Pomona, CA 91769. The organization is committed to using art to empower
11 youth to change and control the narratives about their communities. Gente Organizada works with
12 communities that comprise historically underrepresented, immigrant populations to understand
13 their rights and the power of community action. Rather than focusing narrowly on the deficiencies
14 and plight of immigrant communities, Gente Organizada builds on the strength of communities to
15 help empower these communities to thrive. It does this work in three main ways: by empowering
16 Pomona’s youth, organizing parents, and building coalitions through collaboration with partners
17 and social action groups to promote a community-led movement for change. Art is an important
18 aspect of Gente Organizada’s work.

19 15. Consistent with its mission, Gente Organizada has mounted artwork on the front
20 and sides of its Youth Center. The two pieces of art hung on the front of Gente Organizada’s
21 building convey a political message. The first is an image of a group of individuals marching with
22 a sign that reads “defund Pomona police,” and photographs of protests against biased policing.
23 [See Ex.A.] The second mural imitates a roll of film, with images of a protest integrated into that
24 roll. In a July 29, 2022 Instagram post about its “[n]ew art installation,” titled “For the People,”
25 (which includes both of the two pieces of art on the front of the building) Gente Organizada
26 explained that the photographs are from Pomona protests for George Floyd and Black Lives
27 Matter, taken in 2020. The caption goes on to read: “If our city walls could talk, what would they
28 say? We believe art comes in many forms and we are excited for this opportunity to showcase

1 local art and artist.” This is a picture of the “For the People” art installation on Gente Organizada’s
2 building:



19 16. The third, on the side of the building, includes an image of community partners,
20 integrated with images of flowers and a landscape, with the political message “end institutional
21 violence.” *Id.* An October 23, 2022 Instagram post about their new “art piece”, designed by
22 professional artists said: “This collaborative piece is both a celebration of community and a call
23 out to the institutions that continue to perpetuate violence against our communities. This is for
24 you, Pomona.” This is a picture of the October 2022 art piece:

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17. All images are artistic—and political—in nature.

18. Gente Organizada also painted the organization’s name at the top of the building’s front wall, along with a smaller message that reads “A home for: community organizing, youth & parent leadership, wellness, education & arts programs.” *Id.* This is a picture of that sign:



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B. Citation and Subsequent Correspondence

19. On March 13, 2023, Gente Organizada received an “Administrative Citation Correction Notice” from Inspector Luis Llamas of the City’s Code Compliance Division stating that the City had investigated the Youth Center and determined the building did not conform to the city code in a variety of ways, and that corrective action was required. Ex. B. The notice included citations for alleged violations of PZO §§ 503-K F.4 and 503-K C. 1, pertaining to permit requirements for banners and signs. The citation also included instruction that, to correct the banner citation, the organization must “Remove the unpermitted banners from outside the building or obtain approval from the Pomona Planning Department for a temporary Banner Permit.” Under the section of Pomona City Code that this instruction references, “Banners shall only be permitted for advertising a grand opening (once for each company), change of business name, change of ownership, and nationally recognized holidays, provided that” the number,

1 location, size, and duration requirements are met. PZO § 503-K G.12 The notice stated that action
2 must be taken by March 21, 2023.

3 20. Gente Organizada requested an extension until May 1 to address the issues cited in
4 the notice. The City’s Code Compliance Division effectively denied that request by sending an
5 “Administrative Citation” on April 25, 2023. Unlike the previous notice, this citation was
6 addressed to Mr. Jesus Sanchez, the co-founder and current Economic Justice Director of Gente
7 Organizada, at his home address. The citation fined Gente Organizada \$122 for code violations
8 and informed Mr. Sanchez that the fines are “cumulative and may be reissued each day the
9 violation(s) continue to exist.” Exhibit B. The citation also noted that “In addition, the City may
10 take criminal action ... to gain compliance.” On May 4, 2023, the Division sent a second citation
11 for the same alleged offenses—also addressed and mailed to Mr. Sanchez’s home address—with
12 an additional fine of \$222. *Id.*

13 21. True and correct copies of the citations are attached to this Petition as Exhibit B.

14 22. On May 11, the ACLU of Southern California (“ACLU SoCal”) sent the City of
15 Pomona Mayor Tim Sandoval and the Pomona City Council a letter on behalf of Gente
16 Organizada, explaining why the zoning ordinance had been improperly applied, and the ways in
17 which the zoning ordinance violates the United States Constitution, and therefore may not be
18 applied against Gente Organizada to cite the organization for the sign and images it has hung on
19 its building. The Pomona City Attorney, Sonia Carvalho, sent a letter in response, disagreeing
20 with ACLU SoCal’s statements and refusing to reverse the citations.

21 23. On May 19, 2022, the City sent the organization notice that the first citation was
22 now delinquent, and that the fine had grown to \$172 (again, addressed and mailed to Mr.
23 Sanchez’s home address). *Id.*

24 24. On May 23, 2023, Jesus Sanchez filed a request for an administrative hearing to
25 challenge the second citation, including payment of \$222 (the amount due on the second citation)
26 as a deposit. *Id.*

27 25. The City granted the request for administrative hearing, and the hearing was
28 scheduled for July 20, 2023. On June 13, 2023, Jesus Sanchez paid the \$172 that was due on the

1 first citation. *Id.* Therefore, the administrative hearing on July 20, 2023 concerned only the
2 second citation. Petitioners challenged the application of PZO §§ 503-K F.4 and 503-K C.1 to its
3 front sign and artwork, and the accompanying fines in the second citation.

4 26. In advance of the hearing, Gente Organizada submitted for the record its
5 Memorandum of Points and Authorities and exhibits that showed the sign and three pieces of art
6 for which Gente Organizada was cited (Exhibit A to Administrative Appeal); a copy of the
7 administrative citation correction notice, the administrative citation sent on May 5, 2023, and the
8 official notices of delinquent administrative citation(s) sent on May 19, 2023 and May 31, 2023
9 (exhibit B); a copy of section 503-K of the Pomona City Zoning Ordinance (exhibit C); and a
10 copy of the original demand letter that the ACLU of Southern California sent on May 11, 2023 to
11 the Pomona City Mayor and City Council on behalf of Gente Organizada (exhibit D). These
12 materials were also mailed to the Code Compliance Office and Pomona City Attorney Sonia
13 Carvalho before the hearing. The Code Compliance Officer acknowledged having received these
14 materials during the hearing.

15 27. The Hearing Officer issued an Administrative Hearing Decision and Order on July
16 31, 2023. A true and correct copy of the Administrative Hearing Decision is attached to this
17 Petition as Exhibit A. In the decision, the Hearing Officer upheld all the violations of the
18 Pomona Zoning Ordinance that the City cited Gente Organizada for. In its brief and at the
19 administrative hearing, Petitioner argued that the Pomona Zoning Ordinance’s had not been
20 properly applied to Gente Organizada’s hung pieces of art because they did not fit the definition
21 of “banners” under the zoning ordinance; therefore, Gente Organizada was improperly cited
22 under PZO § 503-K F.4 (restricting banners). Petitioners also argued that PZO § 503-K imposed
23 unconstitutionally content-based restrictions on speech and was unconstitutionally vague and thus
24 void, and so Gente Organizada could not be cited under PZO § 503-K F.4 or § 503-K C.1.

- 25 • In his decision, the Hearing Officer stated that the “Appellant did not contest that
26 Pomona Zoning Ordinance section 503-K C.1 was in violation and advised, via legal
27 counsel, that the painted sign on the building had been removed.”
- 28 • The Hearing Officer determined that the banner ordinance, section 503-K F.4, was

1 properly applied to the pieces of art hung on Gente Organizada’s exterior walls.

- 2 • The Hearing Officer concluded that the City’s signage ordinance was not a content-
3 based restriction on speech, is constitutional and that the City may enforce the
4 ordinance.
- 5 • The Hearing Officer concluded that the City’s ordinance was not vague.

6 **FIRST CAUSE OF ACTION**

7 **Petition for Writ of Mandate—C.C.P. §§ 1094.5, 1094.6, Gov’t Code § 530.69.4**

8 28. Petitioner re-alleges and incorporates by reference each allegation set forth in the
9 preceding paragraphs.

10 29. Mandamus is authorized under California Code of Civil Procedure §§ 1094.5,
11 1094.6, and by Government Code § 530.69.4, which provides for judicial relief from an
12 administrative decision imposing a fine or penalty “by a petition for writ of mandate under Code
13 of Civil Procedure sections 1094.5[.]” *Martin v. Riverside Cnty. Dep’t of Code Enf’t*, 166 Cal.
14 App. 4th 1406, 1411 (2008); *see also Cnty. Of Humboldt v. App. Div. of Superior Ct.*, 46 Cal.
15 App. 5th 298, 312-13 (2020).

16 30. The Code Compliance Division’s decision to uphold the citations under PZO
17 §§ 503-K F.4 and 503-K C.1 is invalid for the following reasons:

18 31. First, the Hearing Officer abused his discretion by making a clearly erroneous
19 factual conclusion in stating that Petitioner did not contest that it was violating Pomona Zoning
20 Ordinance section 503-K C.1 and stating that Petitioner advised that the painted sign on the
21 building had been removed. Section 503-K C.1, which sets forth permitting requirements for this
22 signs section of the ordinance (503-K, generally), stipulates that “Except for certain signs
23 exempted herein, no sign shall hereafter be erected, re-erected, constructed or altered (change of
24 copy), except as here provided by this section unless a Sign Permit for the same has been
25 approved by the Planning Division.” Petitioner did not state that it was not contesting the citation
26 under this code; Petitioner also did not convey it had removed the painted sign on the building,
27 with Gente Organizada’s name. Petitioner asserted, in the hearing and in its brief, that it was
28 challenging the citation’s alleged violation of § 503-K C.1 because the Pomona Zoning

1 Ordinance § 503-K is unconstitutionally content-based and void for vagueness and therefore may
2 not be legally applied against Gente Organizada.

3 32. Second, by its plain terms, PZO § 503-K F.4 was incorrectly applied against Gente
4 Organizada for the three pieces of artwork hung on Gente Organizada’s building’s exterior walls,
5 and the Hearing Officer made a legal error in interpreting the ordinance and thus abused his
6 discretion in holding otherwise. The plain language of the City’s sign code indicates that banners
7 are a subcategory of “sign.” PZO § 503-K F.4 specifies that “Banners, except as permitted
8 herein” shall be “specifically prohibited.” Section 503-K G 12. details the limited banner
9 permitting requirements: “Banners shall only be permitted for advertising a grand opening (once
10 for each company), change of business name, change of ownership, and nationally recognized
11 holidays, provided the . . . [number, location, size, duration, and permit] requirements are met.”
12 Section 503-K B. of the zoning ordinance defines a banner as “a temporary *sign* made of fabric or
13 any non-rigid material with no enclosing framework.” (emphasis added). It defines a “sign” as
14 “any object or device which is designed, intended, used or located so as to be visible by the
15 public from outdoors for the purpose of advertising the property, establishment or enterprise,
16 including goods and services.” The stated purpose of PZO § 503-K “is to promote the orderly
17 display of signs which are necessary for the identification of locations and businesses, and to
18 provide standards in order to maintain and enhance the aesthetic environment of the City.” PZO §
19 503-K A. For a sign to receive a permit, the “lettering and advertising material on all permitted
20 commercial or industrial signs within the City . . . shall be restricted to: the business name,
21 business logo, services rendered or goods sold upon such premises, and nature of business.
22 Detailed advertising information such as telephone numbers and prices of the product or services
23 offered are prohibited from permanent sign copy faces...” PZO § 503-K D. This unambiguous
24 language establishes that the sign code permitting requirements are limited to business-related
25 signs, or signs of a commercial nature.

26 33. Because the images are artistic in nature and thus do not fit within the definitions of
27 either signs or banners, they are more properly categorized as “murals” under PZO § 503-K B.
28 That section defines a “mural” as “a picture on an exterior surface of a structure that does not

1 contain the name of the business, product or service on the premises.” Murals are never
2 mentioned again in PZO § 503-K.

3 34. Third, the Hearing Officer made a legal error in holding that the City’s signage
4 ordinances are constitutional, so his legal decision was incorrect and must be set aside under
5 either a *de novo* or an abuse of discretion standard. The Hearing Officer misapplied First
6 Amendment precedent. Specifically, the Hearing Officer misconstrued the legal definition of a
7 “content-based” restriction and so mischaracterized the Pomona Zoning Ordinance as content-
8 neutral. For example, the Hearing Officer reasoned that the zoning ordinance does not regulate
9 signs based on content because, “Under the City’s ordinances . . . the same violation would exist
10 for the subject banner whether said banner stated ‘defund the police’ or ‘blue lives matter.’”
11 However, this is an example of a *viewpoint*-based distinction, not a *content*-based distinction.
12 Indeed, the hearing officer later impliedly concedes the content-based distinctions made by the
13 Zoning Ordinance, when he explains that “a banner may be allowed under the permitting rules if
14 it is only for the purpose of announcing grand openings, change in name, change in ownership or
15 control, or national holiday events[.]” The Hearing Officer also mischaracterized the
16 constitutional requirements for content-based speech restrictions, for the following reasons:

- 17 a. A sign code that “identifies various categories of signs based on the type of
18 information they convey” and subjects different categories to different restrictions
19 is content-based. *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 159 (2015). As
20 explained in Petitioner’s Memorandum of Points and Authorities in support of its
21 administrative appeal of the citation, speech restrictions that are content-based on
22 their face are “subject to strict scrutiny regardless of the government’s benign
23 motive, content-neutral justification, or lack of ‘animus toward the ideas
24 contained’ in the regulated speech.” *Reed*, 576 U.S. at 165.
- 25 b. PZO § 503-K includes exemptions from permitting requirements for several types
26 of signs, including directional signs, political signs, and commercial real estate
27 signs, among others, while not exempting other signs with different content from
28 the permitting requirements. PZO § 503-K E.

1 c. Additionally, the exemption for “political signs” appears to be limited to signs
2 conveying a message about a candidate or issue being voted on in an impending
3 election. PZO §§ 503-K B.&E. While the definition of “political sign” in section
4 503-K B is broad (“‘Political Sign’ means any temporary sign installed which
5 advertises a political candidate, a political party, or a political issue”), the
6 permitting requirements listed in section 503-K E imply more limitations on what
7 content is allowed on a political sign that is exempt from permitting requirements:
8 “No Political Signs shall be installed on fences, walls, light poles, utility poles, or
9 any other structures within the public right-of-way. Such signs may be installed on
10 private property, but only with the property owner’s consent. Such signs shall be
11 removed by the subject political candidate or political organization by the Monday
12 following the election pertaining to the candidate/issue advertised by the signs.
13 Signs not removed within seven (7) days of the specified deadline shall be
14 removed by the City at the expense of the political candidate or organization
15 involved.” But there exists a plethora of political issues at any one time that are
16 not up for vote—perhaps they are issues that the speaker hopes to get on a future
17 ballot, or that they hope to build community support for or reflect community
18 values. Thus, under Pomona’s sign ordinance, a sign that says “Elect Joe Biden”
19 installed before a presidential election is exempt from permitting requirements, but
20 a sign that says “Impeach Joe Biden” is not. PZO § 503-K E.3. Therefore, to
21 apply the political sign exemption as written in the City’s code requires
22 discriminating based on the type of political speech the sign conveys and so is
23 content-based. *Reed*, 576 U.S. at 159.

24 d. Additionally, the code states that, although banners are generally banned, they
25 shall be permitted for “advertising a grand opening, change of business name,
26 change of ownership, and nationally recognized holidays.” PZO § 503-K G.12.
27 Again, this portion of the code restricts or allows certain signs based on the
28 content of the signs. *Id.* For example, a banner announcing a new restaurant’s

1 grand opening may receive a permit. But Gente or another non-profit would not
2 be permitted to hang a banner announcing an upcoming community event.

3 “Because the exceptions to the restriction are based on content, the restriction
4 itself is based on content.” *National Advertising Co. v. City of Orange*, 861 F.2d
5 246, 249 (9th Cir. 1988) (citing *Metromedia, Inc. v. City of San Diego*, 453 U.S.
6 490, 520 (1981)). Therefore, PZO § 503-K is broadly content-based, and certain
7 provisions within the broader code are still more finely content-based.

- 8 e. The ordinance as written and as applied cannot satisfy strict scrutiny. It is not
9 narrowly tailored to a compelling government interest.
- 10 f. For example, one of the City’s asserted interests is aesthetics. PZO § 503-K A. But
11 it’s not clear how allowing banners that advertise a grand opening, such as this
12 banner below, is more aesthetically pleasing than allowing pieces of art such as the
13 artwork on Gente’s walls to be displayed.



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27 35. In holding that the City’s signage ordinance is constitutional, the Hearing Officer
28 also erred, under a *de novo* or abuse of discretion standard, by misstating plaintiff’s arguments that

1 the ordinance is vague, and misapplying Constitutional mandates on vagueness, as described
2 below:

3 a. While the plain language of the code seems clear as to the definition of signs and
4 banners, as set forth above, vagueness reigns supreme throughout the code thereby
5 rendering even apparently clear provisions unclear in the context of the whole
6 ordinance. The definition of “political sign” (PZO § 503-K B) read together with
7 the time limitations on political signs (PZO § 503-K E.3), creates confusion about
8 what the code considers an exempt “political sign.” The language limiting the
9 political sign exemption specifies that political signs must be removed “by the
10 Monday following the election pertaining to the candidate/issues advertised by the
11 signs,” and so implies that it only includes signs with a political message or
12 candidate being voted on in an impending election. PZO § 503-K E.3. Therefore,
13 the language does not specify what “issues” are considered an election issue, and
14 whether that only includes propositions, or also political issues indirectly up for
15 consideration. If Gente Organizada wanted to post a sign opposing mass
16 incarceration in an election season when a former prosecutor was running for
17 mayor, it would not be able to assess whether this would qualify as an exempt
18 “political sign” under the code.

19 b. Additionally, the process for obtaining a sign permit or temporary sign permit
20 lacks clarity. Section 503-K C. of the zoning ordinance stipulates that a permit
21 applicant must include sign plans with their application that include “a plot plan of
22 the site showing sign(s) location, elevations of buildings and signs, a detailed sign
23 copy, proposed colors, materials and illumination,” and that “[a]ll plans shall be
24 fully dimensioned and drawn to scale.” However, the City’s online Temporary
25 Sign Permit application does not specify that these plans are required to be
26 submitted with the permit, nor does the City of Pomona webpage that links to the
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1 application.¹ Furthermore, there is no link to an application for a general (non-
2 temporary) sign permit on the City website.² These seemingly conflicting
3 instructions, and the absence of a link to a permit for a non-temporary sign, under
4 the section of the City website labeled “Permit Applications” creates confusion
5 about when a sign permit is needed, what is required to obtain a permit and how to
6 apply for it. This is especially true for new businesses and organizations, that have
7 never gone about this process before.

8 c. Furthermore, it appears from the text of the code that a temporary sign application
9 for Gente Organizada’s three “banners” would be an exercise in futility because
10 PZO § 503-K G.12 permits only banners “for advertising a grand opening . . . ,
11 change of business name, change of ownership, and nationally recognized
12 holiday.” Because the murals at issue do not convey any of this permitted content,
13 it is unclear why the Administrative Citation Correction Notice presented
14 obtaining a temporary banner permit as an option for remedying the citation. The
15 conflict between the language in the code and in the citation makes it extremely
16 difficult for Gente Organizada to know how to remedy the alleged violation. The
17 City’s decision to enforce the code in such a confusing and contradictory manner
18 violates “a basic principle of due process” because it once again does not provide a
19 “person of ordinary intelligence a reasonable opportunity to know what is
20 prohibited, so that he may act accordingly.” *Grayned*, 408 U.S. at 108.

21 d. This code language therefore denies the public and the organization “a reasonable
22 opportunity to know what is prohibited.” *Grayned*, 408 U.S. at 108.

23 36. Petitioner is entitled to a writ of mandate under the Code of Civil Procedure under
24 § 1094.5 commanding the City to set aside the hearing decision upholding the PZO §§ 503-K F.4
25 and 503-K C.1 citations against Gente Organizada.

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27 ¹ Applications and Fees, CITY OF POMONA, CA, <https://www.pomonaca.gov/business/business-with-pomona-city-hall/planning-applications-and-fees?locale=en> (last visited May 8, 2023).

28 ² *Id.*

1 37. In the absence of obtaining relief, Petitioner will suffer irreparable harm, including
2 without limitation infringement of its Constitutional right to free speech and a chilling of further
3 free speech based on the City’s enforcement of its sign Code to penalize and deter Gente
4 Organizada from exercising their free speech rights in the form of artwork, signs or other displays.

5 **SECOND CAUSE OF ACTION**

6 **Ordinary Mandamus (CCP § 1085)**

7 38. Petitioner re-alleges and incorporates by reference each allegation set forth in the
8 preceding paragraphs.

9 39. The First Amendment of the United States Constitution and Article I, Section 2 of
10 the California Constitution (the “Liberty of Speech Clause”) prohibit the government from
11 enforcing content-based speech restrictions that are not narrowly tailored to serve a compelling
12 government interest.

13 40. The sign section of the Pomona Zoning Ordinance (§ 503-K) makes several
14 content-based distinctions. It only permits banners based on whether they contain the specific
15 content set forth in the zoning ordinance. It exempts certain types of signs from permitting
16 requirements based on the content of those signs and is thus content-based. *See Reed v. Town of*
17 *Gilbert, Ariz.*, 576 U.S. 155, 171 (2015).

18 41. The government must justify content-based speech restrictions under strict scrutiny:
19 it is the government’s burden to show that the restrictions are narrowly tailored to serve a
20 compelling government interest. *Id.* at 165. The government has not and cannot satisfy strict
21 scrutiny.

22 42. The sign code is also void for vagueness. “It is a basic principle of due process that
23 an enactment is void for vagueness if its prohibitions are not clearly defined.” *Grayned v. City of*
24 *Rockford*, 408 U.S. 104, 108-109 (1972). “[W]here First Amendment freedoms are at stake, an
25 even greater degree of specificity and clarity of law is required, and courts ask whether language
26 is sufficiently murky that speakers will be compelled to steer too far clear of any forbidden
27 areas.” *Edge v. City of Everett*, 929 F.3d 657, 664 (9th Cir. 2019) (cleaned up). As set forth in
28 paragraph 34, above, the zoning ordinance creates confusion about what signs are and are not

1 exempt from the ordinance's permitting schemes, about its definitions for signs, banners, and
2 murals, and about what is required to obtain a permit or temporary permit.

3 43. Judicial intervention in this dispute, and a declaration by the Court, is necessary to
4 resolve whether Pomona Zoning Ordinance § 503-K is unconstitutionally content-based and
5 otherwise unlawful. Judicial intervention in this dispute, and a declaration by the Court, is also
6 necessary to resolve whether Pomona Zoning Ordinance § 503-K is void for vagueness and
7 unlawful.

8 44. Petitioner is beneficially interested in the outcome of this dispute, and the question
9 is one of public right and the object of the mandamus is to procure the enforcement of a public
10 duty.

11 45. Respondent has a ministerial (non-discretionary) duty to follow the law and is
12 breaking it.

13 46. Petitioner has no plain, speedy and adequate alternative remedy at law. In the
14 absence of obtaining relief, Petitioner will suffer irreparable harm, including without limitation
15 infringement of its Constitutional right to free speech and a chilling of further free speech based
16 on the City's enforcement of its sign Code to penalize and deter Gente Organizada from
17 exercising their free speech rights in the form of artwork, signs or other displays.

18 **THIRD CAUSE OF ACTION**

19 **Violation of the First Amendment to the United States Constitution and Article I, Section 2**
20 **of the California Constitution**

21 47. Petitioner re-alleges and incorporates by reference each allegation set forth in the
22 preceding paragraphs.

23 48. The City of Pomona and its representatives, in their official capacity, subjected
24 Petitioner to citations under PZO § 503-K under the color of state law.

25 49. This conduct, the City's application of PZO §§ 503-K C.1 and F.4 against
26 Petitioner deprived Petitioner of its rights, as guaranteed under the U.S. Constitution and the
27 California Constitution, for the reasons described herein.

28 50. This conduct resulted in monetary fines, which Petitioner paid as a deposit to

1 secure its right to an administrative hearing but challenges here.

2 51. Petitioner is beneficially interested in the outcome of this dispute, and the question
3 is one of public right and the object of the mandamus is to procure the enforcement of a public
4 duty.

5 52. Respondent has a ministerial (non-discretionary) duty to follow the law and is
6 breaking it.

7 53. Petitioner has no plain, speedy and adequate alternative remedy at law. In the
8 absence of obtaining relief, Petitioner will suffer irreparable harm, including without limitation
9 infringement of its Constitutional right to free speech and a chilling of further free speech based on
10 the City's enforcement of its sign Code to penalize and deter Gente Organizada from exercising
11 their free speech rights in the form of artwork, signs or other displays.

12 **FOURTH CAUSE OF ACTION**

13 **Declaratory Relief (CCP §§ 1060, 1062)**

14 54. Petitioner re-alleges and incorporates by reference each allegation set forth in the
15 preceding paragraphs.

16 55. An actual controversy exists between Petitioner and Respondent. The City is
17 improperly construing § 503-K to apply to the artwork hung on Gente Organizada's building to
18 cite Gente Organizada for having "banners" up without a temporary banners permit (the § 503-K
19 F.4 citation). Additionally, the city is applying a plainly unconstitutional ordinance against Gente
20 Organizada, to cite the organization for its banners and signs. The City is also likely to *continue* to
21 apply this unconstitutional ordinance against Gente Organizada. This problem is further
22 exacerbated by the ordinance's unconstitutional vagueness: it is impossible to understand what is
23 and is not allowed under the ordinance, how the permanent and temporary sign permitting
24 schemes function and apply, and how to confirm compliance with the ordinance. The City is
25 denying the substance of the declarations Petitioner requests.

26 56. Petitioner therefore seeks the following three declarations pursuant to Code of Civil
27 Procedure §§ 1060 and 1062:

28 a. The City misapplied its sign ordinance, PZO §503-K to Gente Organizada's

- 1 artwork in issuing the first and second citations;
- 2 b. Respondent’s sign ordinance is unconstitutionally content-based; and
- 3 c. Respondent’s sign ordinance is unconstitutionally vague.

4 **PRAYER FOR RELIEF**

5 57. WHEREFORE, Petitioner prays that this Court enter judgment in its favor and
6 against Respondent on all counts, and:

- 7 a. Issue a writ of mandate, pursuant to Code of Civil Procedure § 1094.5 ordering
8 Respondent and its agents to set aside the hearing Decision and Order upholding the
9 citation against Petitioner under PZO §§ 503-K F.4 and 503-K C.1.
- 10 b. Issue a writ of mandate, pursuant to Code of Civil Procedure § 1085, requiring Respondent
11 to:
- 12 i. Cease enforcing PZO § 503-K as applied to the banners on Gente Organizada’s
13 headquarters;
- 14 ii. Cease enforcing PZO § 503-K entirely;
- 15 c. Issue a declaration that the City is improperly applying PZO § 503-K against Gente
16 Organizada.
- 17 d. Issue a declaration that PZO § 503-K is facially unconstitutional because it is content-
18 based and vague.
- 19 e. Repay Gente Organizada the money the organization paid for citations unconstitutionally
20 administered against Gente Organizada under PZO § 503-K.

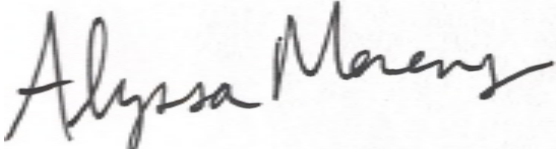
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- f. Award Petitioner’s costs and reasonable attorney’s fees, pursuant to Code of Civil Procedure § 1021.5 and any other relevant provision of law; and
- g. Grant such other and further relief the Court deems just and proper.

Dated: August 21, 2023

ACLU FOUNDATION OF SOUTHERN CALIFORNIA



By: _____
Alyssa Morones
Counsel for Petitioner Gente Organizada

Dated: August 21, 2023

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP



By: _____
Moe Keshavarzi
Counsel for Petitioner Gente Organizada

1 **VERIFICATION**

2 I, Jesus Sanchez, am a co-founder and Director of Economic Justice of Gente Organizada.

3 I have read the foregoing VERIFIED COMPLAINT AND PETITION FOR WRIT OF
4 MANDATE and know the contents thereof. The facts as alleged therein are true to the best of my
5 knowledge, except as to those matters alleged on information and belief, and as to those matters, I
6 believe them to be true. I have authorization to verify such facts on behalf of Gente Organizada.

7 I declare under penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct.

9 Executed on August 21, 2023, in Pomona, California.

10 Executed on August 21, 2023, in POMONA, California.

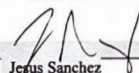
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12 _____
13 Jesus Sanchez

EXHIBIT A
ADMINISTRATIVE
HEARING ORDER

DTQ0731B *** 4000000001 1/1 55288299



SANCHEZ, JESUS
638 W HOLT AVE
POMONA CA 91768-3515

Mailing Date: 8/1/2023

Balance Due: \$0.00

Citation: CE0234842023B

Citation Date: 5/4/2023

Case Number: CE0234842023

Results:

Violation	Disposition	Adjudication Comments
PROC :Processing Fee	Upheld	
2 :Second Citation	Upheld	
PCC50-336 :License/Permits-Business License Req	Upheld	
PZO.503-KF4 :Sign Banner Permit Required	Upheld	
PZO.503-KC1 :Sign Permit Required	Upheld	

Thank you for your recent request for an Administrative Hearing.

The Hearing Examiner has conducted a hearing and the circumstances regarding the issuance of your citation have been carefully reviewed and considered and the results are shown above.

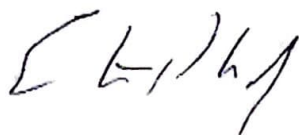
Appellant, together with legal counsel, participated in the requested hearing and offered oral testimony or other evidence in support of the appeal. Based on all the testimony and evidence provided by Appellant and the City, the facts of record are sufficient to uphold the Citation. This decision is made subject to the separate decision and order in this matter that is incorporated herewith. Violator must respond by 8/22/2023.

It has been determined that the action of the Officer was appropriate and the circumstances presented failed to establish sufficient cause for the dismissal of this citation. This decision is final. If you wish to appeal further, please follow the instructions below.

If this letter shows a balance due, and you have not submitted payment, submit payment in full at www.CitationProcessingCenter.com or call (800) 969-6158.

If you wish to contest this decision, you must do so by contacting the Court within your jurisdiction and filing the appeal within 20 days of the date stamped at the top of this document. Should the results of the Administrative Hearing Officer's decisions be contested in court, the Agency must be served at Pomona Code Compliance, 505 S. Garey Ave, , Pomona, CA 91766. The fee for filing the Court appeal is \$25.00 and must be paid to the Court when requesting the appeal. If the Court dismisses the citation, the full amount of the fine and the \$25.00 Court filing fee will be refunded by the issuing agency.

Thank you,

A handwritten signature in black ink, appearing to be 'E. H. H.' or similar, written in a cursive style.

HEARING EXAMINER

ADMINISTRATIVE HEARING DECISION AND ORDER

CITY OF POMONA

Citation No. CE0234842023B

Agency Address: City of Pomona
505 S Garey Ave.
Pomona CA 91766

Hearing Date: July 20, 2023

Appellant(s): JESUS SANCHEZ
c/o Alyssa Morones, Esq.
ACL Fund of Southern California
1313 W. 8th St.
Los Angeles CA 90017

Property Owner(s): GENTE ORGANIZADA, a California nonprofit public benefit corporation.

Property Address: 638 W. Holt Ave.

An administrative hearing ("**Hearing**") was conducted at the request of the Appellant. Information submitted by all parties, if any, together with pleadings, evidence, and documents submitted by the City of Pomona ("**City**") was reviewed by the below-named hearing officer ("**Hearing Officer**") and the following Decision and Order is issued.

PARTIES

Appellant(s): JESUS SANCHEZ was present.

ALYSSA MORONES, attorney at law, appeared on behalf of Appellant.

JONATHAN MARKOVITZ, attorney at law, appeared on behalf of Appellant.

City: LUIS LLAMAS, Code Enforcement Inspector, appeared and testified on behalf of the City.

ANITA GUTIERREZ, Development Services Director, appeared and testified on behalf of the City.

NOTICE

The City served a notice of referral to the Hearing Officer on all concerned parties. The notice advised that an administrative hearing would be held on the above hearing date and at such location as designated by the City.

EVIDENCE

The evidence submitted by the City and Appellant, if any, was thoroughly reviewed and considered in this matter. All witnesses present at the Hearing testified under penalty of perjury.

Testimony was received from Inspector LUIS LLAMAS.

Inspector Llamas recited the facts from the City's file.

Testimony was received from Director ANITA GUTIERREZ.

The above information presented in the Hearing was considered and is incorporated in the following Decision and Order.

The Administrative Hearing was recorded and a copy of the sound audio file is part of the record of this hearing and is maintained by the Citation Processing Center.

The legal 'standard of review' of all evidence in such administrative cases is a **preponderance of the evidence** or 'evidence which is of greater weight and more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not.' **Black's Law Dictionary, Fifth Edition.**

FINDINGS AND ORDER

According to Merriam-Webster dictionary, the word to "advertise" is defined as follows:

To make the public aware of (something or someone) especially by means of a published or broadcast notice

Section 503-K B. of the City of Pomona Zoning Ordinance ("**PZO**") provides in relevant part as follows:

"Banner" means a temporary sign made of fabric or any non-rigid material with no enclosing framework.

"Mural" means a picture on an exterior surface of a structure that does not contain the name of the business, product or service on the premises.

"Sign" means any object or device which is designed, intended, used or located so as to be visible by the public from outdoors for the purpose of advertising the property, establishment or enterprise, including goods and services.

"Temporary Sign" means a sign which is designed or intended to be temporarily mounted or displayed and which is not intended for permanent or long term use.

Section 503-K F.4. of the PZO provides in relevant part as follows:

Prohibited Signs. The following types of signs and devices shall be specifically prohibited . . . Banners, except as permitted herein.

Section 503-K G.12. of the PZO provides as follows:

Banners shall only be permitted for advertising a grand opening (once for each company), change of business name, change of ownership, and nationally recognized holidays, provided the following requirements are met:

a. Number. One (1) Banner per business location may be permitted at any one time.

b. Location. Banners shall be disallowed in residential zones, except in cases of governmental or institutional use of such properties. Banners may also be mounted within public properties such as parks, and public rights-of-way such as streets, with the approval of the Public Works Department. On-site banners shall only be mounted against a building wall, and shall not be strung between freestanding poles, structures or trees.

c. Size. No more than forty five (45) square feet in area, with a maximum length of fifteen (15) feet, and a maximum width of three (3) feet.
d. Duration. Maximum duration of thirty (30) days for every sixty (60) days.
e. Permit Required. A Banner Permit shall be required for each thirty (30) day period that is requested.

Based on the documented information provided by the City, as well as the information presented by the testifying witnesses or otherwise submitted by the parties, I find that facts of record, under governing ordinances, are sufficient to uphold the Citation. The Appellant did not contest that Pomona City Code section 50-336, business license required, was in violation due to a lack of a business license. Appellant, via legal counsel, advised that said license had been applied for. Further, Appellant did not contest that Pomona Zoning Ordinance section 503-K C.1. was in violation and advised, via legal counsel, that the painted sign on the building had been removed.

The Appellant's sole argument regarded the alleged violation of PZO section 503-K F.4.

1. The City's Sign Ordinance May be Legally Applied – the City's Banner Ordinance Was Properly Applied.

Appellant argues that section 503-K F.4. only applies to “business-related signs” or “signs of a commercial nature” because the exceptions to said ordinance, section 503-K G.12. address business or commercial signage by way of banners. Under the City's ordinance, excerpted above, banners may be allowed for advertising grand openings, change of business name, change of ownership, and “nationally recognized holidays.” Nothing about this ordinance limits its application to for-profit entities only. Appellant's organization, Gente Organizada, is a nonprofit public benefit corporation (California corporate filing number 3283825). This means that Gente Organizada does engage in advertising (that is, per the definition cited above, public announcements [i.e. a published or broadcast notice], which Appellant concedes is the point of having the banner to reach the public beyond the capabilities of social media or other means). Appellant admitted that it utilizes social media forms of advertising. Gente Organizada can therefore readily obtain a sign permit, if the conditions under the governing ordinance are otherwise met, for banners to advertize a grand opening (first time), name change, change in control or management (analogous to change in ownership for a for-profit entity), or special offerings (e.g. events or programming) on holidays. Nothing about the City's definitions or regulations otherwise, excerpted above, indicate that the banner regulations are only applicable to for-profit entities. The regulations clearly apply to either for-profit or nonprofit entities, corporations or organizations. For this reason, the City legally applied its ordinances in issuing the Citation.

Finally, the object that the City claims is a banner and that Appellant claims is a mural, is a banner. Said object is non-rigid without a frame enclosing it. This object is not a picture on the exterior of a building, which is required for a “mural” under the definition excerpted above.

2. The City's Signage Ordinances are Constitutional and the City May Enforce Said Ordinances.

Appellant argues that the City's ordinances are not constitutional because they are “content based.” This is clearly not the case. Under *Reed v. Gilbert*, cited by the Appellant, the City's ordinances subject hereof are constitutionally valid because they do not regulate signs (or banners) based on “the topic discussed or the idea or message expressed.” Under the City's ordinances, as enacted presently, the same violation would exist for the subject banner whether said banner stated “defund the police” or “blue lives matter.” There is absolutely nothing about the City's ordinances that implies that the content or subject matter of the words or other expression depicted on a banner makes a difference whether or not the banner is allowed or whether or not a permit can be granted for a banner.

Further, under the rationale of *Reed*, the City's ordinances do not distinguish banners allowed or not based on the political content or subject matter of the banner. That a banner may be allowed under the permitting rules if it is only for the purpose of announcing grand openings, change in name, change in ownership or control, or national holiday events¹, does not mean that the City is distinguishing permissible and non-permissible banners based on the political or social commentary content or subject matter of the banner.

That the City limits banners to specific purposes (e.g. announcing grand openings) does not mean that Gente Organizada has been foreclosed from making, via other types of signs, political or similar speech. Therefore, there is no over or underinclusive problem, and consequently the City's ordinances pass muster under strict scrutiny.

That the City's sign permit process may be "burdensome" is not a cognizable basis for invalidating the City's sign ordinances. Appellant did not offer any legal basis, under ordinance, state code, or pursuant to case law, for invalidating the City's ordinance due to burdensomeness. No finding is made here as to the degree of burdensomeness, if any, of the City's sign permitting process.

3. The City's Ordinance is Not Vague.

PZO Section 503-K G.12., which lists exceptions to the prohibition of banners, does not mention political speech in any way. It simply states the number, location and size of permissible banners. Appellant's reference to the City's regulations for political or campaign signs is not applicable here. The City did not denote the Appellant's banner as a political or campaign sign in the Citation and therefore any ordinances regarding the regulation of political or campaign signs are not relevant to the review here.

That Appellant's banner does not fit into one of the permissible types of banners allowed under 503-K G.12. does not make 503-K F.4. vague. Further, that the City, in its pro forma citation, entered a corrective action to obtain a permit for any banners used does not render the cited violation vague. This is because the corrective action is clearly, unambiguously provided for under 503-K G.12.

For these reasons, the Citation is hereby UPHLED in its entirety.

This ORDER shall commence upon service of this Decision and Order on the Appellant.

///


¹ Appellant points out that a permit exception allowing for banners that announce "nationally recognized" holiday events is evidence of an impermissible content based restriction. However, nationally recognized holidays are not religious holidays, per se, and therefore there cannot be an impermissible content based speech restriction on this basis.

APPEAL

The Hearing Order and Decision is final as to the administrative appeal process. Appellant may seek judicial review of the Hearing Officer's Decision and Order pursuant to the provisions set forth in the City of Pomona Municipal Code. There are strict time limits within which to file a petition for judicial review hereof.

IT IS SO ORDERED:

Date: 07/31/2023



Elio Palacios, Esq.
Hearing Officer

EXHIBIT B

CITATION AND RELATED CORRESPONDENCE

Administrative Citation Correction Notice



Location of violation: 638 W. Holt Ave. Pomona CA 91768

Property Owner
GENTE ORGANIZADA
ATTEN: Jesus Sanchez
638 W. Holt Ave.
Pomona, CA 91768

COPY

AN INVESTIGATION OF THE ADDRESS WAS CONDUCTED AND THE INVESTIGATION REVEALED THAT THOSE ITEMS LISTED BELOW DO NOT CONFORM TO CITY CODE(S) AND REQUIRE CORRECTIVE ACTION:

Municipal Code	Code Description	Action Required
PCC Sec. 50-336	Conducting business without a City of Pomona business license.	All businesses whether profit or non-profit are required to have a City of Pomona business license.
PZO Sec. .503-K F. 4.	Banner at location without a City permit.	Remove the unpermitted banners from outside the building or obtain approval from the Pomona Planning Department for a temporary Banner Permit.
PZO Sec. .503-I 6. (c) & PZO Sec. .503-I 6. (c)(6)	Security fencing in "C," "A-P," "C-IND," and "M" zones. Barbed wire, razor wire, coiled barbed wire, concertina wire, and/or similar products may be used in all "C," "A-P," "C-IND" and "M" zones and within the commercial (MU-AR) and industrial mixed use (MU-LI) districts within the Downtown Pomona Specific Plan area," zones in the following situations: (c) (6) Plans for the use of barbed wire, razor wire, coiled barbed wire, concertina wire or similar products shall be approved by the Planning Division, and a building permit shall be obtained prior to installation of the security fencing.	Remove the Razor wire from the property.
PZO Sec. .503-K C. 1.	Sign Permit Required. Except for certain signs exempted herein, no sign shall hereafter be erected, re-erected, constructed or altered (change of copy), except as provided by this section unless a Sign Permit for same has been approved by the Planning Division. Building and/or electrical permits shall also be obtained, as required in accordance with the Uniform Building Code and/or National Electrical Code.	Sign Permit required for the frontage sign.

Action must be taken by **3/21/2023**. **Failure to correct the violation(s) by the indicated date may result in the issuance of an Administrative Citation and the imposition of an Administrative fine up to \$500.00 per day the violation(s) continue to exist.** You may also be subject to additional enforcement action including but not limited to criminal prosecution.
If you have any questions, call the Development Services Department, Code Compliance Division.

Inspector: Luis Llamas



Location of violation: 638 W Holt Ave. Pomona CA 91768

Email: Luis.Llamas@pomonaca.gov

Development Services Department - Code Compliance Division
505 S. Garey Avenue, Pomona CA 91766 (909) 620-2374

Case #: CE-023484-2023

Date Printed: 3/7/2023

X _____

Date: _____

Administrative Citation

Code Compliance Division

THE CITY OF
POMONA
Community Development
Department



Date	Citation #	Time
04/24/2023	CE0234842023A	1249

The premises located at: **638 W. Holt Ave** in the City of Pomona is in violation of Pomona Municipal Code(s). Prior notification of the violation(s) failed to cause compliance. You are ordered to cease and correct the violation(s).

Please remit payment in the amount indicated below. These fines are cumulative and may be reissued each day the violation(s) continue to exist. In addition, the City may take criminal action and/or pursue any other legal remedy in order to gain compliance.

Responsible Party: Jesus Sanchez

Responsible party additional Information:

Mailing Address (if different) 2121 Arroyo Dr. Pomona, CA 91768

DATE OF MAILING: 4/25/2023

- [X] FIRST CITATION ...\$100.00 + \$22.00 Processing Fee
- SECOND CITATION...\$200.00 + \$22.00 Processing Fee
- THIRD CITATION AND SUBSEQUENT CITATIONS...\$500.00 + \$22.00 Processing Fee

AN INVESTIGATION OF THE ADDRESS WAS CONDUCTED AND THE INVESTIGATION REVEALED THAT THOSE ITEMS LISTED BELOW DO NOT CONFORM TO THE CITY CODE(S) AND REQUIRE CORRECTIVE ACTION:

Municipal Code	Code Description	Corrective Action
PCC Sec. 50-336	Conducting business without a City of Pomona business license.	All businesses whether profit or non-profit are required to have a City of Pomona business license.
PZO Sec. .503-K F. 4.	Banner at location without a City permit.	Remove the unpermitted banners from outside the building or obtain approval from the Pomona Planning Department for a temporary Banner Permit.
PZO Sec. .503-K C. 1.	Sign Permit Required. Except for certain signs exempted herein, no sign shall hereafter be erected, re-erected, constructed or altered (change of copy), except as provided by this section unless a Sign Permit for same has been approved by the Planning Division. Building and/or electrical permits shall also be obtained, as required in accordance with the Uniform Building Code and/or National Electrical Code.	Sign Permit required for the frontage sign.

IMPORTANT!

Read the "Important Information" section of this citation for payment and appeal information
Important Information!

ORDER: You are ordered to cease and correct the violation(s) listed on the front of this citation.

ADMINISTRATIVE CITATION: Pursuant to **sec. 2-1184** of the Pomona Municipal Code. Administrative Citations may be issued for any violation of the Municipal Code. The fines are \$100.00 + \$22.00 Processing Fee for the First Citation, \$200.00 + \$22.00 Processing Fee for the Second Citation, and \$500.00 + \$22.00 Processing Fee for the Third and subsequent Citations for violations of the same ordinance within a twelve (12) month period. **THESE FINES ARE CUMULATIVE AND MAY BE REISSUED EACH DAY THE VIOLATION(S) CONTINUE TO EXIST. IN ADDITION, THE CITY MAY TAKE CRIMINAL ACTION AND/OR PURSUE ANY OTHER LEGAL REMEDY IN ORDER TO GAIN COMPLIANCE.**

PAYMENT OF FINE: The amount of the fine being imposed on you is indicated on the front of this citation. The administrative fine amount and processing fee of \$22.00 must be received by the City within twenty-one (21) days from the date of mailing. Payment may be made by mail;

mail to: City of Pomona, Citation Processing Center, P.O. Box 7275, Newport Beach CA 92658

or online at: www.CitationProcessingCenter.com. **ADMINISTRATIVE CITATION MAY BE SEARCHED ONLINE BY CITATION AND TIME. ENTER CITATION NUMBER AND TIME OF CITATION NOTED ON ADMINISTRATIVE CITATION. PAYMENT OF FINES SHALL NOT EXCUSE THE FAILURE TO CORRECT THE VIOLATION(S), NOR SHALL IT BAR FURTHER ENFORCEMENT ACTION BY THE CITY OF POMONA.**

FAILURE TO PAY FINE: Failure to pay the fine within twenty-one (21) days of issuance will result in a penalty equal to 50% of the fine, plus collection fees. The City may pursue any and all legal and equitable remedies for the collection of unpaid fines and penalties.

REQUEST FOR ADMINISTRATIVE HEARING: You have the right to appeal this Administrative Citation within twenty-one (21) days from date the citation was mailed by completing the information requested below and return the citation along with an advance deposit in the amount of the fine and processing fee (in the form of a cashier's check or money order for the full amount of the fine and processing fee made payable to the "City of Pomona" or online at www.CitationProcessingCenter.com). You will be notified by mail of the date and time of your hearing. Your failure to appear at the hearing will result in a forfeiture of your deposit. A request for hearing will be denied should the request be made more than twenty-one (21) days after the date of issuance.

Check this box and complete the information below to request a hearing.

Name: _____

(Only complete this portion if you are requesting a hearing)

Address: _____

Date: _____ Telephone: _____

A full description of the City's administrative citation program for municipal code violations and your rights in that process are found in Pomona City Code Section **2-1181 through 2-1190**.

Inspector: **Luis Llamas**
City of Pomona Code Compliance Division
(909) 620-2374

Case #: **CE-023484-2023**

THE CITY OF
POMONA

Development Services Department
Code Compliance
505 S. Garey Ave., Pomona., CA 91769

ATTN: 7/023484-23



SANTA ANA CA 926

25 APR 2023 PM 4 L

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04/25/2023

FIRST-CLASS MAIL

US POSTAGE \$000.60⁰

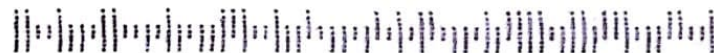


ZIP 91766
041L12202905



Jesus Sanchez
2121 Arroyo Dr.
Pomona, CA 91768

91768-110221



Administrative Citation

Code Compliance Division

THE CITY OF
POMONA
Community Development
Department



Date	Citation #	Time
05/03/2023	CE0234842023B	1152

The premises located at: **638 W. Holt Ave** in the City of Pomona is in violation of Pomona Municipal Code(s). Prior notification of the violation(s) failed to cause compliance. You are ordered to cease and correct the violation(s).

Please remit payment in the amount indicated below. These fines are cumulative and may be reissued each day the violation(s) continue to exist. In addition, the City may take criminal action and/or pursue any other legal remedy in order to gain compliance.

Responsible Party: Jesus Sanchez

Responsible party additional Information:

Mailing Address (if different) 2121 Arroyo Dr. Pomona, CA 91768

DATE OF MAILING: 5/04/2023

- FIRST CITATION ...\$100.00 + \$22.00 Processing Fee
- SECOND CITATION...\$200.00 + \$22.00 Processing Fee
- THIRD CITATION AND SUBSEQUENT CITATIONS...\$500.00 + \$22.00 Processing Fee

AN INVESTIGATION OF THE ADDRESS WAS CONDUCTED AND THE INVESTIGATION REVEALED THAT THOSE ITEMS LISTED BELOW DO NOT CONFORM TO THE CITY CODE(S) AND REQUIRE CORRECTIVE ACTION:

Municipal Code	Code Description	Corrective Action
PCC Sec. 50-336	Conducting business without a City of Pomona business license.	All businesses whether profit or non-profit are required to have a City of Pomona business license.
PZO Sec. .503-K F. 4.	Banner at location without a City permit.	Remove the unpermitted banners from outside the building or obtain approval from the Pomona Planning Department for a temporary Banner Permit.
PZO Sec. .503-K C. 1.	Sign Permit Required. Except for certain signs exempted herein, no sign shall hereafter be erected, re-erected, constructed or altered (change of copy), except as provided by this section unless a Sign Permit for same has been approved by the Planning Division. Building and/or electrical permits shall also be obtained, as required in accordance with the Uniform Building Code and/or National Electrical Code.	Sign Permit required for the frontage sign.

IMPORTANT!

Read the "Important Information" section of this citation for payment and appeal information

Important Information!

ORDER: You are ordered to cease and correct the violation(s) listed on the front of this citation.

ADMINISTRATIVE CITATION: Pursuant to **sec. 2-1184** of the Pomona Municipal Code. Administrative Citations may be issued for any violation of the Municipal Code. The fines are \$100.00 + \$22.00 Processing Fee for the First Citation, \$200.00 + \$22.00 Processing Fee for the Second Citation, and \$500.00 + \$22.00 Processing Fee for the Third and subsequent Citations for violations of the same ordinance within a twelve (12) month period. **THESE FINES ARE CUMULATIVE AND MAY BE REISSUED EACH DAY THE VIOLATION(S) CONTINUE TO EXIST. IN ADDITION, THE CITY MAY TAKE CRIMINAL ACTION AND/OR PURSUE ANY OTHER LEGAL REMEDY IN ORDER TO GAIN COMPLIANCE.**

PAYMENT OF FINE: The amount of the fine being imposed on you is indicated on the front of this citation. The administrative fine amount and processing fee of \$22.00 must be received by the City within twenty-one (21) days from the date of mailing. Payment may be made by mail;

mail to: City of Pomona, Citation Processing Center, P.O. Box 7275, Newport Beach CA 92658

or online at: www.CitationProcessingCenter.com. ADMINISTRATIVE CITATION MAY BE SEARCHED ONLINE BY CITATION AND TIME. ENTER CITATION NUMBER AND TIME OF CITATION NOTED ON ADMINISTRATIVE CITATION. PAYMENT OF FINES SHALL NOT EXCUSE THE FAILURE TO CORRECT THE VIOLATION(S), NOR SHALL IT BAR FURTHER ENFORCEMENT ACTION BY THE CITY OF POMONA.

FAILURE TO PAY FINE: Failure to pay the fine within twenty-one (21) days of issuance will result in a penalty equal to 50% of the fine, plus collection fees. The City may pursue any and all legal and equitable remedies for the collection of unpaid fines and penalties.

REQUEST FOR ADMINISTRATIVE HEARING: You have the right to appeal this Administrative Citation within twenty-one (21) days from date the citation was mailed by completing the information requested below and return the citation along with an advance deposit in the amount of the fine and processing fee (in the form of a cashier's check or money order for the full amount of the fine and processing fee made payable to the "City of Pomona" or online at www.CitationProcessingCenter.com). You will be notified by mail of the date and time of your hearing. Your failure to appear at the hearing will result in a forfeiture of your deposit. A request for hearing will be denied should the request be made more than twenty-one (21) days after the date of issuance.

Check this box and complete the information below to request a hearing.

Name: _____

(Only complete this portion if you are requesting a hearing)

Address: _____

Date: _____ Telephone: _____

A full description of the City's administrative citation program for municipal code violations and your rights in that process are found in Pomona City Code Section **2-1181 through 2-1190**.

Inspector: **Luis Llamas**

City of Pomona Code Compliance Division
(909) 620-2374

Case #: **CE-023484-2023**

THE CITY OF
POMONA

Development Services Department
Code Compliance

505 S. Garey Ave., Pomona, CA 91769

ATTN: 2/023484-23



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FIRST-CLASS MAIL

05/04/2023

US POSTAGE

\$000.60⁰



ZIP 91766
041L12202905



Jesus Sanchez
2121 Arroyo Dr.
Pomona, CA 91768

91768\$1102 CO12





Pomona Code Compliance
C/O Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275



Scan Code
to Pay Now!

DTB0518A *** 4000000251 251/1
AUTO MIXED AADC 926



SANCHEZ, JESUS
2121 ARROYO DR
POMONA CA 91768-1102

OFFICIAL NOTICE OF DELINQUENT
ADMINISTRATIVE CITATION(S)

NOTICE DATE: 05/19/2023

AMOUNT DUE: \$172.00

IMPORTANT
1. Send check or money order. NO CASH. US funds only.
2. Print citation number on your payment.
3. To ensure proper credit, return the bottom portion of this notice with your payment.

Our records indicate that you have previously failed to pay the fine assessed by the administrative citation within the time specified on the citation. DUE TO THIS FAILURE A penalty has been added to your fine. You have 30 days from the DATE OF THIS NOTICE to pay this fine. Failure to do so will result in an additional PENALTY ADDED TO YOUR FINE. Your immediate response to this request for payment will also prevent further action such as, but not limited to:

- 1) Assessment of late fees equal to a minimum of 100% of the penalty owed
2) Special assessment and/or property lien
3) Other legal action

Payment of citation does NOT constitute correction. You must pay this fine and if you have been cited for a correctable ordinance, correction must be made through The Agency. If you need further clarification about payment of the citation, go to: www.CitationProcessingCenter.com or call (800) 969-6158.

If you are the recipient of this notice and you have already made a payment it is possible your payment was received late and you owe a penalty. Please contact the Citation Processing Center at 1-800-969-6158 or via the web at www.CitationProcessingCenter.com for more information.

Table with 5 columns: Citation #, Date & Time Issued, Description of Violation, Location, Amount. Rows include PROC, Processing Fee; 1, First Citation; PCC50-336, License/Permits-Business License Req; PZO.503-KF4, Sign Banner Permit Required.

(If paid, return copy (Front & Back) of canceled check, money order, or receipt)
Please return this portion with your payment -- Use the enclosed envelope (1093-1)

Summary table with columns: Notice Date, Notice Number, TOTAL FINE AMOUNTS, TOTAL DUE NOW. Values: 05/19/2023, TW1236615066, \$172.00.

SANCHEZ, JESUS
2121 ARROYO DR
POMONA CA 91768-1102



1093-1

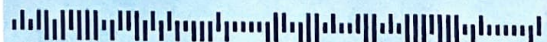
A convenience fee may be applied

DO NOT SEND CASH. WRITE CITATION # ON PMT
MAKE CHECK OR MONEY ORDER PAYABLE TO:

Payment method options: Visa, Master Card, Discover, American Express

Number, Exp., Zip Code fields

Signature, Phone fields



Pomona Code Compliance
C/O Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275

Summary table with columns: Date, Citation #, Amount, Description. Rows include PROC, 1, PCC50-336, PZO.503-KF4, PZO.503-KC1.

Citation #	Date & Time Issued	Description of Violation	Location	Amount
CE0234842023A	04/25/2023 12:49 PM	PZO.503-KC1, Sign Permit Required	638 W HOLT AVE	\$0.00



1236710070 1093-1

Pomona Code Compliance
C/O Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275



Scan Code
to Pay Now!

DTB0530A *** 4000000473 473/1
AUTO MIXED AADC 926



SANCHEZ, JESUS
2121 ARROYO DR
POMONA CA 91768-1102

OFFICIAL NOTICE OF DELINQUENT ADMINISTRATIVE CITATION(S)

NOTICE DATE: 05/31/2023

AMOUNT DUE: \$322.00

IMPORTANT

1. Send check or money order. **NO CASH.** US funds only.
2. Print citation number on your payment.
3. To ensure proper credit, return the bottom portion of this notice with your payment.

Our records indicate that you have previously failed to pay the fine assessed by the administrative citation within the time specified on the citation. **DUE TO THIS FAILURE A penalty has been added to your fine.** You have 30 days from the DATE OF THIS NOTICE to pay this fine. Failure to do so will result in an additional **PENALTY ADDED TO YOUR FINE.** Your immediate response to this request for payment will also prevent further action such as, but not limited to:

- 1) Assessment of late fees equal to a minimum of 100% of the penalty owed
- 2) Special assessment and/or property lien
- 3) Other legal action

Payment of citation does NOT constitute correction. You must pay this fine and if you have been cited for a correctable ordinance, correction must be made through The Agency. If you need further clarification about payment of the citation, go to: www.CitationProcessingCenter.com or call (800) 969-6158.

If you are the recipient of this notice and you have already made a payment it is possible your payment was received late and you owe a penalty. Please contact the Citation Processing Center at 1-800-969-6158 or via the web at www.CitationProcessingCenter.com for more information.

Citation #	Date & Time Issued	Description of Violation	Location	Amount
CE0234842023B	05/04/2023 11:52 AM	PROC, Processing Fee	638 W HOLT AVE	\$22.00
CE0234842023B	05/04/2023 11:52 AM	2, Second Citation	638 W HOLT AVE	\$300.00
CE0234842023B	05/04/2023 11:52 AM	PCC50-336, License/Permits-Business License Req	638 W HOLT AVE	\$0.00
CE0234842023B	05/04/2023 11:52 AM	PZO.503-KF4, Sign Banner Permit Required	638 W HOLT AVE	\$0.00

(If paid, return copy (Front & Back) of canceled check, money order, or receipt)
Please return this portion with your payment -- Use the enclosed envelope (1093-1)

Notice Date	Notice Number	TOTAL FINE AMOUNTS
05/31/2023	TW1236710070	TOTAL DUE NOW \$322.00

SANCHEZ, JESUS
2121 ARROYO DR
POMONA CA 91768-1102



A convenience fee may be applied

1093-1

**DO NOT SEND CASH. WRITE CITATION # ON PMT
MAKE CHECK OR MONEY ORDER PAYABLE TO:**

Visa Master Card Discover American Express

Number _____ Exp. _____ Zip Code: _____

Signature _____ Phone _____



Pomona Code Compliance
C/O Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275

05/04/23	CE0234842023B	\$22.00	PROC
05/04/23	CE0234842023B	\$300.00	2
05/04/23	CE0234842023B	\$0.00	PCC50-336
05/04/23	CE0234842023B	\$0.00	PZO.503-KF4
05/04/23	CE0234842023B	\$0.00	PZO.503-KC1

Citation #	Date & Time Issued	Description of Violation	Location	Amount
CE0234842023B	05/04/2023 11:52 AM	PZO.503-KC1, Sign Permit Required	638 W HOLT AVE	\$0.00