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To: <barbara.greaves@lacity.org>, <councilmember.reyes@lacity.org>, <council...
Date: 4/20/2009 4:30 PM
Subject: Proposed Sign Ordinance

Tarzana Property Owners Association

April 20, 2009

Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street
Los Angeles, CA 90012

Subject: Draft Proposed Sign Ordinance

After several public hearings before the City Planning Commission, several things should be clear:

- The latest proposed ordinance contains a number of very positive attributes including recognition of the distinction between on and off-site signs, substantial fines for non-compliance with signage regulations, prohibition of additional off-site signs, and limitations on digital billboards and supergraphics. The Tarzana Property Owners Association strongly supports those provisions as has essentially everyone testifying before the City Planning Commission, including many members of the sign fraternity.
- The community is uniform in its opposition to the Comprehensive Sign Program and to Sign Districts as currently defined in the proposed ordinance. Dozens of individuals, homeowners groups, and members of Neighborhood Councils have spoken against them, clearly delineating their flaws and shortcomings. Even some members of the sign fraternity have expressed concern and reluctance.
- There are a number of other provisions of the proposed ordinance that have drawn objections from the public and the business community; we urge modification of the proposed ordinance by PLUM to include those provisions.

How do we remedy the situation?

The Planning Department actually proposed a three phase approach in their presentation. We suggest implementing the proposed ordinance in that manner.

Phase One, Pass the Baseline Ordinance. The first phase would be to implement the baseline proposed ordinance, which contains everything except the controversial Sign Districts and Comprehensive Sign Program. The City Planning Commission nearly managed to accomplish this at the hearing on March 18. Several amendments introduced at CPC hearings have been included in the preliminary ordinance sent to PLUM, however several provisions need further strengthening, including wider notification, inclusion of methods to modulate sign illumination, better limits on supergraphics, and limitations on discretionary actions by the Planning Department without public hearings. Pass this baseline Ordinance, with the proposed amendments, at your April 21st meeting and send it on for City Council consideration.

Phase Two, Defer Consideration of the Comprehensive Sign Program. We agree with the overwhelming response of the public comment, and those of several CPC members, and fail to see any justification for exceptions for larger developments. Larger developments would have, almost without exception, longer street footages and thus be allowed larger signs than would be the case for small developments. The blighting and safety issues would remain the same for signs exterior to the developments. The argument for the need for larger signs interior to a larger development makes no sense. In addition, while 100,000 square feet of floor space and 5 acres minimum property size may define an exceptionally large commercial development in cities such as New York or Chicago, it is no larger than the typical "big box" store or strip mall in Los Angeles. The Planning Department graphics presented at the CPC hearings clearly illustrated the point: all of the

examples used to illustrate signage size would qualify under the Comprehensive Sign Program. Comments about the need for special consideration due to the current economic situation are disingenuous. How can you justify a permanent entitlement for a temporary situation? Such an

exemption would essentially emasculate any sign ordinance. It is yet another case of arbitrary deviations from a coherent ordinance; yet another pitfall to be avoided. Commissioner Woo's suggestion at the CPC hearing to reexamine the situation in a year to see if such a provision makes sense is practical and easily accomplished. Passing the provision and reexamining it next year leaves the gates open for a full year, with a potential for massive proliferation of oversized signs. In addition, it is much harder to remove an unnecessary provision than it is to add a provision that appears to be beneficial after study of the issue. Finally, those signs permitted during the year would have permanent status. Remove Section 14.4.22 from the current ordinance and reconsider the need in 12 months.

Phase Three, Defer Consideration of Sign Districts. Along with essentially all of the public commenters at the CPC hearings, we are strongly opposed to the current provisions regarding creation of special Sign Districts. They are perhaps the most controversial aspect of the proposed ordinance. One thing is clear: Federal Judge Audrey Collins has ruled that the current definition of sign districts is not compelling and does not sufficiently establish a basis for allowing exemptions in specified areas from the provisions of the general sign ordinance. While the City has appealed that ruling to the Ninth Circuit Court of Appeals, their response is not expected for at least another year. The City would thus appear to have three approaches to the issue:

- Eliminate all consideration of exemptions for special designated areas (sign districts). As there does not appear to be any overriding reason to create such special districts, this appears to be the simplest and most expedient course of action.
- If that action is not politically feasible, the City must at least await the ruling of the Ninth Circuit Court of Appeals and craft any special sign district parameters based on that ruling. As that may take some time, particularly if there is further appeal to the Supreme Court, the moratorium on any provisions for contemplated sign districts, including digital signs and supergraphics, should be extended until the final adjudication of the issue.
- If neither of these actions is acceptable, the City must craft a set of specific parameters required for a sign district that is likely to withstand further court challenges. While the proposed revisions add additional specificity, it is not at all clear that they are sufficient. The crafting of such a set of parameters must include input from citizen groups including the neighborhood councils and established homeowner groups. Critical items that must be addressed include more extensive notification of proposed Sign Districts, significantly greater reduction in existing signage in exchange for exceptions to the general Sign Ordinance requirements, and significant restrictions of the impingement of any signs on neighboring communities.

We agree with the position of the CPC that there is no justification for granting grandfather status to the five areas which have been proposed as sign districts, but have not been evaluated by the Planning Department or undergone any public hearing. Defer consideration of Sign Districts until the case before the 9th Circuit Court is adjudicated and acceptable provisions for establishing such districts have been developed.

Unjustified Supposed Constraint of Time Urgency. An additional issue was raised at the CPC hearings: the necessity for speed over adequacy of the proposed ordinance due to the expiration of the current ICO. The equivocating response from the City Attorney's office left a possible incorrect impression. While it is true that the current ICO has a limit time until expiration, that should not affect the three phase plan proposed here or any other reasonable alternative. It should be possible to pass the Baseline Ordinance within the remaining ICO. If not, City Council passage of an additional ICO is easily accomplished. Similarly, passage of an additional ICO could be easily accomplished to allow further consideration of the need for, judicially acceptable provisions for, and public acceptance of, Sign Districts. Prohibitions against overly long ICOs refer to delays of years, not the time required in this instance to do it correctly. There is no time constraint on adoption of an ordinance allowing a Comprehensive Sign Program if that is deemed necessary after re-examination in one year.

Summary. We urge the Planning and Land Use Management Committee, and later the City Council, to adopt a thorough and thoughtful approach to the proposed sign ordinance: immediately pass a baseline ordinance incorporating the provisions that the citizenry of Los Angeles is crying out for, defer

consideration of Sign Districts until permissible and acceptable provisions are defined, and defer any consideration of Comprehensive Sign Program unless and until the need becomes apparent after review of the effectiveness of the baseline ordinance.

Very truly yours

David R. Garfinkle
President, Tarzana Property Owners Association
Board Member, Tarzana Neighborhood Council
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From: "James W. Litz" <jwlitz@jameswritz.com>
To: <barbara.greaves@lacity.org>, <councilmember.huizar@lacity.org>, <counci...>
Date: 4/20/2009 5:10 PM
Subject: PLUM Agenda Item #4

To: PLUM Committee: Councilmembers Reyes, Huizar, Weiss

From: James W. Litz, Government Affairs Director
Beverly Hills/Greater Los Angeles Association of
REALTORS

Date: April 21, 2009

Re: Agenda Item #4 - Signage Proposal

In your review of the proposed sign ordinance before you today, please consider that Temporary Signs are what drives tenants and buyers to the new residential opportunities in Mixed Use buildings. In areas that were previously industrial or commercial, residential units are emerging in newly constructed and newly preserved buildings.

While it is every developer's dream to have units fully occupied on the day construction ends, that is not reality. No longer can a developer rely on a Waiting List to full their buildings. The greatly needed new production of housing coming into service, coupled with the economic downturn, demonstrates the need for a more generous approach to Temporary Signs. The proposed Time Periods should be expanded and extended.

I completely understand that this is a minor issue on a massive ordinance. Your consideration is greatly appreciated.