CF 06-2020

From: Janet Elgin <janetmelgin@yahoo.com>
To: <barbara.greaves@lacity.org>, <councilmember.reyes@lacity.org>, <council...
Date: 5/12/2009 8:35 AM
Subject: NO grandfathering of sign districts - Respect Procedure

Honorable PLUM Committee Members:

Grandfathering in sign districts is obviously in conflict with the intent of the City Planning Commission when it adopted the new sign ordinance in March 2009. Worse, this motion by Councilmembers Reyes and Wesson is NOT at all democratic and does not allow for public input.

All potential sign districts must be subject to the approval process and to fair public input!

Also, I support consideration of Councilmember LaBonge's idea to ban all sign districts, except those in the downtown area. This deserves serious consideration.

Follow process and procedure. It is totally inappropriate to even consider the grandfathering in of any sign district.

Sincerely,

Janet M. Elgin
435 S. Alexandria, #502B
Los Angeles, CA 90020

08-2026

From: David R Garfinkle <drgarfinkle@sbcglobal.net>
To: <councilperson.reyes@lacity.org>, <councilperson.weiss@lacity.org>, <cou...
Date: 5/12/2009 9:59 AM
Subject: Sign Ordinance: no grandfathering of sign districts

Tarzana Property Owners Association

May 12, 2009

Planning and Land Use Management Committee
Los Angeles City Hall
200 North Spring Street

Subject: Proposed Sign Ordinance

As an organization keenly interested in the preservation of what makes Los Angeles a special place to live, we have actively supported City Council actions and City legislation that furthers those goals for more than 40 years. A current example is our active support of the proposed Sign Ordinance. We have provided the City Planning Department, the City Planning Commission and your Planning and Land Use Management Committee with detailed letters and appearances delineating our overall support and our concern with some of the provisions of the proposed ordinance. Our letter to your organization on April 21 indicated our position and concerns. Briefly summarizing those points, we urged PLUM to immediately pass a baseline ordinance incorporating the major provisions of the proposed ordinance, defer consideration of Sign Districts until permissible and acceptable provisions are defined as a result of expected action by the 9th Circuit Court, and defer
any consideration of Comprehensive Sign Program unless and until the need becomes apparent after review of the effectiveness of the baseline ordinance.

We further stressed our support of the City Planning Commission position that only the two proposed Sign Districts that have been approved by the Commission be grandfathered and be bound by the current ordinance. The other five Sign Districts that have been mentioned have not been through any phase of the approval process and, if they go forward, should be bound by the provisions of the pending proposed ordinance when it is adopted. To reiterate, we strongly feel that there should be no grandfathering of the five currently unapproved proposed sign districts; they must be bound by the provisions of the proposed Sign Ordinance currently under PLUM review.

Very truly yours

David R. Garfinkle
President, Tarzana Property Owners Association
www.tarzanapropertyowners.org
Post Office Box 571448
Tarzana, CA 91356-1448

Westwood South of Sm. Blvd HOA
P.O. Box 64321
LA 90064

LA City Council
PLUM Committee

Date: 5-12-09
Submitted in PLUM Committee
Council File No: 08-2020
Item No.: 14
Deputy: B. Greaves

Re: Item 14 May 12, 2009
Council file 08-2020

The following items were not mentioned in our earlier correspondence and should be considered as part of the Council's deliberations on the new sign ordinance.

1) Should any additional sign districts be granted, mandatory sign reduction must be required. We continue to oppose grandfathering of sign districts that have not already been heard before the C.P.C. We support Councilmember LaBonge's recommendation to allow only one new sign district — in Downtown L.A.

2) Enforcement and penalties. In earlier meetings before CPC and PLUM, the City Attorney's office was instructed to report back to the planning entities regarding the possible REVOCATION of a business license of a sign company that is cited and does not pay their fines or comply with the City's rules.

3) We seek language clearly banning digital conversions.

4) Language pertaining to citywide Standards & specific plans and areas that will ~~potentially~~ take

should also include protections for areas adjacent to scenic roadways. Scenic highways & ~~estuary~~ byways should be protected

5) Regarding the regulation of existing digital displays (brightness, hrs of operation, etc) it is recommended that this wait until the annual review. This is unacceptable UNLESS the signs will be shut off until then. Guidelines must be promulgated immediately. They can be reviewed at the one-year anniversary mark - (continuing review of the ord. is needed - not just once)

6) Appeals: We must be certain that the new fees to be established do not also apply to those aggrieved parties seeking to file an appeal -- like a HOA, neighbors We seek equity for RP & private action.

Thank you for your consideration

Sincerely,

Barbara Brode

Barbara Brode, President

LOS ANGELES BUSINESS JOURNAL

Date: 5-12-09 PRINT | CLOSE
Submitted in PLUM WINDOW Committee
Council File No: 08-2020
Item No.: 14
Deputy: B. GREAVES

Hammering the Little Guy

By - 5/4/2009
Los Angeles Business Journal Staff

By MICHAEL KATZ

In 1921, after emigrating from Europe and fighting for the United States in World War I, Carl Strom started Western Exterminator Co. in downtown Los Angeles based on the principals of quality work at a fair price and exceeding customer expectations. In 1952, Strom moved Western's offices to our current landmark location overlooking the Hollywood (101) Freeway. Today, the second, third, and fourth generations of his family continue the Western tradition.

As Los Angeles grew and became more auto-oriented, it became imperative for businesses to advertise their locations with signs visible from large streets and fast-moving highways. Our "Little Man," with his mallet behind his back and raising a warning finger at a pesky rodent with accompanying neon letters, has stood above the 101, advertising our services to passers-by. Today, the west elevation of the building and the sign are just as they were in 1952. For nearly 60 years, our landmark sign has been part of the L.A. fabric, honored by the Los Angeles Historical Society and featured in numerous motion pictures. Daily, we receive comments from customers who fondly refer to seeing our Little Man along the highway as children, and they specifically reference their love of our sign because they consider it to be an integral and appreciated part of the L.A. landscape. As adults, they have confidence in our Little Man, who stands as a sentinel upon the hill, to rid their homes of unwanted pests.

Although it is good service that keeps customers, a good sign drives customers in, and our use of creative signage has allowed Western to remain a strong and viable firm for nearly 90 years. Our sign is literally priceless to our business, generating millions of dollars every year in revenues, which is why we take issue with the city of Los Angeles' attempt to impose undue hardships by adding new limits to on-site business signage: the very livelihood of any business.

Stop sign

Our sign was installed and has been maintained following regulations set forth by the city of Los Angeles. We know that if Carl Strom had tried starting Western Exterminator under the city's new proposed sign code revisions, our company would not have grown as large, jeopardizing the jobs of our nearly 1,000 employees.

We agree that good sign restrictions should be in place, and have always followed them. However, the current knee-jerk reaction to all signs, and the pending passage of sign code revisions that would penalize currently legal signage, is by no means fair or right.

We urge the City Council to address off-site signage, which frustrates so many, separately from the on-site signage that promotes city businesses. The most cost-effective advertising in Los Angeles is on-site signage. We are in a very expensive media market: Television costs $13.20 and radio $6.47 per 1,000 exposures compared with on-site signage at 40 cents.

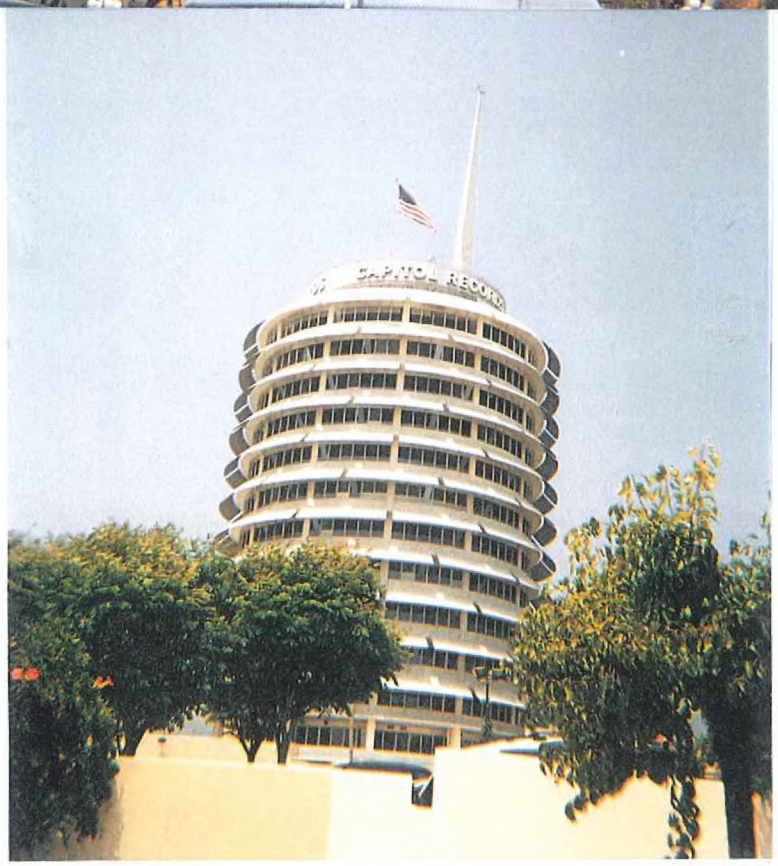
As the City Council begins evaluating a business's right to signage, we urge them to not give a vocal minority carte blanche. The present concerns about excessive signage are not directed at current legal signage, but new signage that does not yet fit into city regulations.

Western respectfully urges the City Council and mayor not to allow the controversy over digital billboards and supergraphics to sweep away like a tsunami the existing, rational regulation of all other signage. Deal with off-site signage as an issue, but don't in the process penalize businesses that are following current on-site law.

Michael Katz is president of the Western Exterminator Co.

Item 14

May, 2009--- World-famous Hollywood has brought millions of travelers and millions of dollars to Los Angeles. 200,000 people live in this lovely, historic, family town. It is growing. Several thousand students attend many preschools, 10 elementary schools, three middle schools and three high schools (one new). Children and teachers have a right to see the sky, clouds, birds and beautiful hills on the way to and from school instead of their view being blocked by huge outdoor signs advertising products to buy. Let Hollywood be beautiful again, like Pasadena, Santa Barbara and Chicago that do not allow buildings covered with huge advertising signage. The Los Angeles City Council will help the people of Los Angeles have a beautiful city again, including Hollywood, by Voting No in May on "Special Sign Districts."



Date: 5-12-09
Submitted In PLUM Comm
Council File No: 08-2020
Item No.: 14
Deputy: B. Kaufman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OATS
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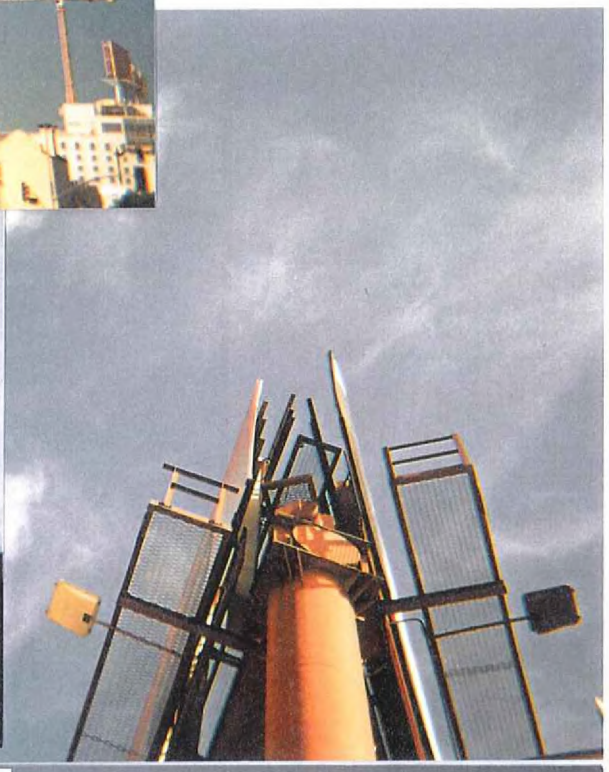
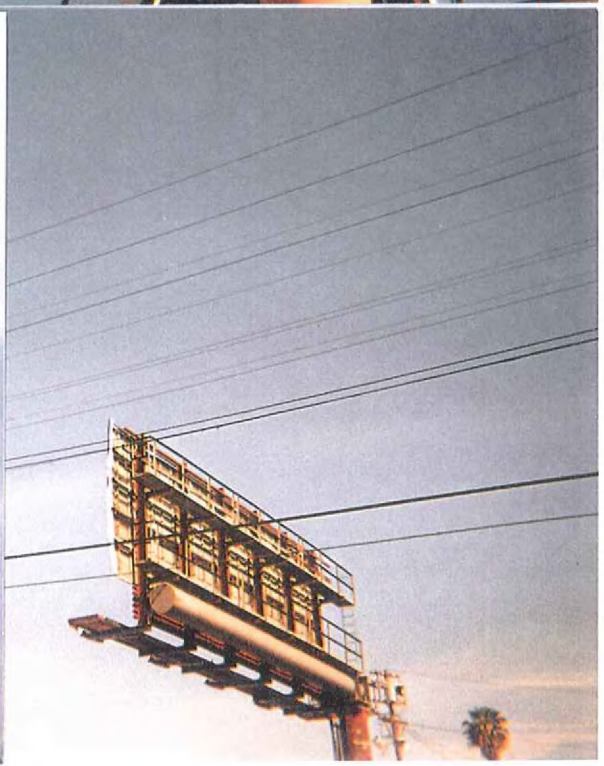
MAY 8


BORDERS
BOOKS
verizon
HANGOVER
MAY 29
3D
JUNE 2


GHOSTS OF GIRLFRIENDS PAST




CLEAR CHANNEL
Mini Sirloin Burgers.

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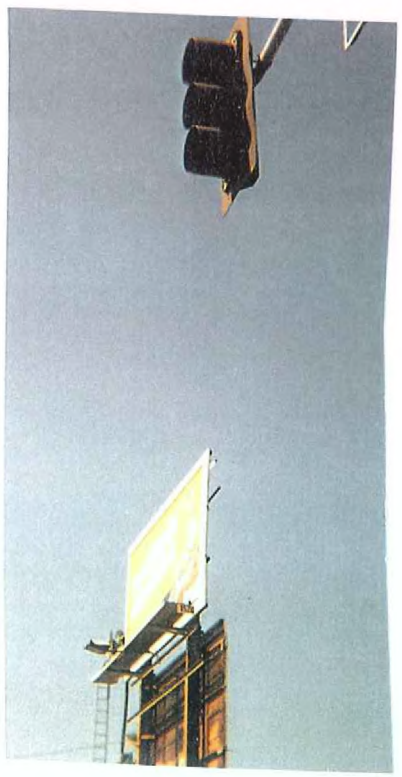


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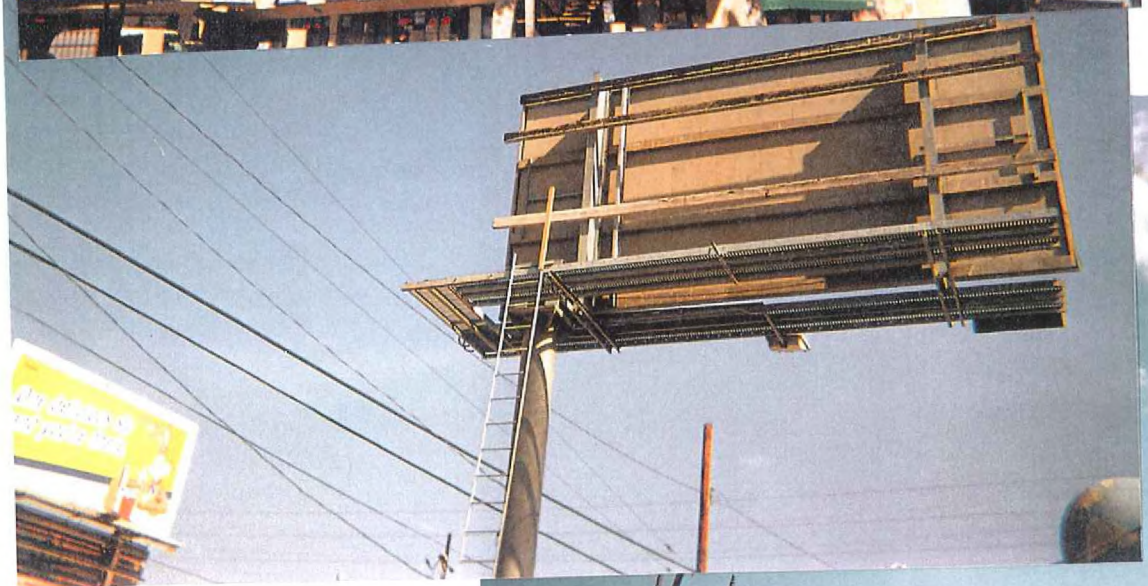

STAY THIRSTY,
my friends.


THE
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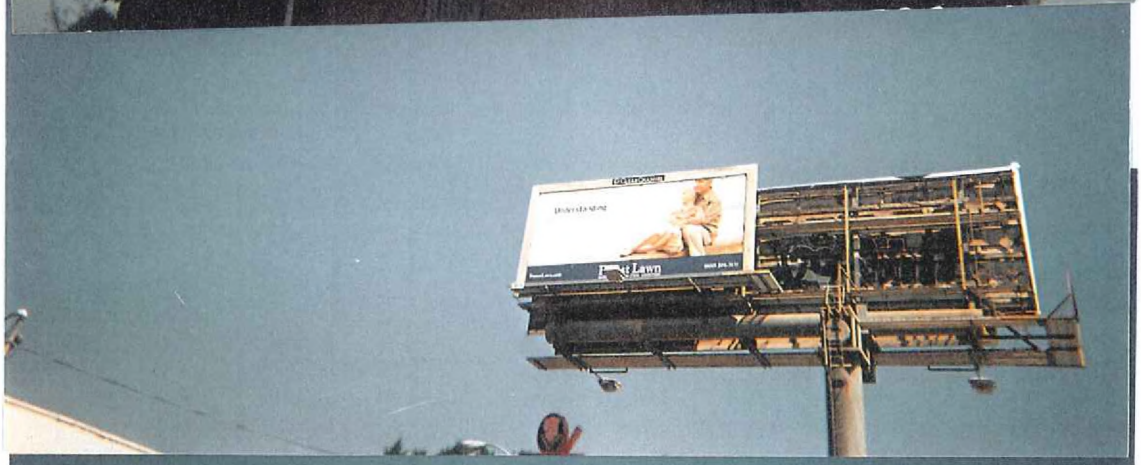
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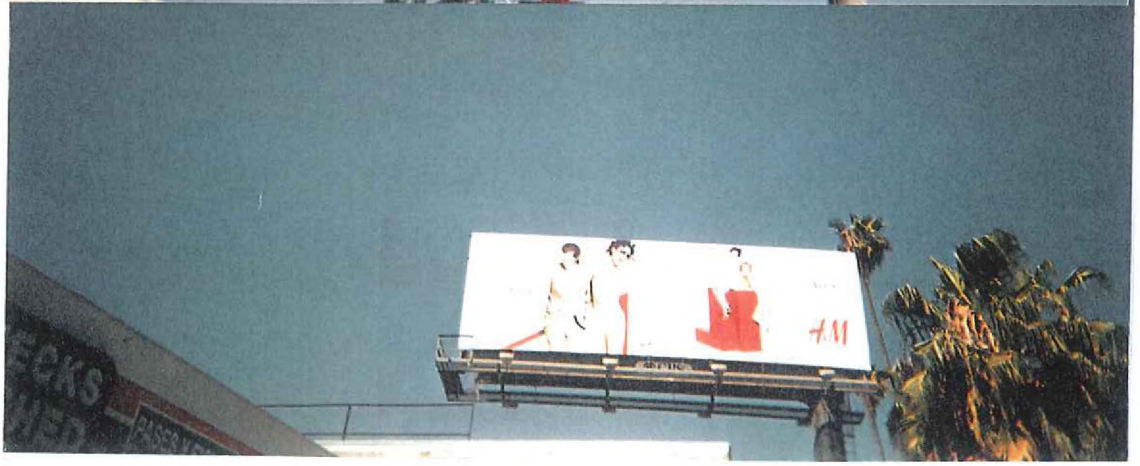

H&M

CLEAR CHANNEL OUTDOOR

Public Affairs Department

May 12, 2009

Date: 5-12-09
Submitted in PLUM Committee
Council File No: 08-2020
Item No.: 14
Deputy: B. GAGALES

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

Honorable Members of the Planning and Land Use Management Committee:

We write to provide input and objections to the proposed sign regulations being contemplated by the City of Los Angeles, and now set for hearing before the Planning and Land Use Committee.

Many of the concepts underlying the proposed ordinance, including enforcement of regulations governing outdoor advertising, are worthwhile, and [**Clear Channel/CBSO**] supports these goals. However, the specific implementation of these goals in the draft proposed ordinance fails to take into account many factors relating to the outdoor advertising industry, the City's prior regulation of outdoor advertising, and the fundamental fairness of protecting property rights. Our comments focus on the following topics: (1) the treatment of signs that have been in place for at least a decade, that pose no safety hazard, and that could have been lawfully erected in compliance with applicable law but for which neither the City nor the sign company can locate the physical permit; (2) enforcement; (3) digital signs installed pursuant to permits issued by the Department of Building & Safety before the date of the Ordinance.

1. Repermitting

The proposed sign regulations should include provisions that fairly address the fact that the City has not maintained complete records for signs. The City's sign regulations should not penalize sign companies based on the City's poor recordkeeping.

At the time that the City enacted the Off-Site Sign Periodic Inspection Program, City officials repeatedly stated that the City's records of permits for billboards were incomplete. In addition, the City has never had a legal requirement that property owners must maintain copies of permits for signs, and just as a home-owner may not have a copy of a permit for a kitchen sink installed years ago, so a sign company may not have a record of a permit for a sign constructed long ago.

Many billboards in the City are decades old. Sign companies have made clear to the City that purely because of these record-keeping issues, there are signs in the City that have been in place for many years and that are in fact lawful but for which neither the sign company nor the City can find a permit. All such signs are entitled to a rebuttable presumption that they are lawfully erected, and the City cannot require the sign owner to demolish the sign without paying just compensation. *See* California Business & Professions Code Sections 5216.1 & 5412.

103-1

Moreover, because of the City's inadequate recordkeeping and limited research capacities, the City cannot rebut that presumption merely by asserting that it cannot find a permit for the sign in its records. Any effort by the City to require sign companies to take down such signs based on the absence of a permit will inevitably be met by litigation, and it is unlikely that the City would ultimately prevail on the merits of requiring a sign company to demolish any sign erected a decade or more ago, which could have been erected under applicable law at the time, but for which an applicable permit cannot be found. In addition, prior to 1986, the City had no comprehensive sign regulations, and the City's recordkeeping as to such older signs is especially incomplete such that it would be especially improper for the City to maintain an enforcement action against such a sign based on nothing more than the inability to locate a permit.

As a result of these factors, the City agreed to settle litigation with numerous sign companies to allow such signs to continue to exist and to work with the sign companies to remedy record-keeping issues by reissuing permits for such signs so long as they are structurally and electrically safe and so long as they could have been lawfully erected or altered at the time that they were erected or altered. The City is under stipulated judgments requiring it to recognize the lawful status of such signs.

The same considerations that led to these settlements and stipulated judgment should lead the City to adopt similar city-wide standards in revising the City's sign regulations. Allowing signs that have been in place for many years does not harm to the City or its residents and is consistent with state law and recognizes settled expectations as to property rights. Adopting a contrary policy in which the City demands the demolition of signs that are lawfully erected based simply on the City's faulty recordkeeping, or seeking to shift the burden to sign companies to prove the lawfulness of signs that have been in place for more than a decade is inconsistent with state law, amounts to an unlawful taking of property unless just compensation is provided, and fails to take into account settled expectations as to property rights.

In particular, the City should include the following language in proposed legislation.

> **1.** Signs erected before July 1, 1986 shall be entitled to continue to exist even if neither the City nor the sign owner can locate the original permit for the sign. Upon request, the City shall re-issue a permit and, upon ensuring that such sign satisfies all relevant requirements of structural and electrical safety, grant all necessary approvals for the continued maintenance and operation of such signs ("repermitting").
>
> **2.** Signs erected between July 1, 1986 and December 31, 1998 and for which no permit can be located or which do not match an existing permit shall be entitled to repermitting as described in subsection (1) above, in conformity with their existing condition if the sign structure could have been lawfully erected in its original condition at the time of its construction, and any

subsequent modification could have been lawfully made at the time that it was made. Such signs shall also be entitled to repermitting if they are restored to the condition that would have rendered them lawful at the time they were erected.

3. No order to comply may be issued with respect to a sign erected on or before December 31, 1998 ("Pre-1999 Signs") based on allegations that the sign was erected without a permit unless and until the sign owner has been given notice that the City cannot locate the relevant permit and an opportunity to provide the permit and/or to seek repermitting as described above. The owner of a Pre-1999 Sign shall have 30 days after receiving such notice in which to provide the City with a permit authorizing the sign in its current condition, to bring the sign into compliance with an issued permit, or to initiate a request for repermitting. If the owner of a Pre-1999 Sign provides a permit or makes a request for repermitting within 30 days of receiving such notice, no order to comply may issue based on such lack of permit unless and until the City issues a written determination with findings detailing why the sign could not have been lawfully erected or altered at the relevant time. The sign owner shall have the right to appeal such determination to the Board of Building & Safety Commissioners within 15 days of receiving such written determination. The decision of the Board of Building & Safety Commissioners shall be final and reviewable pursuant to a writ of mandate in Los Angeles Superior Court. Any order to comply issued with respect to a sign based on a purported lack of a permit shall be immediately withdrawn upon the presentation of evidence by the sign owner that the sign was erected prior to 1999.

Such language fairly balances the City's interest in providing for the removal or remediation of signs that were not lawfully erected or altered with the interests of sign owners in maintaining lawfully erected signs. The failure to adopt such language will inevitably lead the City into multiple challenges to the sign codes and to enforcement efforts that are incompatible with the rebuttable presumption and that disregard settled property rights.

2. Private Right of Action

The City should not create a private right of action relating to sign code enforcement. Such an action will inevitably be exercised in an undisciplined fashion and will ultimately place enormous burdens on the City, as inspectors will be drawn into private disputes and away from the important business of enforcing City laws. Such a private right of action may be used to harass sign owners based on the content of message displayed or based on animus to sign companies.

In addition, as currently drafted, the private right of action is unconstrained and will be confusing to judges, parties, and attorneys. The lack of clarity creates constitutional concerns given that the sign code governs speech.

Finally, the civil penalties provided in the amended code language are already exorbitant, and no further penalties are necessary to discourage code violations. Indeed, the administrative penalties themselves raise serious constitutional concerns, including concerns relating to free speech, due process, equal protection, and regulatory takings.

3. Still Digital Displays

The City should make clear that signs for the display of still digital images erected pursuant to issued permits at the time the new ordinance becomes effective are allowed to remain in place.

These were all erected in good faith reliance on issued permits in a situation in which the City represented and warranted that such changes were fully consistent with the City's sign regulations. [**CBSO/Clear Channel**] reasonably incurred capital expenses and labor costs in making these modernizations and has developed business and marketing plans based upon these assets.

We believe the City was clearly correct in warranting that the signs comply with all City regulations. In particular, until the passage of the recent interim control ordinance, the City regulations permitted copy changes without any permit, allowed electronic message displays, allowed sign alterations that complied with standards of structural and electrical safety of the Building Code, and allowed still digital images that changed no more than once every four seconds and that did not increase ambient light above three footcandles. All of the [**CBSO/Clear Channel**] digital displays that have been erected in the City comply with all of these standards.

Nonetheless, there have been several challenges to these digital signs based on incorrect interpretations of the settlement agreement or city law. These challenges have been costly and distracting and essentially seek to change that law that was in effect at the time the City entered into the settlement agreements and digital displays were erected. If such challenges were successful or if the challengers persuaded the City to revoke any permits based on a new interpretation of City law, the City would face serious liability. The City could be responsible for the attorneys' fees of the prevailing party in such case, and if the City seeks to revoke any permit of [**CBSO/Clear Channel**] the City would be responsible for paying just compensation given that the work on these signs was completed under issued permits that the City warranted would be valid.

Under common law, property rights vest when a building permit is issued and the developer has performed substantial work toward completion of the structure. *See Avco*

Community Developers, Inc. v. South Coast Regional Comm., 17 Cal. 3d 785 (1976); *City of West Hollywood v. Beverly Towers, Inc.*, 52 Cal. 3d 1184 (1991) (holding that city could not impose permit requirement on condominium sales after giving all necessary permits where construction was complete); *Elysian Heights Residential Ass'n, Inc. v. City of Los Angeles*, 182 Cal. App. 3d 21 (1986) (rights in issued permits vested despite alleged inconsistency with general plan). [**CBSO's/Clear Channel's**] property rights in each of their digital signs in Los Angeles have vested.

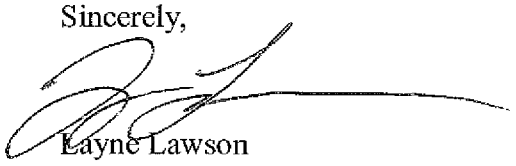
Especially in this time of grave economic uncertainty, the City having induced [**CBSO/Clear Channel**] to enter into a settlement agreement and release claims against the City, and having induced [**CBSO/Clear Channel**] to rely on permits issued by the City, should not risk liability of this kind.

Clarifying that existing digital signs for the display of static images may remain in use will have no negative consequences. The addition of new digital signs will be strictly limited, and the amendments as proposed contemplate restricting sign illumination to two footcandles above ambient light, instead of three footcandles, a change that is more than adequate to address any community concerns regarding illumination.

Finally, the City should not turn its back on developing technologies. Digital signs fill a real need for the dissemination of information and have an immediacy and public exposure not achieved in other formats. Such signs can be used to display emergency information in the case of fire, earthquake, or mudslides. They are used to display amber alerts regarding missing children. News organizations use them to display headlines. Radio stations use them to display the songs playing at a given time. The Los Angeles Angels of Anaheim used them to communicate sorrow over the tragic death of pitcher Nick Adenhart. Artists and non-profit organizations can use them to display their works of art or information about upcoming events or matters of public concern. Many additional beneficial uses will be developed over time as the full potential of the medium is realized. The City should not cut that development short.

We thank the Committee for its consideration of these matters and are available to discuss these matters further.

Sincerely,



Layne Lawson
Director of Public Affairs
Clear Channel Outdoor
Southern California Division

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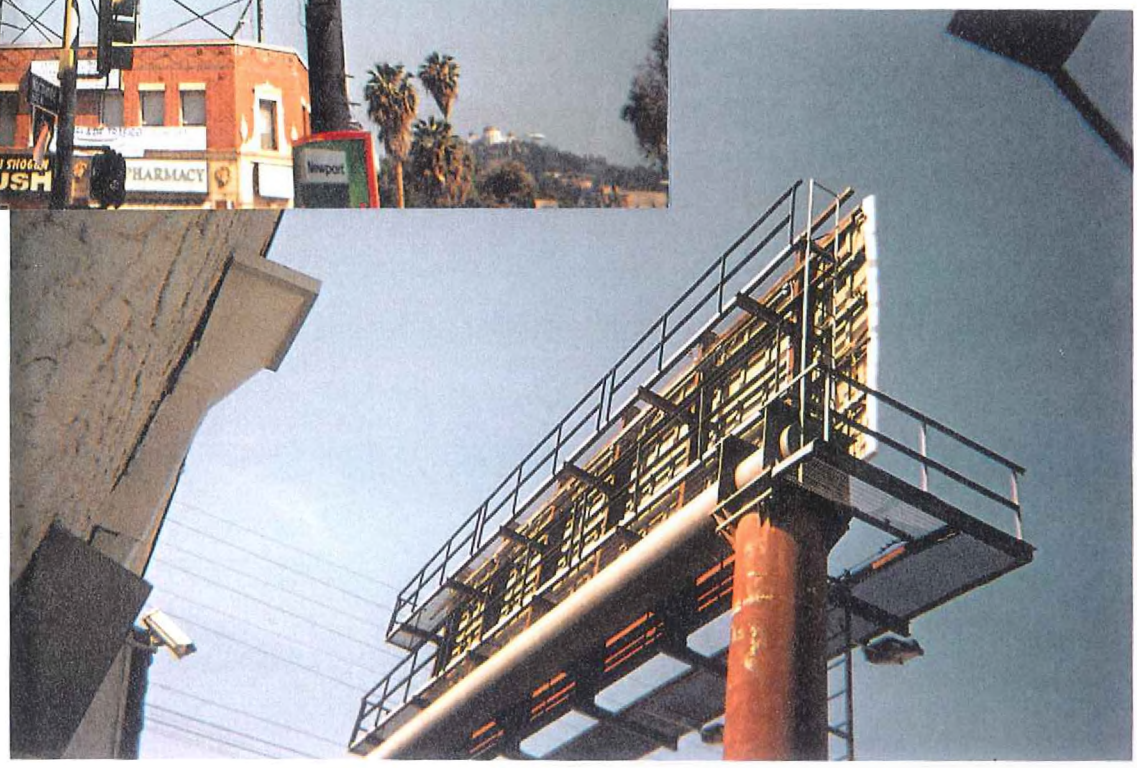

May 12, 2009

Date: 5-12-09
Submitted in PLUM Committee
Council File No: 09-2020
Item No.: 14
Deputy: B. GREEVES

Los Angeles City Council
City Hall
200 N. Spring Street
Los Angeles, CA 90012

RE: Proposed Revisions to City's Sign Ordinance – Case No. CPC-2009-0008-CA; Issues Relating to Temporary Signs and Comprehensive Sign Program

Dear Honorable Members of the City Council:

Established in 1924, Central City Association (CCA) is L.A.'s premier business advocacy association with 450 members employing over 350,000 people in the Los Angeles region. We submit this letter in response to the May 6, 2009 Staff Report and attached draft ordinance amending Article 4.4 and related provisions of Chapter I of the Los Angeles Municipal Code (Draft Sign Ordinance).

In addition to the concerns set forth in our April 21, 2009 letter to the City Council, which we incorporate by reference herein, we submit this letter to provide you with additional information relating to Temporary Sign and Comprehensive Sign Program issues.

Jurisdictions Allowing a Year or More for Temporary Signs and Distinguishing Real Estate Signs

Unlike the proposed sign ordinance for Los Angeles – which only allows temporary signs to be up for a maximum of 90 days per year (with an unworkable 30 day up/30 day down policy) – other large jurisdictions recognize the need for temporary signs with a longer duration, particularly in the real estate context.

- **ATLANTA**: The City of Atlanta permits temporary signs "advertising the sale, rental, or lease . . ." of real estate and allows the duration of such signs for up to "seven (7) days after the property has been sold, rented or leased." *Code of Ordinances of the City of Atlanta*, Sec. 16-28A.007(j). In addition, Section 16-28A.008(6) of the Atlanta Sign Ordinance provides that no permit shall be required for real estate signs. (Cited provisions of the Atlanta Sign Ordinance are attached under "Tab 1").

- **SAN FRANCISCO**: Section 607.1(g) of the San Francisco Municipal Code permits real estate "sale or lease" signs to be up until "completion of the activity to which they pertain." (Cited provisions of the San Francisco Sign Ordinance are attached under "Tab 2").

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- **CHICAGO**: Title 17-12-0804 of the Chicago Municipal Code provides that temporary signs may be in place for up to one year and are permitted a sign area of two square feet for every foot of linear street frontage (2:1). (Cited provisions of the Chicago Sign Ordinance are attached under "Tab 3").

Under the current Los Angeles Sign Ordinance, temporary signs must be removed within 30 days of installation and may not be reinstalled for a period of 30 days. In addition, current regulations do not allow the installation of temporary signs to exceed 90 days in any calendar year. This regulation has proven to be very problematic for cultural institutions and real estate leasing and sale efforts, among other businesses. Attached please find our suggested revisions to the temporary sign provisions of the Draft Ordinance (Attached under "Tab 4").

- *Cultural Institutions*: Typically, museum exhibitions run longer than 30 days. Museum and educational programming runs all year. Finally, sponsors often require visibility for a specific period of time. A 90-day limit/year on signage would prevent museums, such as MOCA, from promoting their exhibitions and programs effectively year-round.

- *Residential Leasing and Sales*: Temporary signs are typically used to advertise residential leasing and sales. These signs often generate as much as 50% of the buyer/tenant traffic. Even in a normal market, a project typically takes at least a year to lease or sell out completely. In the current market, it is almost impossible to tell how long it will take to lease or sell a project. Especially in this crashing housing market, we should be giving property owners – and our local economy – every chance for success.

In addition, the current sign regulations do not work for other kinds of temporary signage, including such signage for retailers advertising their products throughout the year; and commercial leasing signs on ground floor vacant space (currently, window signs advertising such space cannot exceed 10 percent of the total window area).

The jurisdictions of Atlanta, San Francisco and Chicago should be instructive here. These sophisticated jurisdictions recognize the need for a longer duration for real estate temporary signs and have justified distinguishing real estate signs from other types of temporary signage.

PROPOSED LANGUAGE FOR TEMPORARY SIGNS (also attached as "Tab 4" to this letter):

To be inserted as SEC. 14.4.16 (C):

C. Time Limit. Temporary signs shall be removed within nine months of installation and shall not be reinstated for a period of 30 days of the date of removal of the previous sign, unless an extension is granted by the Zoning Administrator. The Zoning Administrator shall have the authority to grant consecutive three-month extensions where applicant can show a business or operating necessity.

5-Acre Requirement in Proposed Comprehensive Sign Program Prejudices Downtown

The City Planning Commission (CPC) has approved a comprehensive review process whereby the City could review the design of signage for an entire project in order to allow greater signage rights than the baseline permitted in the draft ordinance (Comprehensive Sign Program or CSP). In order to qualify for a CSP, a project must have a minimum of 100,000 square feet of non-residential floor area *and* the development site must include a minimum of 5 acres.

The proposed Comprehensive Sign Program would not work for an urban environment, such as Downtown, because many high-density urban properties do not meet the restrictive eligibility requirements. Indeed, 56.7% of Downtown Los Angeles properties are less than one acre and *only 4.12% of Downtown properties are over 5 acres*. In addition, many of our treasured Downtown Cultural Institutions and significant commercial properties – including MOCA, FIDM, the Walt Disney Concert Hall, LA Mart, Los Angeles Athletic Club and the Korea Air Project – are less than 5 acres.

Hence, the CSP requires some modifications to ensure flexibility for the City, including: 1) eliminating the 5 acre requirement, which prejudices high-density urban areas, such as Downtown; 2) permitting flexibility in height by eliminating 50-foot limit on pole signs; and 3) allowing on-site electronic signage with a public hearing.

We also ask that the Comprehensive Sign Program not be restricted to just the C, M, PF and R5 zones, since greater on-site signage rights are often necessary and appropriate in other zones as well to accommodate appropriate signage for cultural centers, sports venues, and schools.

In short, signage in the City cannot be addressed with a one-size-fits-all approach. It is in the City's best interest to take the time necessary to analyze the issue and consider the needs of the City's diverse neighborhoods. We thank you for your consideration.

Sincerely,

Carol E. Schatz
President & CEO
Central City Association

cc: Planning Director Gail Goldberg
Deputy Mayor Bud Ovrom
Hon. City Attorney Rocky Delgadillo
Hon. Eric Garcetti, President of the City Council
Hon. Ed Reyes
Hon. Wendy Greuel
Hon. Dennis P. Zine
Hon. Tom LaBonge
Hon. Jack Weiss
Hon. Tony Cardenas
Hon. Richard Alarcon
Hon. Bernard Parks
Hon. Jan. Perry
Hon. Herb J. Wesson
Hon. Bill Rosendahl
Hon. Greig Smith
Hon. Jose Huizar
Hon. Janice Hahn

CODE OF ORDINANCES
City of
ATLANTA, GEORGIA

Codified through
Ordinance No. 2009-14(09-O-0285),
enacted March 24, 2009.
(Supplement No. 45, Update 1)

Dedication

This Code was dedicated to the life and memory of Jessy Bearden, Deputy City Clerk, ret. (1969--1990), by ordinance approved by the mayor on May 8, 1995.

CHAPTER 28A. SIGN ORDINANCE

Sec. 16-28A.001. Title.

This chapter shall be known and may be referred to as the "Sign Ordinance of the City of Atlanta."
(Code 1977, § 16-28A.001)

Sec. 16-28A.002. Authority.

This chapter is enacted pursuant to the City of Atlanta's exclusive zoning and planning authority granted by the Constitution of the State of Georgia, including but not limited to article 9, section 2, paragraph 4, and article 9, section 2, paragraph 3, as well as authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. section 36-70-3, the City of Atlanta Charter, sections 3-601 through 3-603, 8-141, 8-142, and Charter Appendix I, paragraphs 21, 42, and 43, as well as the general police powers of the City of Atlanta and other authority provided by federal, state and local laws applicable hereto.
(Code 1977, § 16-28A.002)

Sec. 16-28A.003. Findings, purpose and intent.

The City of Atlanta finds that the number, size, design characteristics, and locations of signs in the city directly affect the public health, safety, and welfare. The city finds that signs have become excessive, and that many signs are distracting and dangerous to motorists and pedestrians, are confusing to the public and do not relate to the premises on which they are located, and substantially detract from the beauty and appearance of the city. The city finds that there is a substantial need directly related to the public health, safety and welfare to comprehensively address these concerns through the adoption of the following regulations. The purpose and intent of the governing authority of the City of Atlanta in enacting this chapter are as follows:

(1) To protect the health, safety and general welfare of the citizens of the City of Atlanta, and to implement the policies and objectives of the comprehensive development plan of the City of Atlanta through the enactment of a comprehensive set of regulations governing signs in the City of Atlanta.

(2) To regulate the erection and placement of signs within the City of Atlanta in order to provide safe operating conditions for pedestrian and vehicular traffic without unnecessary and unsafe distractions to drivers or pedestrians.

(3) To preserve the value of property on which signs are located and from which signs may be viewed.

(4) To maintain an aesthetically attractive city in which signs are compatible with the use patterns of established zoning districts.

(5) To maintain for the city's residents, workers and visitors a safe and aesthetically attractive environment and to advance the aesthetic interests of the city.

(6) To maintain and maximize tree coverage within the city.

(7) To establish comprehensive sign regulations which effectively balance legitimate business and development needs with a safe and aesthetically attractive environment for residents, workers, and visitors to the city.

interpreted to refer to any part of a sign, including both the sign structure and the sign face.

(b) *Computation of Sign Area of Individual Signs:* The area of a sign shall be the total area within the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with the total area of any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of part 16 of the code of ordinances and is clearly incidental to the display itself.

(c) *Computation of Area of Multifaced Signs:* Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one (1) display face shall be measured in computing sign area. If the two (2) faces of a double-face sign are of unequal area, the area of the sign shall be the area of the larger sign face. In all other cases, the areas of all sign faces of a multifaced sign shall be added together to compute the area of the sign.

(d) *Computation of Height of Sign:* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on theassumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(Code 1977, § 16-28A.006)

Sec. 16-28A.007. General regulations.

The following general regulations shall apply to all signs located in the city:

(a) *Portable Signs:* Portable signs shall be permitted only for promotion of a new business, movie premieres, special permitted events, and anniversary celebrations in districts C-1 through C-5, I-1, I-2, SPI-1 (Central core), SPI-2 (North Avenue), SPI-3 (Midtown), SPI-4 (art center), SPI-9 (Buckhead commercial core), and SPI-10 (Upper Midtown), and SPI-13 (Centennial Olympic Park Area) and only for a period of time not exceeding 30 days. At no other time and in no other place shall such signs be permitted, except as may be specifically authorized within public rights-of-way under section 16-28A.012.

(b) *General Advertising Signs:* General advertising signs are permitted only in the I-1 and I-2 industrial districts and are subject to all of the following requirements:

(1) No general advertising sign shall be located within 300 feet of any residential district boundary line as measured in a straight line from said boundary line to the nearest edge of the sign.

(2) No general advertising sign shall be located within 500 feet of another general advertising sign as measured in a straight line from the nearest edge of the signs.

(3) No general advertising sign adjacent to an interstate highway shall be located within 1,000 feet of another general advertising sign adjacent to an interstate highway and on the same side of said interstate highway, as measured in a straight line from the nearest edges of the signs.
(4) No general advertising sign shall be located within 300 feet of the boundaries of any property which (i) is now on or may be subsequently named to the National Register of Historic Places or (ii) is now or may be subsequently designated as a landmark district, historic district, conservation district, landmark building or site, or historic building or site under chapter 20 of part 16, as measured in a straight line from said boundaries to the nearest edge of the sign.
(5) No general advertising sign shall be located within 300 feet of any governmental building owned by a local, state, or national government, or a public authority thereof, as measured in a straight line from said building to the nearest edge of the sign.
(6) No general advertising sign shall be located within 300 feet of any portion of a Metropolitan Atlanta Rapid Transit Authority station structure as measured in a straight line from said station to the nearest edge of the sign.
(7) No general advertising sign shall be located within 1,000 feet of the Freedom Parkway as measured in a straight line from said parkway to the nearest edges of the sign.
(8) No general advertising sign shall be located in a manner such that any part of said sign is visible from the Freedom Parkway.
(9) No general advertising sign shall be located within 500 feet of the boundaries of a public park as measured in a straight line from said boundaries to the nearest edge of the sign.
(10) No general advertising sign shall be stacked on top of another general advertising sign.
(11) All distance requirements specified in this subsection 16-28A.007(b) shall apply regardless of the existence of intervening streets or lots.
(c) *Campaign Signs:* Campaign signs shall not exceed 35 square feet in surface area and may be displayed on private property in connection with political campaigns or noncommercial civic health, safety or welfare campaigns. All such signs shall exhibit the date of the conclusion of the campaign and shall carry a notation stating that the sign is prohibited on public property and public right-of-way. All such signs shall be removed within 15 days of the date of conclusion of the campaign. Candidates are obligated and required to remove campaign signs placed on their behalf that are unlawfully located or that extend beyond the conclusion of the campaign and shall be liable to the city or its designee for the costs incurred in removing such unlawful signs. In no event shall such a sign remain in place for more than six months. Campaign signs are specifically prohibited in or upon any public right-of-way or other public property.
(d) *Institutional Signs:* Institutional signs, not exceeding 35 square feet in sign area are permitted in residential districts only where such use shall have been approved by special permit or where such use is a legal nonconforming use in such residential district.
(e) *Liability Insurance for Projecting and Suspended Signs:* All permits for projecting or suspended signs that are suspended or project above a public street or public sidewalk or other public vehicular or pedestrian thoroughfare shall be conditioned upon the obtaining and continuous maintenance of liability insurance by the owner for such sign in an amount not less than $1,000,000.00 per occurrence per sign. Said insurance policy

shall not contain a deductible in excess of $1,000.00. The owner shall provide to the director a certificate of insurance that names theCity of Atlanta as an additional named insured and that requires notice to the City of Atlanta at least 30 days prior to cancellation or termination. The owner of such sign shall provide proof of these insurance requirements in a form acceptable to the director prior to issuance of a permit. The owner of such sign shall maintain said liability insurance for the life of the sign, and any sign not so insured by the owner shall automatically be deemed illegal as of the date of said insurance lapse and be immediately removed by the owner. In addition, the director, prior to issuance of a permit for such sign, shall require that the owner of such sign execute a statement appearing on the face of the permit or affixed thereto, agreeing to indemnify the city and holding the city harmless from any and all claims of any kind relating to said sign, which indemnification shall not be limited to the terms of liability insurance required herein.

(f) *Business Identification Signs:* The definition of "Business Identification Sign" contained in section 16-28A.004 is intended, among other things, to prohibit the temporary use of premises solely for the purpose of securing advertising permission that would otherwise be disallowed. The director is authorized to refuse to issue or to revoke any permit for a business identification sign should it be determined after investigation that the entity using or proposing to use said sign is not a bona fide business actually operating within said space.

(g) *Noncommercial Messages:* Any sign allowed herein may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity or service for sale or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area and other requirements of this chapter and of part 16 of the code of ordinances.

(h) *Signs Not to Constitute Acute Traffic Hazard:* No animated sign, flashing sign, or changing sign shall be located adjacent to an interstate highway if it is visible from any portion of said highway. Any sign which is directly or indirectly illuminated shall be reviewed by the director of the bureau of traffic and transportation prior to the issuance of a permit for compliance with this subsection (h). No sign shall be erected, and there shall be no lighting of signs or premises in such a manner and location so as to obstruct the view of, or be confusedwith any authorized traffic signal, notice or control device, or with lights on any emergency vehicle, or so to create hazards or distractions to drivers because of direct or reflected natural or artificial light, flashing, intermittent or flickering lighting or real or apparent movement. No flashing or animated sign shall extend over a public right-of-way.

(i) *Sign Lighting:* Any sign erected subsequent to the effective date of this amendment shall, if externally lighted, be lighted from the top and the lighting shall be directed downward onto the sign. Lighting associated with a sign shall be directed at the sign face. All sources of light associated with a sign shall be effectively shielded from adjacent residential districts and streets. Lighting associated with a sign shall not exceed one and one-tenth (1.1) foot candles in intensity when measured within any portion of a residential district.

(j) *Real Estate Signs:* Real estate signs shall be permitted in all zoning districts subject to the following requirements: One (1) unlighted real estate sign advertising the sale,

rental, or lease, and one (1) unlighted sign indicating that a building or buildings are open for inspection, may be erected on the property advertised. In R-1 through R-G districts, no such sign shall exceed six (6) square feet in surface area or be placed closer than 10 feet to the street paving or the edge of the graded street surface nearest the property depending on the manner of the street improvement, but in no event within the right-of-way of any public street or way. In R-LC and O-I districts, such signs shall not exceed 25 square feet in surface area; in remaining districts, 50 square feet. In R-LC through I-2 districts, one (1) sign of the size specified above is allowed for each 400 feet of street frontage or portion thereof, for each separate street on which the property faces. Where buildings are set back along the front or side street to adepth greater than 10 feet, such sign shall not be placed closer than 10 feet to the property line; where buildings have setbacks less than 10 feet such sign may be placed on the building wall or within the zone between the building wall and the street. No such sign shall be erected within 10 feet of an interior side lot line. All such signs shall be removed within seven (7) days after property has been sold, rented or leased. Such signs may also provide identification, but shall bear no advertising matter. All such signs shall conform
with all of the provisions of the Georgia Real Estate Brokers and Salesmen Licensing Act of 1973, as amended.

(k) *Misleading Real Estate Signs Prohibited:* The display on any property of any sign, poster, billboard or other advertising device bearing the name of any real estate firm, broker, associate broker, or salesperson shall create a rebuttable presumption that the person or other legal entity (if a corporation, the president or chief executive thereof) whose name so appears on said sign directly caused the sign to be placed. No sign advertising the property on which it is located for sale, rent or lease shall in any manner convey or create the impression that such property may be used for any purpose for which it is not zoned or that any building may be used for purposes not permitted by this part 16 or any other provision of the code of ordinances of the City of Atlanta.

(l) *Incidental Signs:* Incidental signs may be located in any R-G, O-I, R-LC, commercial, industrial, special public interest or planned development district, subject to all other requirements of this chapter 28A and the code of ordinances, provided no such incidental sign shall exceed 35 square feet in area.

(m) *Maximum Height of Business Identification Signs:* No portion of any business identification sign shall extend above the top of the building upon which it is located. When attached to buildings over 30 feet in height, no portion of a business identification sign shall be located more than 30 feet in height above ground level, provided that when the ground level is lower than the level of the adjoining street pavement, said sign may be raised so as to be not more than 20 feet above the level of the pavement.

(n) *Protection of Trees:* No removal, destruction, topping, pruning or cutting of any trunk, branch, roots or other vital section of any tree shall be allowed, whether or not such tree may interfere with the visibility of or otherwise affect a sign, without a permit obtained from the city arborist. In deciding whether or not to issue such permit, the city arborist shall consider the following factors:

(1) Conformance with the City of Atlanta tree ordinance.
(2) Whether the tree(s) involved are historic or specimen trees.
(3) The degree to which the proposed cutting or pruning is likely to damage the trees.

(4) The impact of the proposed cutting or pruning on Atlanta's urban forest environment.

(o) *Location of Freestanding Signs:* Freestanding signs shall be located 10 or more feet from the nearest wall of a principal structure and shall not project over the roof of any structure. If a building existing on the date of adoption of this chapter is located in such a way that there is no place on its lot that is more than 10 feet from a wall of the building, and if a freestanding sign would otherwise be permitted on such lot, then the director shall permit a freestanding sign to be located nearer than 10 feet to the building provided that such sign is kept as far as practicable from the building, does not result in an unsafe condition, and otherwise complies with the requirements of this part.

(p) *Building Signature Signs:* Building signature signs are allowed only in O-I, C-1, C-2, C-3, C-4, C-5, SPI-1, SPI-2, SPI-3, SPI-4, SPI-13, PD-MU, PD-OC, and PD-BP districts and shall be permitted subject to the following conditions:

(1) Only one (1) sign shall be allowed on any side of the building and further provided that no building shall contain more than one (1) such sign per side.

(2) Such signs may supersede the more restrictive height limit set forth in section 16-28A.007(m) including the 200 square foot area limitation imposed by the applicable zoning district.

(3) Such signs are allowed only on buildings four (4) or more stories in height provided no part of such sign shall extend above the top of the building.

(4) Such signs' area shall not exceed five percent (5%) of the area of the wall to which it is affixed, and shall not be included in computing the total area of signage imposed by each zoning district for business identification signs.

(5) Said signs shall be allowed only for a principal occupant as defined in Section 16-28A.004. Change in ownership or occupancy that result in non-compliance with these provisions shall require the removal of the subject sign.

(q) *Reserved.*

(r) *Temporary Construction Signs:* Temporary construction signs shall be permitted as follows:

(1) In R-1 through R-5 and planned development-housing zoning districts. Unilluminated signs are permitted in single-family two-family and planned development-housing districts provided they are placed no earlier than the start of construction and removed within 30 days of issuance of a certificate of occupancy. Such signs shall be limited to one (1) sign per dwelling not to exceed six (6) square feet per contractor or subcontractor.

(2) *All other zoning districts:* In all other zoning districts, unilluminated signs are permitted provided they are placed no earlier than the start of construction and removed whenever a certificate of occupancy issued. Such signs shall be limited to one (1) sign per job site not to exceed 16 square feet per contractor and six (6) square feet per subcontractor.

(s) *General Clearance Requirements:* No sign otherwise permitted in a particular district shall be allowed to project any closer than 18 inches from the inner curbline. All signs shall be so located and shall provide such vertical clearance as to provide for safe, convenient and unobstructed passage for pedestrians and vehicles. Above sidewalks or any other public pedestrian ways, vertical clearance to the lower portion of any canopy or marquee sign, projecting sign or wall sign, or freestanding sign shall be at least 10 feet.

Above parking areas and driveways other than for large trucks, such vertical clearance shall be a minimum of 14 feet. Above service and other driveways for large trucks, such vertical clearance shall be a minimum of 14 feet. Signs shall not be erected or maintained which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one (1) part of a roof to any other part thereof; nor shall any sign be attached in any manner to a fire escape.

(t) *Flags:* In addition to the flags authorized under section 16-28A.008(4), one (1) flag bearing a commercial message and not exceeding 60 square feet in sign area may be flown on each lot within the following districts: R-LC; O-I; C-1 through C-5; I-1; I-2; SPI-1 through SPI-4; SPI-13; PD-MU; PD-OC; and PD-BP. Said flag shall not be counted in computing the number or total area of signs specified in the district regulations. Flags exceeding the size limits herein shall be permitted and counted as signs to the extentauthorized under the applicable district regulations.

(u) *Neon:* Neon lighting shall be allowed only in the following districts: C-1 through C-5; PD-MU; PD-OC; I-1; I-2; SPI-1 through SPI-4; Subarea 5 (Centennial Olympic Park Public Assembly Area) of SPI-13 (Centennial Olympic Park Special Public Interest District); Subareas 1 (Mill) and 5 (Transitional Commercial/Industrial) of LD-20A (Cabbagetown); Subareas 4 (Auburn Commercial Corridor) and 5 (Edgewood Commercial Corridor) of LD-20C (Martin Luther King, Jr. Landmark District); LD-20H (Hotel Row Landmark District); Subareas 2 (Transitional Commercial) and 3 (Transitional Industrial) of HD-20I (Adair Park); LD-20N (Castleberry Hill Landmark District).

(v) *Additional Standards for Signs in Landmark and Historic Areas:* In determining the appropriateness or location of new signs proposed to be placed within the boundaries of any landmark building and site, historic building and site or any property within a landmark district or historic district, the urban design commission shall apply the following criteria in addition to the applicable criteria for certificates of appropriateness specified in chapter 20 of this part 16:

(1) The size, scale and design of the sign shall be compatible with the size, scale and design of the property, building or site upon which it is to be located.

(2) The sign's materials shall be compatible with the period and style of the property, building or site.

(3) The sign's location shall not obscure any significant architectural features of the building or site.

(4) The sign's installation shall not irreparably damage any cornice, ornament or similar architectural detail and shall be the least damaging method feasible for the property, building or site.

(5) The content of the message to be conveyed shall not be considered.

(6) Whenever in these regulations a certificate of appropriateness is required for a sign, the certificate shall be granted or denied within 30 days from the filing of the initial application. If the certificate is not granted or denied within that time period, the applicant may proceed as if the certificate had been granted. Provided, however, if the commission subsequently takes action on the certificate, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.

(7) Any appeal from any decision made on the issuance or denial of a certificate shall be granted or denied within 60 days of the initial filing of the appeal. If the appeal is not granted or denied within this time period, the applicant may proceed as if the appeal was decided in his favor. Provided, however, if action is subsequently taken on the appeal, the director is authorized to take the appropriate action necessary to cause the sign to come into compliance with that decision.

(w) *Approved historic marker* is a sign created and erected for the commemoration of historical events, through a program directly administered by a non-profit organization chartered for the purpose of research and education in Georgia history. An approved historic marker may only commemorate events that occurred more than 50 years ago, or if devoted to a person, such person must have been deceased for at least 25 years. All approved historic markers shall be free standing, two-sided, cast aluminum markers of the same size, shape and height (including the support pole), as that marker previously used by the Parks, Recreation and Historic Sites Division of the Georgia Department of Natural Resources in the State of Georgia historical marker program. An approved historic marker shall have a total plate size of 38" x 42" and a black background with text in silver. The lettering of the approved historic marker text shall be no more and no less than one inch in height and the text shall be the same on each side. The seal of the sponsoring historic society shall be the only decoration allowed on an approved historic marker and shall be painted in the same color as the text and shall not exceed an area of 96 square inches.

(Code 1977, § 16-28A.007; Ord. No. 1999-73, §§ 6--9, 10-12-99; Ord. No. 2000-35, § 2, 6-13-00; Ord. No. 2003-87, § 1, 8-21-03; Ord. No. 2003-97, § 3, 10-14-03; Ord. No. 2006-09, § 5, 3-14-06)

Sec. 16-28A.008. Signs not requiring a permit.

The following signs shall not be required to obtain a sign permit:

(1) Any public notice or warning required by valid and applicable federal, state or local law, regulation or ordinance.

(2) Any sign inside a building.

(3) Holiday lights and holiday decorations with no commercial message.

(4) Flags.

(5) Campaign signs. (See section 16-28A.007(c)).

(6) Real estate signs. (See section 16-28A.007(j)).

(7) Incidental signs not exceeding 35 square feet in sign area. (See section 16-28A.007(l)).

(8) Signs otherwise allowed within public rights-of-way pursuant to section 16-28A.012, except for subsection 16-28A.012(a)(5) therein, which signs shall require a permit.

(9) Parking lot identification signs required by sections 16-14.011(5), 16-15.010(5), 16-18A.012(5), 16-18B.012(5), 16-18C.012(5), and 16-18D.012(5) of this part 16.

(10) Approved historic markers. (see section 16-28A.007(w)). Signs which do not meet the requirements for approved historic markers provided in section 16-28A.007(w) as to size, shape, height, plate size, and allowable text or decoration are not "approved historic markers," even if erected for the purpose of commemorating historical events or persons,

and shall be required to obtain a permit in accordance with the City of Atlanta Sign Ordinance.
(Code 1977, § 16-28A.008; Ord. No. 2003-87, § 2, 8-21-03; Ord. No. 2003-97, § 5, 10-14-03)

Sec. 16-28A.009. Prohibited signs.
All signs not expressly permitted under this chapter 28A are prohibited. Such signs include but are not limited to:
(1) Banners, except as authorized in section 16-28A.012(a)(5) and 16-28A.007(1).
(2) Beacons, except as authorized in section 16-28A.007(a);
(3) Pennants;
(4) Strings of lights not permanently mounted to a rigid background, except as authorized in section 16-28A.008(3);
(5) Inflatable signs;
(6) Balloons, except as authorized in section 16-28A.007(a);
(7) Roof signs; and
(8) Rotating signs.
(Code 1977, § 16-28A.009)

Sec. 16-28A.010. District regulations.
The following regulations shall apply to all signs within the districts indicated. No signs other than those specifically authorized in this section for each district shall be permitted unless otherwise expressly authorized in section 16-28A.007 or elsewhere in this chapter 28A. All signs authorized in a particular district by this section shall, in addition to these district regulations, meet all other regulations in this chapter 28A, including but not limited to section 28A.007, and also shall comply withall other applicable provisions of part 16 and of the code of ordinances.
(1) *R-1 (Single-Family Residential) District, R-2 (Single-Family Residential) District, R-2A (Single-Family Residential) District, R-3 (Single-Family Residential) District, R-3A (Single-Family Residential) District, R-4 (Single-Family Residential) District, R-4A (Single-Family Residential) District, R-4B (Single-Family Residential) District, and R-5 (Two-Family Residential) District.* The following signs shall be permitted in the R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, and R-5 residential districts:
a. *Number and Area of Signs:* For a residential use, one residential sign per lot shall be permitted. Such residential sign shall not exceed two square feet in sign area. For institutional uses, one institutional sign per street frontage shall be permitted not exceeding 35 square feet in sign area. Subdivisions shall be permitted one sign identifying the subdivision per entrance and such sign shall not exceed 35 square feet in sign area. For all uses one building identification sign per lot which shall not exceed one square foot in sign area shall be permitted.
b. *Setback:* Signs shall be mounted flat to the wall of the building, suspended, or not nearer than 30 feet to the street property line, except that building identification signs are permitted in any required yard.
c. *Height of Signs:*
1. No freestanding residential sign shall be higher than three feet above ground level.

ARTICLE 6: SIGNS

In all other C and M Districts: 60 feet.

The 100-foot height limitation stated herein shall not apply to the modification or replacement of any currently existing wall signs so long as such modified or replacement sign is generally in the same location and not larger in surface area and projection than existing signs being modified or replaced. Such signs may contain letters, numbers, a logo, service mark and/or trademark and may be nonilluminated or indirectly illuminated.

(2) Freestanding Signs. The maximum height for freestanding signs shall be as follows:

In C-1: 24 feet;

In C-2: 36 feet;

In all other C and M Districts: 40 feet.

(h) Special Standards for Automobile Service Stations. For automobile service stations, only the following signs are permitted, subject to the standards in this Subsection (h) and to all other standards in this Section 607.

(1) A maximum of two oil company signs, which shall not extend more than 10 feet above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line or building setback line. The areas of other permanent and temporary signs as covered in Paragraph 607(h)(2) below shall not be included in the calculation of the areas specified in this paragraph.

(2) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

(3) General advertising signs meeting the provisions of this Section 607.

(Amended by Ord. 64-77, App. 2/18/77; Ord. 69-87, App. 3/13/87; Ord. 537-88, App. 12/16/88; Ord. 219-94, App. 6/3/94; Ord. 134-97, App. 4/25/97; Ord. 276-98, App. 8/28/98; Ord. 28-02, File No. 011962, App. 3/15/2002)

Editor's note: Section 607(d)(3), added by Ordinance 28-02, applies to determinations made on or after February 20, 2001, by the Planning Department or Planning Commission. See Ordinance 28-02, § 5.

SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.

Signs located in Neighborhood Commercial Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code. In the event of conflict between the provisions of Section 607.1 and other provisions of Article 6, the provisions of Section 607.1 shall prevail in Neighborhood Commercial Districts, provided that with respect to properties also located in the Upper Market Special Sign District, the provisions of Section 608.10 of this Code shall prevail.

(a) Purposes and Findings. In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Neighborhood Commercial Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Neighborhood Commercial Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Neighborhood Commercial Districts.

(3) Neighborhood Commercial Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Neighborhood Commercial District or in adjacent residential districts.

(4) The scale of most Neighborhood Commercial Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) Signs or Sign Features Not Permitted in NC Districts. Roof signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC Districts. No sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

(c) Identifying Signs. Identifying signs, as defined in Section 602.10, shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

(1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet in area. The sign may be a freestanding sign, if the building is recessed from the street property line, or may be a wall sign or a projecting sign. The existence of a freestanding identifying sign shall preclude the erection of a freestanding business sign on the same lot. A wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly illuminated.

(2) One sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Any sign identifying a permitted use listed in zoning categories .40 through .70 in Section 703.2(a) in an NC District shall be considered a business sign and subject to Section 607.1(f) of this Code. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) Nameplates. One nameplate, as defined in Section 602.12 of this Code, not exceeding an area of two square feet, shall be permitted for each noncommercial use in NC Districts.

(e) General Advertising Signs. General advertising signs, as defined in Section 602.7, shall be permitted in Neighborhood Commercial Districts, except in the Inner Sunset Neighborhood Commercial District where they are not permitted, as provided for below. In NC Districts where such signs are permitted, general advertising signs may be either a wall sign or freestanding, provided that the surface of any freestanding sign shall be parallel to and within three feet of an adjacent building wall. In either case, the building wall shall form a complete backdrop for the sign, as the sign is viewed from all points from a street or alley from which it is legible. No general advertising sign shall be permitted to cover part or all of any windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be included in the calculation of the sign, as defined in Section 602.1 (a) of this Code.

(1) NC-2 and NC-S Districts. No more than one general advertising sign shall be permitted per lot or in NC-S Districts, per district. Such sign shall not exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly illuminated.

(2) NC-3 District and Broadway Districts. No more than one general advertising sign not exceeding 300 square feet or two general advertising signs of 72 square feet each shall be permitted per lot. The height of any such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsills on the wall to which it is attached, whichever is lower, if a wall sign, or the adjacent wall or the top of the adjacent wall if a freestanding sign, whichever is lower.

(A) NC-3 Districts. Signs may be either nonilluminated or indirectly illuminated.

(f) Business Signs. Business signs, as defined in Section 602.3 shall be permitted in all Neighborhood Commercial Districts subject to the limits set forth below.

(1) NC-1 Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed one square foot per square foot of street frontage occupied by the business measured along the wall to which the signs are attached, or 50 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(D) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

(2) NC-2, NC-S, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough, Upper Market Street, North Beach, Polk Street, Sacramento Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street– Noe Valley, and West Portal Avenue Neighborhood Commercial Districts.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 100 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(D) Signs on Awnings and Marquees. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) Freestanding Signs and Sign Towers. With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be directly illuminated.

(3) NC-3 Neighborhood Commercial District.

(A) Window Signs. The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

(B) Wall Signs. The area of all wall signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 square feet for each street frontage, whichever is less. The height of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

(C) Projecting Signs. The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet six inches, whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

(D) Sign Copy on Awnings and Marquees. Sign copy may be located on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters or places of entertainment may be directly illuminated during business hours.

(E) Freestanding Signs and Sign Towers. With the exception of automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from the street property line. The existence of a freestanding business sign shall preclude the erection of a freestanding identifying sign on the same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be directly illuminated.

(4) Special Standards for Automotive Gas and Service Stations. For automotive gas and service stations in Neighborhood Commercial Districts, only the following signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards in this Section 607.1.

(A) A maximum of two oil company signs, which shall not extend more than 10 feet above the roofline if attached to a building, or exceed the maximum height permitted for freestanding signs in the same district if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such sign shall project more than five feet beyond any street property line. The areas of other permanent and temporary signs as covered in Subparagraph (B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) Other permanent and temporary business signs, not to exceed 30 square feet in area for each such sign or a total of 180 square feet for all such signs on the premises. No such sign shall extend above the roofline if attached to a building, or in any case project beyond any street property line or building setback line.

(g) Temporary Signs. One temporary nonilluminated or indirectly illuminated sale or lease sign or nonilluminated sign of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all regulations of Subsection 607.1(f) for business signs in the respective NC District in which the sign is to be located. All temporary signs shall be promptly removed upon completion of the activity to which they pertain.

(h) Special Sign Districts. Additional controls apply to certain Neighborhood Commercial Districts that are designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through 608.11 of this Code and with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(i) Restrictions on Illumination. Signs in Neighborhood Commercial Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except those moving or rotating or otherwise physically animated parts used for rotation of barber poles and the indication of time of day and temperature, and in the following special districts, all specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(1) Broadway Neighborhood Commercial District. Along the main commercial frontage of Broadway between west of Columbus Avenue and Osgood Place.

(2) NC-3. NC-3 District along Lombard Street from Van Ness Avenue to Broderick Street.

(3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign is prohibited in the districts described in subparagraphs (1) and (2).

(j) Other Sign Requirements. Within Neighborhood Commercial Districts, the following additional requirements shall apply:

(1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-of-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations not inconsistent with this Code and under such conditions as may be imposed by such authorities.

(2) Maintenance. Every sign pertaining to an active establishment shall be adequately maintained in its appearance. When the activity for which the business sign has been posted has ceased operation for more than 90 days within the Chinatown Mixed Use Districts, all signs pertaining to that business activity shall be removed after that time.

(3) Temporary Signs. The provisions of Section 607.1(g) of this Code shall apply.

(4) Special Standards for Automotive Gas and Service Stations. The provisions of Section 607.1(f)(4) of this Code shall apply.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 219-94, App. 6/3/94; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 28-02, File No. 011962, App. 3/15/2002)

Editor's note: Section 607.1(i)(3), added by Ordinance 28-02, applies to determinations made on or after February 20, 2001, by the Planning Department or Planning Commission. See Ordinance 28-02, § 5.

SEC. 607.2. MIXED USE DISTRICTS.

Signs located in Mixed Use Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be prohibited. In the event of conflict between the provisions of Section 607.2 and other provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

(a) Purposes and Findings. In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Mixed Use Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Mixed Use Districts.

(3) Mixed Use Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories or have housing and commercial and industrial activities interspersed. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Mixed Use District or in adjacent residential districts.

(4) The scale of most Mixed Use Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

CHICAGO ZONING ORDINANCE AND LAND USE ORDINANCE

Comprising Titles 16 & 17 of the Municipal Code of Chicago, and Zoning & Land Use-Related Tables and Indexes

Current through Council Journal of December 17, 2008

CHAPTER 17-12
SIGNS

17-12-0100 Purpose.

17-12-0101 The *sign* regulations of this chapter are intended to balance the public interest – in promoting a safe, well-maintained and attractive city – with the interests of businesses, organizations and individuals in ensuring the ability to identify and advertise products, services and ideas. The regulations have the following specific objectives:

17-12-0101-A to ensure that *signs* are designed, constructed, installed and maintained in a way that protects life, health, property and the public welfare;

17-12-0101-B to allow *signs* as a means of communication, while at the same time avoiding nuisances to nearby properties;

17-12-0101-C to support the desired character of various neighborhoods and zoning districts and promote an attractive visual environment;

17-12-0101-D to allow for adequate and effective *signs*, while preventing *signs* from dominating the appearance of the area; and

17-12-0707 signs that imitate or resemble official traffic lights, *signs* or signals or *signs* that interfere with the effectiveness of any official traffic light, *sign* or signal;

17-12-0708 signs that focus or flash a beam of light into the eyes of a driver of a *motor vehicle* upon a right- of-way within 200 feet from such *sign*; and

17-12-0709 signs erected, constructed or structurally altered that are required to have a permit that were erected, constructed or altered without a permit.

(Added Coun. J. 5-26-04, p. 25275)

17-12-0800 General standards.

17-12-0801 Applicability. The regulations in this section apply to all *signs* regulated by this chapter.

17-12-0802 Sign Placement. All *signs* and *sign structures* must be located on private property, within the boundaries of the *zoning lot*, except when expressly allowed to extend into the right-of-way.

17-12-0803 Incidental Signs.

17-12-0803-A *Incidental signs* that meet the standards of this subsection are allowed in all districts and are not counted in determining the total area of all *signs* on the *lot*.

17-12-0803-B Freestanding *incidental signs* may be up to 6 square feet in area and 42 inches in height. Wall-mounted *incidental signs* may be up to 6 square feet in area and 12 feet in height.

17-12-0803-C Direct or *indirect lighting* is allowed. *Changing-image sign* features and projections into the right-of-way are prohibited.

17-12-0803-D *Incidental signs* that do not meet the standards of this subsection must meet the district-specific standards for *permanent signs* and the area of such *signs* will be counted against a *lot*'s total maximum *sign* area limit.

17-12-0804 Temporary Signs.

17-12-0804-A Sign Features and Characteristics. *Temporary signs* may not be illuminated. *Changing-image sign* features and electronic elements are prohibited.

17-12-0804-B Temporary Wall Signs.

1. Residential Districts. In addition to any other *signs* allowed, one temporary *wall sign* is allowed per *street frontage* in R and DR districts. Such a temporary *wall sign*:

(a) may not exceed 18 inches ×18 inches in area in RS1, RS2, or RS3 districts;

(b) may not exceed 1 square feet × linear *street* frontage in area in RT 3.5, RT4, RM4.5, RM5, RM5.5 RM6, RM6.5 or DR districts; and

(c) may not be mounted at a height above one *story* or 20 feet, whichever is less, in any R or DR district.

2. Business, Commercial, Downtown and Manufacturing Districts. In addition to any other *signs* allowed, one temporary *wall sign* is allowed per *street frontage* in B, C, M, DC, DX and DS districts. Such a temporary *wall sign*:

(a) may not exceed 2 square feet × linear *street* frontage in area;

(b) may not be mounted at a height above 2 stories or 30 feet, whichever is less; and

(c) may not remain in place for more than one year.

17-12-0804-C Temporary Freestanding Signs.

1. Residential Districts. In addition to any other *signs* allowed, one temporary *freestanding sign* is allowed per *street frontage* in R and DR districts. Such a temporary *freestanding sign*:

(a) may not exceed 18 inches ×18 inches in area or 4 feet in height in RS1, RS2, or RS3 districts;

(b) may not exceed 2 square feet × linear *street* frontage in area or 10 feet in height in RT3.5, RT4, RM4.5, RM5, RM5.5 RM6, RM6.5 or DR districts; and

(c) may not project into the *public way*.

2. Business, Commercial, Downtown and Manufacturing Districts. In addition to any other *signs* allowed, one temporary *freestanding sign* is allowed per *street frontage* in B, C, M, DC, DX and DS districts. Such a temporary *freestanding sign*:

(a) may not exceed 2 square feet × linear *street* frontage in area;

(b) may not exceed 24 feet in height;

(c) may not project into the *public way*; and

(d) may not remain in place for more than one year.

17-12-0804-D Temporary Banners. Temporary *banners* are subject to the regulations of this paragraph.

1. Residential Districts. Temporary *banners* in R and DR districts are exempt from the standards for *permanent signs* and are not counted in determining the total area of all *signs* on the *lot*. The following standards apply to temporary *banners* in R and DR districts:

(a) Temporary *banners* are not allowed on *lots* with *detached houses*, *two-flats* or *townhouses*.

(b) Temporary *banners* are allowed on *lots* with *multi-unit residential buildings*, provided that no more* one temporary *banner* is allowed for each 50 *dwelling units* in the building, up to a maximum of 3 *banners*. Temporary *banners* may not exceed 32 square feet in area and no more than one may be attached to each building wall. The mounted height of the temporary *banner* may not exceed 24 feet. Temporary *banners* on multi-unit buildings may be in place for no more than 180 days in any

calendar year.

*** Editor's note – As set forth in Coun. J. 5-26-04, p. 25275; correct language appears to be "...no more than one temporary...."**

(c) One temporary *banner* is allowed on *lots* with allowed nonresidential uses. Such *banners* may not exceed 32 square feet in area and may remain in place for no more than 180 days per calendar year.

2. Business, Commercial, Downtown and Manufacturing Districts. Temporary *banners* in B, C, M, DC, DX and DS are subject to the standards applicable to *permanent signs* and are counted in the total square footage of signage allowed on the site.

17-12-0804-E Special Events Signs. The Zoning Administrator is authorized to issue *temporary sign* permits for special event *signs* and to impose time limits and other restrictions on the use, location, dimensions and characteristics of such *signs* to ensure that they are consistent with the purposes of this chapter.

(Added Coun. J. 5-26-04, p. 25275)

17-12-0900 Signs in residential districts.

17-12-0901 Applicability. The standards of this section apply in all R and DR districts.

17-12-0902 Permanent, On-premise Signs. The following standards apply to permanent, *on-premise signs* in R and DR districts.

For a printer-friendly PDF version of Table 17-12-0902, please click here.

USE GROUP Use Category Use Type	Maximum Number	Maximum Sign Face Area (sq. ft.)	Allowed Sign Types	Maximum Height of Freestanding Sign (feet)
RESIDENTIAL				
Household Living				
Detached House, Two-flat, Townhouse	1 per street frontage	1	Wall	NA
Multi-Unit (3+ units) Residential, Single-Room Occupancy	1 per street frontage	9	Wall, Awning, Freestanding	6
Group Living				
Convents and Monasteries, Family Community Home, Temporary Overnight Shelters, Transitional Residences, Transitional Shelters	1 per street frontage	1	Wall, Awning	NA
Assist. Living (Elderly Custodial Care), Group Community Homes,			Wall,	

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SEC. 14.4.16. TEMPORARY SIGNS.

A. **Permit Required.** Notwithstanding any other provision of this article, a building permit shall be required for a temporary sign, pennant, banner, ribbon, streamer or spinner. ~~other than one that contains a political, ideological or other noncommercial message.~~ The permit application shall specify the dates being requested for authorized installation and the proposed location.

Added exemption For real estate

EXCEPTION: Pursuant to Section 91.6201.2.1a of this Code, no building permit shall be required for a temporary sign, pennant, banner, ribbon streamer or spinner that contains a political, ideological or other noncommercial message or for a temporary sign, pennant, banner, ribbon streamer or spinner that contains a message for the rent, lease or sale of real estate; or that, pursuant to Section 91.101.5 of this Code, contains less than 20 square feet of sign area.

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B. **Area.**

1. ~~The combined sign area of temporary signs shall not exceed two square feet for each foot of street frontage.~~ In addition to the sign area allowed under Section 14.4.4-K of this article, each lot shall be allowed two square feet of sign area for every linear foot of street frontage. This sign area shall only be used on temporary signs and no other signs allowed by this article. The limitation on sign area imposed by this subsection applies to all temporary signs, including temporary signs that do not require a building permit.

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2. The ~~combined~~ sign area of all temporary signs, when placed upon ~~a~~ the interior surface of a window and any other window signs shall not exceed a maximum of ten percent of the window area. Any temporary sign placed on the interior of a window of vacant commercial space will be permitted to cover up to 100 percent of the window area.

C. **Time Limit.**

~~1.~~ Temporary signs shall be removed within nine months of installation and shall not be reinstated for a period of 30 days of the date of removal of the previous sign, unless an extension is granted by the Zoning Administrator. The Zoning Administrator shall have the authority to grant consecutive three-month extensions where applicant can show a business or operating necessity.

Deleted: Temporary signs ~~that require a permit~~ shall be removed within 30 days of installation and shall not be reinstalled for a period of 30 days of the date of removal of the previous sign. The installation of temporary signs shall not exceed a total of 90 days in any calendar year.

EXCEPTION: Temporary signs may be installed for a period of greater than 30 days, provided that such signs shall not exceed a total of nine months in any calendar year, plus any extensions granted by the Zoning Administrator.

Deleted: that do not require a building permit

Deleted: 90 days

D. **Location.** Temporary signs, including those that do not require a building permit, may be tacked, pasted or otherwise temporarily affixed to windows and/or on the walls of buildings, barns, sheds or fences.

E. **Construction.** Temporary signs may contain or consist of posters, pennants, ribbons, streamers or spinners. Temporary signs may be made of paper or any other material. If the temporary sign is made of cloth, it shall be flame proofed when the aggregate area exceeds 100 square feet. Every temporary cloth sign shall be supported and attached with stranded cable of 1/16-inch minimum diameter or by other methods as approved by the Department of Building and Safety.

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CBS OUTDOOR

Date: 05-12-09
Submitted in PLUM Committee
Council File No: 08-2020
Item No.: 14
Deputy: B. GALVAN

May 12, 2009

Planning & Land Use Committee
City Hall of Los Angeles
200 North Spring St.
Los Angeles, CA 90012

Re: Sign Ordinance

We write to provide input and objections to the proposed sign regulations being contemplated by the City of Los Angeles, and now set for hearing before the Planning and Land Use Committee.

Many of the concepts underlying the proposed ordinance, including enforcement of regulations governing outdoor advertising, are worthwhile, and CBS Outdoor supports these goals. However, the specific implementation of these goals in the draft proposed ordinance fails to take into account many factors relating to the outdoor advertising industry, the City's prior regulation of outdoor advertising, and the fundamental fairness of protecting property rights. Our comments focus on the following topics: (1) the treatment of signs that have been in place for at least a decade, that pose no safety hazard, and that could have been lawfully erected in compliance with applicable law but for which neither the City nor the sign company can locate the physical permit; (2) enforcement; (3) digital signs installed pursuant to permits issued by the Department of Building & Safety before the date of the Ordinance.

1. Repermitting

The proposed sign regulations should include provisions that fairly address the fact that the City has not maintained complete records for signs. The City's sign regulations should not penalize sign companies based on the City's poor recordkeeping.

At the time that the City enacted the Off-Site Sign Periodic Inspection Program, City officials repeatedly stated that the City's records of permits for billboards were incomplete. In addition, the City has never had a legal requirement that property owners must maintain copies of permits for signs, and just as a home-owner may not have a copy of a permit for a kitchen sink installed years ago, so a sign company may not have a record of a permit for a sign constructed long ago.

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Many billboards in the City are decades old. Sign companies have made clear to the City that purely because of these record-keeping issues, there are signs in the City that have been in place for many years and that are in fact lawful but for which neither the sign company nor the City can find a permit. All such signs are entitled to a rebuttable presumption that they are lawfully erected, and the City cannot require the sign owner to demolish the sign without paying just compensation. *See* California Business & Professions Code Sections 5216.1 & 5412. Moreover, because of the City's inadequate recordkeeping and limited research capacities, the City cannot rebut that presumption merely by asserting that it cannot find a permit for the sign in its records. Any effort by the City to require sign companies to take down such signs based on the absence of a permit will inevitably be met by litigation, and it is unlikely that the City would ultimately prevail on the merits of requiring a sign company to demolish any sign erected a decade or more ago, which could have been erected under applicable law at the time, but for which an applicable permit cannot be found. In addition, prior to 1986, the City had no comprehensive sign regulations, and the City's recordkeeping as to such older signs is especially incomplete such that it would be especially improper for the City to maintain an enforcement action against such a sign based on nothing more than the inability to locate a permit.

As a result of these factors, the City agreed to settle litigation with numerous sign companies to allow such signs to continue to exist and to work with the sign companies to remedy record-keeping issues by reissuing permits for such signs so long as they are structurally and electrically safe and so long as they could have been lawfully erected or altered at the time that they were erected or altered. The City is under stipulated judgments requiring it to recognize the lawful status of such signs.

The same considerations that led to these settlements and stipulated judgment should lead the City to adopt similar city-wide standards in revising the City's sign regulations. Allowing signs that have been in place for many years does not harm to the City or its residents and is consistent with state law and recognizes settled expectations as to property rights. Adopting a contrary policy in which the City demands the demolition of signs that are lawfully erected based simply on the City's faulty recordkeeping, or seeking to shift the burden to sign companies to prove the lawfulness of signs that have been in place for more than a decade is inconsistent with state law, amounts to an unlawful taking of property unless just compensation is provided, and fails to take into account settled expectations as to property rights.

In particular, the City should include the following language in proposed legislation.

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1. Signs erected before July 1, 1986 shall be entitled to continue to exist even if neither the City nor the sign owner can locate the original permit for the sign. Upon request, the City shall re-issue a permit and, upon ensuring that such sign satisfies all relevant requirements of structural and electrical safety, grant all necessary approvals for the continued maintenance and operation of such signs ("repermitting").

2. Signs erected between July 1, 1986 and December 31, 1998 and for which no permit can be located or which do not match an existing permit shall be entitled to repermitting as described in subsection (1) above, in conformity with their existing condition if the sign structure could have been lawfully erected in its original condition at the time of its construction, and any subsequent modification could have been lawfully made at the time that it was made. Such signs shall also be entitled to repermitting if they are restored to the condition that would have rendered them lawful at the time they were erected.

3. No order to comply may be issued with respect to a sign erected on or before December 31, 1998 ("Pre-1999 Signs") based on allegations that the sign was erected without a permit unless and until the sign owner has been given notice that the City cannot locate the relevant permit and an opportunity to provide the permit and/or to seek repermitting as described above. The owner of a Pre-1999 Sign shall have 30 days after receiving such notice in which to provide the City with a permit authorizing the sign in its current condition, to bring the sign into compliance with an issued permit, or to initiate a request for repermitting. If the owner of a Pre-1999 Sign provides a permit or makes a request for repermitting within 30 days of receiving such notice, no order to comply may issue based on such lack of permit unless and until the City issues a written determination with findings detailing why the sign could not have been lawfully erected or altered at the relevant time. The sign owner shall have the right to appeal such determination to the Board of Building & Safety Commissioners within 15 days of receiving such written determination. The decision of the Board of Building & Safety Commissioners shall be final and reviewable pursuant to a writ of mandate in Los Angeles Superior Court. Any order to comply issued with respect to a sign based on a purported lack of a permit shall be immediately withdrawn upon the presentation of evidence by the sign owner that the sign was erected prior to 1999.

Such language fairly balances the City's interest in providing for the removal or remediation of signs that were not lawfully erected or altered with the interests of sign owners in maintaining lawfully erected signs. The failure to adopt such language will inevitably lead the

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City into multiple challenges to the sign codes and to enforcement efforts that are incompatible with the rebuttable presumption and that disregard settled property rights.

2. Private Right of Action

The City should not create a private right of action relating to sign code enforcement. Such an action will inevitably be exercised in an undisciplined fashion and will ultimately place enormous burdens on the City, as inspectors will be drawn into private disputes and away from the important business of enforcing City laws. Such a private right of action may be used to harass sign owners based on the content of message displayed or based on animus to sign companies.

In addition, as currently drafted, the private right of action is unconstrained and will be confusing to judges, parties, and attorneys. The lack of clarity creates constitutional concerns given that the sign code governs speech.

Finally, the civil penalties provided in the amended code language are already exorbitant, and no further penalties are necessary to discourage code violations. Indeed, the administrative penalties themselves raise serious constitutional concerns, including concerns relating to free speech, due process, equal protection, and regulatory takings.

3. Still Digital Displays

The City should make clear that signs for the display of still digital images erected pursuant to issued permits at the time the new ordinance becomes effective are allowed to remain in place.

These were all erected in good faith reliance on issued permits in a situation in which the City represented and warranted that such changes were fully consistent with the City's sign regulations. CBSO reasonably incurred capital expenses and labor costs in making these modernizations and has developed business and marketing plans based upon these assets.

We believe the City was clearly correct in warranting that the signs comply with all City regulations. In particular, until the passage of the recent interim control ordinance, the City regulations permitted copy changes without any permit, allowed electronic message displays,

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allowed sign alterations that complied with standards of structural and electrical safety of the Building Code, and allowed still digital images that changed no more than once every four seconds and that did not increase ambient light above three footcandles. All of the CBSO digital displays that have been erected in the City comply with all of these standards.

Nonetheless, there have been several challenges to these digital signs based on incorrect interpretations of the settlement agreement or city law. These challenges have been costly and distracting and essentially seek to change that law that was in effect at the time the City entered into the settlement agreements and digital displays were erected. If such challenges were successful or if the challengers persuaded the City to revoke any permits based on a new interpretation of City law, the City would face serious liability. The City could be responsible for the attorneys' fees of the prevailing party in such case, and if the City seeks to revoke any permit of CBSO the City would be responsible for paying just compensation given that the work on these signs was completed under issued permits that the City warranted would be valid.

Under common law, property rights vest when a building permit is issued and the developer has performed substantial work toward completion of the structure. *See Avco Community Developers, Inc. v. South Coast Regional Comm.*, 17 Cal. 3d 785 (1976); *City of West Hollywood v. Beverly Towers, Inc.*, 52 Cal. 3d 1184 (1991) (holding that city could not impose permit requirement on condominium sales after giving all necessary permits where construction was complete); *Elysian Heights Residential Ass'n, Inc. v. City of Los Angeles*, 182 Cal. App. 3d 21 (1986) (rights in issued permits vested despite alleged inconsistency with general plan). CBSO's property rights in each of their digital signs in Los Angeles have vested.

Especially in this time of grave economic uncertainty, the City having induced CBSO to enter into a settlement agreement and release claims against the City, and having induced CBSO to rely on permits issued by the City, should not risk liability of this kind.

Clarifying that existing digital signs for the display of static images may remain in use will have no negative consequences. The addition of new digital signs will be strictly limited, and the amendments as proposed contemplate restricting sign illumination to two footcandles above ambient light, instead of three footcandles, a change that is more than adequate to address any community concerns regarding illumination.

Finally, the City should not turn its back on developing technologies. Digital signs fill a real need for the dissemination of information and have an immediacy and public exposure not

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achieved in other formats. Such signs can be used to display emergency information in the case of fire, earthquake, or mudslides. They are used to display amber alerts regarding missing children. News organizations use them to display headlines. Radio stations use them to display the songs playing at a given time. The Los Angeles Angels of Anaheim used them to communicate sorrow over the tragic death of pitcher Nick Adenhart. Artists and non-profit organizations can use them to display their works of art or information about upcoming events or matters of public concern. Many additional beneficial uses will be developed over time as the full potential of the medium is realized. The City should not cut that development short.

We thank the Committee for its consideration of these matters and are available to discuss these matters further.

Sincerely,

Ryan Brooks
Vice President, Government Affairs

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May 12, 2009

VIA E-MAIL AND U.S. MAIL

The Honorable Planning and Land Use
Management Committee of the
Los Angeles City Council
Room 395, City Hall
200 N. Spring Street
Los Angeles, California 90012

Date: 5-12 09
Submitted in PLUM Committee
Council File No: 08-2020
Item No.: 14
Deputy: B. GREAVES

Re: Proposed New Sign Ordinance/ CPC 2009-0008-CA (Item No. 4 on the Committee's ~~April 21,~~ 2009 Agenda)
May 12

Dear Committee Members:

Thank you for providing us with the opportunity to comment on the proposed City-wide sign ordinance (the "Ordinance"). As we wrote in our letter to you, dated April 21, 2009, the City Council initiated revisions to the City's sign regulations last year in order to strengthen the City's enforcement tools against illegal signs and stop the proliferation of impactful off-site signage, including supergraphics and digital displays. Despite this clear direction, what is now before you is a proposal that unnecessarily goes far beyond the Council's original intent with the drastic reduction of permitted customary and reasonable **on-site** signage. This poses a great risk to the economic health to the City that should not be taken in this time of unprecedented economic crisis.

We appreciate the efforts and ongoing responsiveness of staff and the City decision makers to refine the Ordinance. However, the piecemeal fashion of the development of the Ordinance has repeatedly deprived the affected parties of the opportunity to meaningfully comment with very short intervals to review and comment the iterative drafts of proposals. For example, just last week staff has yet again issued a series of proposals for various revisions to the Ordinance. We recognize that this was in response to the many appropriate concerns and questions from your committee. Nonetheless, this piecemeal process, and the burden it has placed on both Council and the public, clearly demonstrates that the wise course for the City at this time is to simply address only the real problems of illegal signs and inadequate enforcement.

Beyond process and the unnecessary impact on legitimate on-site signage, we are specifically concerned that Ordinance would exacerbate the impact on businesses by not expressly recognizing vested rights establish pursuant to both City and state law. This would be most unfortunate because the efforts of companies which have spent months, if not years, pursuing rights that would aid their businesses would be wasted. More importantly, the City would be deprived the economic development opportunities that these companies could provide. We therefore respectfully request that you amend the Ordinance as set forth below.

1. The Ordinance Does Not Allow for Adequate On-site Signage for Businesses.

The Ordinance should allow adequate on-site (as opposed to advertising) signage to permit businesses to call attention to their presence, provide wayfinding and public safety information, and create visual interest. There has been no public controversy over this type of legitimate business signage. As you know, current City regulations draw a clear distinction between off-site (i.e., advertising) signs and on-site (i.e., tenant, wayfinding and informational) signs. Off-site signs have been banned in the City except in limited areas since 2002. With respect to on-site signs, current law allows a building to maintain four square feet of sign area for each linear foot of street frontage.

The Ordinance would reduce the total amount of permitted signage by more than one-third. This would impose severe hardship on property owners. The maximum proposed sign area is insufficient to allow property owners to maintain all of the needed signage. This would make it even harder for developers to obtain financing for new projects and attract tenants to existing vacant space in this time of economic crises.

We therefore respectfully request that you amend the Ordinance to focus solely on off-site signage and better enforcement and keep the existing regulations on on-site signage in place.

2. The Ordinance Could Cause Confusion by Not Expressly Recognizing Vested Rights.

The Ordinance is silent as to pending projects that have established vested rights through a deemed complete application for a vesting tentative tract map. Government Code Section 66498.1 provides that a vesting tentative tract map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards "in effect at the time the local agency deems the application for the vesting map complete." (LAMC Section 17.C contains identical language.) Therefore, projects that have pending applications for vesting tentative tract maps that have been deemed complete by law or otherwise are not subject to the Ordinance. While these vested rights exist whether or not the Ordinance expressly recognizes them, failure to do so could cause confusion.

This firm has experience even today that the Department of Building of Safety has due to the Interim Control Ordinance erroneously failed to inspect signs previously approved by the City and the Community Redevelopment Agency. This is despite what we understand to be the advice of the City Attorney that the rights to those signs are vested under state law. It is unwise and unfair to allow such confusion to continue with the Ordinance. Therefore, we respectfully request that you add the following language to Section 12 of the Ordinance:

"This ordinance shall not apply to projects that have vested rights pursuant to a deemed complete vesting tentative tract map, development agreement, or otherwise."

3. The Ordinance Would Unduly Tie the City Council's Hands in Considering Sign Districts.

As proposed, the Ordinance imposes such strict requirements on new Sign Districts as to effectively take away the City Council's ability to approve new districts. Despite staff's response to questions raised by your committee, we continue to believe that size requirement would be counterproductive in that it would encourage larger Sign Districts and thus more signs.

Further, the City Council could not approve off-site signage or digital displays without requiring that existing off-site signage or digital displays adjacent to the Sign District be demolished on square foot for square foot basis. This last requirement will be unworkable as there may not be any such signage in an adjacent area or sign owners willing to give up their signage rights. Therefore, we respectfully request that the Ordinance be revised to reflect the Planning Department's original proposal to allow off-site signs and digital displays in a Sign District that either implements a sign reduction program **or** a community beautification program.

Finally, as with vested rights it is unfair to subject proposed Sign Districts with pending applications to the new rules in the Ordinance. As for amendments to existing Sign Districts, the Ordinance should be clarified to provide that such amendments may proceed under the existing sign regulations.

Thank you for your consideration.

Very truly yours,

William F. Delvac

cc: Vince Bertoni, City Planning
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LATHAM & WATKINS LLP

Date: 5-12-09
Submitted in PLUM Committee
Council File No: 08-2020
Item No.: 14
Deputy: B. GRAVES

May 12, 2009

Planning and Land Use Management Committee
Los Angeles City Council
City Hall, Room 395
Los Angeles, CA 90012

City Council File No. 08-2020

Re: PLUM Agenda Item No. 14; CPC-2009-0008-CA: Citywide Sign Ordinance

Dear Honorable Chairman Reyes and Councilmembers Huizar and Weiss:

Thank you for your thoughtful questions at your April 21, 2009, hearing regarding the proposed City Planning Commission ("CPC") ordinance that revises the City of Los Angeles sign regulations (the "Sign Ordinance"). Rather than addressing off-site billboards, much of the testimony you heard was from owners, operators and tenants of sports facilities, non-profit universities and museums, shopping centers, and business districts expressing concerns regarding the impacts of the Sign Ordinance on on-site signs. We appreciate that Staff addressed some of these issues in their May 6, 2009, "Report Back on Sign Ordinance Revisions", but this letter will focus on the issues that were not included in those recommendations. We hope your Committee will direct additional critical changes and corrections on May 12th. These changes will help prevent unintended negative consequences to employers, which could further exacerbate the significant economic consequences of the recession on jobs, businesses, and City revenues that support much-needed City services.

Implementation of Committee Direction. The five points that follow are intended to implement the Committee's direction to address concerns about signs which were expressed at the hearing. Suggestions as to implementing language for each are detailed in the attachments:

1. Expand transition rules to provide for on-site signs for which a discretionary approval specifically contained parameters or a process to approve such signs or otherwise provided relief from the sign regulations;
2. Provide for the City's unique entertainment and cultural facilities through Sign District provisions;
3. Conform procedures under the Comprehensive Sign Program to those of other discretionary approvals, create more flexibility as to what properties can use this approach, and allow Comprehensive Sign Programs to provide height relief;
4. Create criteria now on brightness, standards of illumination, and flashing for on-

site digital signs and allow Comprehensive Sign Programs to include them if the criteria are met; and

5. Like other jurisdictions, clarify the definition of "exterior signs" within the scope of the Sign Ordinance to avoid application of the Sign Ordinance to signs on interior of properties that have messages not visible (except incidentally) from public rights-of-way.

Additional Concerns. Though the Committee did not give direction as to the following issues, we ask that the Committee continue to consider these important points:

A. Retain the City's ability to approve adequate relief provisions including variances, conditional use permits, and Specific Plans that give the City flexibility to permit necessary and appropriate signs in this diverse City with its many unique neighborhoods, rather than adopting the proposed restriction capping modifications at 20% regardless of the circumstances;

B. Continue to allow Specific Plans to authorize broader sign rights with provisions tailored to the specific area, which allows integration with design; enhanced findings can be required that address issues raised in recent court rulings;

C. Allow on-site signs to continue under existing provisions for size, height, spacing, and number of on-site signs, even if the total amount of area is reduced; no evidence has been provided that the proposed restrictions will not have negative impacts, especially given the many businesses that are closing and that need to be replaced, which requires new signage;

D. Modify the enforcement provisions to provide notice and opportunities to cure on-site sign violations to promote fairness and due process protections;

E. Focus the penalties on illegal off-site signs and limit the private right of action to only off-site sign violations to limit the potential for abuse and frivolous claims; and

F. Provide broader transition rules.

We appreciate your consideration as the Committee completes its recommendations on changes to be included in the report sent to Council from your Committee.

Very truly yours,

Lucinda Starrett bg

Lucinda Starrett
of LATHAM & WATKINS LLP

David A Goldberg bg

David A Goldberg
of LATHAM & WATKINS LLP

Detailed Comments on Proposed Sign Ordinance

The Sign Ordinance is a sweeping, one-site-and-size-fits-all approach. We appreciate this Committee's request that Staff review a number of potential revisions and clarifications to the Sign Ordinance, and that Staff has followed up with stakeholders and is recommending certain amendments to the Sign Ordinance. For the reasons set forth below and in our prior submittals, additional modifications are necessary to ensure a proper balance of aesthetic, planning, and business interests and to protect sports and entertainment facilities, nonprofits, museums, cultural establishments, and businesses.

1. Expand Transition Rules to Provide For On-Site Signs For Which a Discretionary Approval Specifically Contained Parameters or a Process to Approve Such Signs or Otherwise Provide Relief From the Sign Regulations

The Sign Ordinance's grandfather provision and transition rule do not address all signs that should be exempt from the Sign Ordinance to promote fairness and ease of administrative process. We understand that Staff may propose additional language in Section 14.4.4.O to allow plan approvals and other requests for on-site signs for which a discretionary approval specifically contained parameters or a process to approve such signs or otherwise provide relief from the sign regulations. We support such language, as set forth in Attachment 1, to approve all such on-site signs permitted with a prior discretionary approval.

2. The City's Unique Entertainment and Cultural Facilities Should Be Eligible for a Sign District

Following testimony at the April 21 hearing, this Committee questioned whether the Sign Ordinance could include relief provisions for the City's unique destinations that are primarily interior signs and are not otherwise eligible for a Comprehensive Sign Program and/or a Sign District under the proposed Sign Ordinance. In response, we understand that Staff has considered a concept for a Sign District for the City's major entertainment and cultural facilities. We support availability of such a Sign District, as set forth in Attachment 2, for the City's major entertainment and cultural facilities.

3. The Comprehensive Sign Program Procedures Should Be Integrated Consistently with Other Discretionary Approvals

a. Hearing Requirement

Like other discretionary approvals, in some cases a proposed comprehensive sign program or modifications to it will not have a significant effect on adjoining properties or on the immediate neighborhood. In such circumstances, like other entitlement procedures where a hearing is not necessary to serve the public interest, the Proposed Ordinance should permit the Director to waive the hearing requirement. Language is proposed for Section 14.4.21.D.2 as forth in Attachment 3.

b. Appellate Body

Code Section 12.36 sets forth procedures for projects with multiple approvals to streamline the entitlement process to alleviate the need for separate entitlement hearings and provide for a more unified, integrated development with a common theme, architecture, and design. Section 14.4.21.D should be revised to provide that the hearing and/or appellate body for a project that requires more than one approval shall be either the Area Planning Commission or the City Planning Commission as set forth in Section 12.36, as set forth in Attachment 3.

4. The Comprehensive Sign Program Should Provide Broader Relief and Be Available to More Properties

a. All Properties with 100,000 Square Feet of Non-Residential Floor Area Should Be Eligible For a Comprehensive Sign Program

We appreciate the Committee's questions and Staff's recommendation in its "Report Back on Sign Ordinance Revisions" that Comprehensive Sign Programs be available in any zones. Unfortunately, many properties – including multi-tenant development sites, major retail centers, and museums – are too small to be eligible for a Comprehensive Sign Program under the Sign Ordinance because it artificially restricts the availability of a Comprehensive Sign Program to properties with a minimum of five acres. The Comprehensive Sign Program should be modified so that it is available to all properties within the City with a minimum of 100,000 square feet of non-residential floor area. This modification will ensure that all multi-tenant development sites, including major retail centers, museums, universities, and other campus-like developments, some which may not have a minimum of five acres but are larger developments over 100,000 square feet with greater sign needs, are able to provide appropriate signs for their important, public-serving uses. The required findings for Comprehensive Sign Programs will ensure that signs permitted under a Comprehensive Sign Program are appropriate for the design and surrounding area.

b. The Comprehensive Sign Program Should Allow Conditions for Digital Signs, Height Relief, and Other Flexibility

We also request that the provisions regarding the Comprehensive Sign Program be modified to allow on-site digital signs, signs higher than 50 feet, and roof signs to ensure that City has the necessary flexibility to approve appropriate signs in qualifying development sites. Digital signs should be subject to greater regulatory standards such as brightness, standards of illumination, and flashing. Moreover, Comprehensive Sign Programs should have flexibility to define what constitutes an "On-Site Sign" for each unique development site based on the specific circumstances of the property subject to the Comprehensive Sign Program, for example, to include sponsorship identification as on-site signs.

Attachment 4 to our April 21 submittal contains suggested revisions to the Sign Ordinance to reflect these modifications to the Comprehensive Sign Program.

5. Clarify the Application of the Sign Ordinance to "Exterior Signs"

The scope of the existing sign regulations set forth in Section 14.4.3.A applies only to "exterior signs." As Staff noted in its "Report Back on Sign Ordinance Revisions", this issue "is important so that signs that are located on the interior of larger properties, and that do not affect the visible attributes of the public realm, are not unnecessarily restricted." The Report further stated that Staff is still researching this issue; however, it stated that the Sign Ordinance not apply to signs that face an interior court bounded on all sides by one or more buildings, provided that no sign is higher than the surrounding building walls. We hope that this Committee will direct Staff to look at a more flexible characterization of exterior signs, which considers that many multi-tenant development sites, including major retail centers, museums, universities, and other campus-like developments in the City, have an open air design and are not bounded on all sides by building. In such circumstances, on-site signs facing an interior court – which fall within the stated intent of clarifying what is an "exterior sign" – could be incidentally visible from a public right-of-way. Such signs should be not be regulated by the Sign Ordinance. Attachment 4 contains suggested revisions to the Sign Ordinance to clarify the scope of the Sign Ordinance.

6. The Sign Ordinance Must Include Adequate Relief Mechanisms for On-Site Signs

The only relief mechanism included in the Sign Ordinance that would be available to all properties is a Modification, which only grants up to a 20% deviation and requires essentially variance findings. This is inadequate relief from the permitted area, height, spacing, and the number of signs per lot, which all have been severely limited under the Sign Ordinance. This need not be the case. There is no legal or practical justification to provide less relief from the sign regulations for on-site signs than is available for any other use authorized under the Los Angeles Municipal Code, particularly given the expedited process which has been followed for this Ordinance that has not allowed time for detailed discussion of the proposed new limits. The Sign Ordinance should be modified to allow other relief mechanisms allowed under the Code and under existing sign regulations, including variances and conditional use permits. Proposed Sign Ordinance Section 14.4.4 should be revised to provide adequate relief mechanisms as set forth in Attachment 5.

7. Specific Plans Should Continue to be Allowed to Provide for More Permissive Sign Regulations

The Sign Ordinance eliminates the existing sign regulations related to Specific Plans and provides that Specific Plan cannot allow signs otherwise prohibited under the Sign Ordinance and cannot include signs more permissive than the Sign Ordinance. For the reasons set forth in our April 21 submittal, as provided under existing sign regulations and currently proposed for Sign Districts, Specific Plan areas should be able to create more permissive regulations than what is allowed under the Sign Ordinance, including signs otherwise prohibited under the Sign Ordinance. At a minimum, Specific Plans should be able to authorize the same broader on-site signage available through a Comprehensive Sign Program. Proposed Sign Ordinance Section 11.7.K should be revised as set forth in Attachment 2 to our April 21 submittal.

8. The Area, Height, Spacing, and Number of Sign Restrictions will have Negative, Unintended Consequences

We continue to believe that in this unprecedented economic climate, now is not the time to impose drastic restrictions on on-site signs that will create extremely negative, unintended consequences on schools, nonprofits, cultural establishments, and businesses throughout the City whose ability to use signs to identify themselves and promote their businesses and events would be severely limited. We briefly highlight the significant consequences of the area, height, spacing, and number of sign restrictions below:

- Maximum Sign Area. The Sign Ordinance's significant reduction of maximum sign area would impact businesses and establishments in our urban centers and along urban corridors who rely upon on-site signs to attract good tenants and customers.

- Individual Sign Area. The significant reductions in individual sign area effectively prohibit the City's multi-tenant development sites, major retail centers, cultural establishments, campus-like developments, schools, nonprofits, and large and small businesses from providing adequate information on signs to alert customers or visitors of their destination and provide information about tenants and events.

- Sign Height. Under the Sign Ordinance, pole signs – used by schools, nonprofits, cultural establishments, and businesses throughout the City to identify them and promote their businesses and events – would be limited to 25 feet in height, effectively prohibiting visibility of such signs for many properties, particularly properties adjacent to freeways.

- Number of Signs. The Sign Ordinance's severe reduction in the number of signs permitted on properties throughout the City without consideration of lot size, the type of development, or the properties' location, will negatively impact major retailers and owners, universities, and sports and entertainment arenas that often have very large developments with several entrances off many City streets and freeways and which are critical to our City's economic vitality.

9. Enforcement Provisions Should Focus on Tougher Penalties for Illegal Off-Site Signs and Provide Opportunities to Cure On-Site Sign Violations in Order to Promote Fairness and Due Process Protections and Protect Business Viability

a. Provide Opportunities to Cure On-Site Sign Violations

The Sign Ordinance should be revised to provide property owners and tenants the opportunity to cure an alleged sign violation before penalties accrue. This is only fair given the complexity of the new rules, the number of signs that will become nonconforming, the severity of the penalties and the costly fees to appeal a violation. Section 14.4.23.B.6 should be revised to provide an opportunity to cure as set forth in Attachment 6.

b. Apply the New Enforcement Provisions to Off-Site Signs While Retaining Existing Enforcement Provisions for On-Site Signs

As directed by Council, the Sign Ordinance should "toughen and create easily enforceable" regulations to deter the proliferation of illegal signs in the City and aid the Department of Building and Safety in enforcing the sign regulations. While the proposed severe civil per-day penalties may be an appropriate and effective deterrent to off-site sign violations, such large penalties are inappropriate and misplaced for on-site sign violations.

As you heard from the business community, the new proposed sign regulations will be extraordinarily complicated and cumbersome for businesses with legitimate on-site signage to navigate. Such significant civil penalties for on-site signs could result in a circumstance where schools, nonprofits, cultural and entertainment establishments, or small business – unknowingly violating the Sign Ordinance with signs that identify them and promote their businesses and events – would accrue civil penalties that would be a severe detriment to pay.

Section 14.4.23.C should be revised to only apply the new enforcement provisions to off-site signs and retain the existing enforcement provisions for on-site signs as set forth in Attachment 6.

c. Right to Private Action

For the same reasons set forth in Sections 9.a and 9.b above, Section 14.4.24 should be revised so that the right to private action is only available for off-site sign violations, as set forth on Attachment 7.

10. The Transition Rule Should be Expanded to Ensure Fairness

The Sign Ordinance's partial transition rule does not address all signs that should be grandfathered to promote fairness and ease of administrative process. We again request a transition rule to address all signs that should be grandfathered consistent with other grandfather provisions in the Los Angeles Municipal Code. Attachment 9 to our April 21 submittal contains suggested revisions to the Sign Ordinance's transition rule.

Attachment 1

Relief Provision Exception/Transition Rule

Section 14.4.4 should be revised as follows:

O. Relief. Notwithstanding the provisions of Sections 12.24, 12.27, 12.28 or any other section of this Code, no relief from the sign regulations set forth in this article shall be granted, except as provided by Sections 14.4.20 and 14.4.21 of this article.

EXCEPTION: Approval of plans for on-site signs may be submitted and approved pursuant to the procedures set forth in Sections 12.24-M and 12.27-U of this Code, provided that the conditional use permit or variance was granted before the effective date of this ordinance, is still valid, and specifically permitted on-site signs or otherwise provided relief from the sign regulations. Similarly, on-site sign applications may be submitted and approved where other discretionary approvals listed in Section 16.05-B.2 of this Code were granted before the effective date of this ordinance, are still valid, and specifically permitted on-site signs or otherwise provided relief from the sign regulations.

Attachment 2

Sign District for Major Entertainment and Cultural Facilities

Premise: allow major entertainment and cultural facilities on development sites of 40 or more acres to apply for sign district designation.

Major entertainment and cultural facilities in the City of Los Angeles are regional attractors. They draw attendance at unique special events, such as sporting events, from all over the surrounding, five-county metropolitan region. In order to accommodate and provide off-street automobile parking for up to 10,000 patrons at one time, major entertainment and cultural facilities require especially large development sites, typically sites of 40 or more acres.

Thus, in their size and scale, major entertainment and cultural facilities are akin to regional centers and regional commercial districts, areas that under the recommended ordinance are currently eligible for sign district designation.

The General Plan Framework Element of the General Plan recognizes that regional centers contain "major entertainment and cultural facilities". In addition, the purpose statement of the proposed new sign district provisions states that sign districts are appropriate "especially for those areas of the City that have unique entertainment or cultural attributes."

For the reasons set forth above, it is therefore appropriate to allow major entertainment and cultural facilities on development sites of 40 or more acres, regardless of the underlying zoning, to seek sign district designation. This is consistent with the overall purpose of allowing sign districts in the City of Los Angeles, and is consistent with the proposed new land use designations restricting sign districts to areas of the City planned for the greatest development intensity.

Major entertainment and cultural facilities are typically single-use or multiple-related use venues on campus-like settings with limited and controlled public access. They are often buffered from surrounding residential and commercial areas by large, park-like, open space areas, variations in topography, or major streets and infrastructure. As such, unlike sign districts that could be established in the downtown and regional centers, or areas designated as regional commercial, digital signs or off-site signs permitted at major entertainment and cultural facilities would have little or no impact. This is due to their distance from surrounding residential and commercial districts and the inherent buffering provided by the large size of the development sites required to house major entertainment and cultural facilities. Consequently, given that there are no impacts to mitigate, it makes little sense to mandate sign reduction for sign districts established at such facilities.

Otherwise, sign districts established at major entertainment and cultural facilities would still have to meet all other requirements of the proposed new sign district provisions. They could not abut single-family zones unless buffered or otherwise separated from such zones. And they could only be established if the five findings required to establish a sign district are made in the affirmative.

Attachment 3

Suggested Revisions to Sign Ordinance: Comprehensive Sign Program Procedures

Section 14.4.21 should be revised as follows:

D. Procedures. The initial decision-maker for a comprehensive sign program shall be the Director and the appellate body shall be the City Planning Commission **for a project seeking only a comprehensive sign program. The hearing body and/or appellate body for a project that requires more than one quasi-judicial approval shall be either the Area Planning Commission or the City Planning Commission as set forth in Section 12.36.**

1. Application. An application for a comprehensive sign program shall be filed at a public office of the Department of City Planning, on a form provided by the Department, and accompanied by applicable fees. The application must provide all of the information required by the Department, including a visual representation in color of the size, illumination, height, projection, location, street orientation and type of all the permanent and temporary signs proposed for the development project.

2. Public Hearing and Notice. The Director shall set the matter for a public hearing unless **the Director makes written findings, a copy of which shall be attached to the file, that the matter will not have a significant effect on adjoining properties or on the immediate neighborhood; or is not likely to evoke public controversy; or if the Director determines that it is not necessary to serve the public interest. If the Director finds that the hearing is not required, the Director or his/her designee shall have the authority to approve, conditionally approve, or deny a comprehensive sign program. If the Director determines that the matter shall be set for public hearing, the Director shall set the matter for public hearing** following the procedures for providing notice of the time, place and purpose of the hearing as set forth in Section 12.27 C of this Code.

3. Initial Decision by the Director. The Director's initial decision shall be supported by written findings of fact based upon written or oral statements and documents presented to him or her, which may include photographs, maps, and plans, together with the result of his or her investigations. Upon making a determination pursuant to an application for a comprehensive sign program, the Director shall transmit a copy of the written findings and decision to the applicant, the Department of Building and Safety, owners of all properties within 100 feet of the boundary of the subject property, owners of all properties abutting, across the street or alley from, or having a common corner with the subject property, and to all persons who have filed written requests for this notice with the Department of City Planning. The Director shall also place a copy of the findings and decision in the file.

4. Findings. The Director of Planning, or the **Area Planning Commission** or City Planning Commission on appeal, must make all of the following findings in order to approve an application for a comprehensive sign program:

a. The proposed comprehensive sign program is consistent with and furthers the purpose of this Article and the purpose of this section;

b. The proposed signs visually relate to each other and convey a unified design or architectural theme;

c. The proposed signs are appropriately related in size, illumination, height, projection, location and street orientation to the buildings and structures on the development site;

d. The size, illumination, height, projection, location and street orientation of the proposed signs are compatible with the buildings and structures in the surrounding area;

e. The proposed comprehensive sign program shall not constitute a hazard to the safe and efficient operation of vehicles upon a street or a freeway, or create a condition that endangers the safety of persons, pedestrians or property; and

f. The proposed comprehensive sign program will not create light pollution or other negative environmental effects that will be materially detrimental to the character of development in the immediate neighborhood outside the development site.

g. The size, illumination, height, projection, location and street orientation of the proposed signs within 500 feet of a residentially zoned lot are compatible with residential uses.

5. Filing of an Appeal. Any person aggrieved by an initial decision of the Director concerning a comprehensive sign program, may appeal the decision to the **Area Planning Commission** or City Planning Commission by filing an appeal with the Department of City Planning within 15 days of the date of mailing of the Director's decision. The appeal shall be filed at a public office of the Department of City Planning, on a form provided by the Department, and shall set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Director. The **Area Planning Commission** or City Planning Commission shall not consider any appeal not filed within the 15-day period. The filing of an appeal stays proceedings in the matter until the **Area Planning Commission** or City Planning Commission has made a decision. Once an appeal is filed, the Director shall transmit the appeal and the Director's file to the **Area Planning Commission** or City Planning Commission. At any time prior to the action of the

Area Planning Commission or City Planning Commission on the appeal, the Director shall submit any supplementary pertinent information he or she deems necessary or as the **Area Planning Commission** or City Planning Commission may request.

6. Appellate Decision - Public Hearing and Notice. Before acting on the appeal, the **Area Planning Commission** or City Planning Commission shall set the matter for hearing, giving notice by mail of the time, place and purpose of the hearing to the appellant, to the applicant, to the owner or owners of the property involved, to the Director, and to any interested party who has requested in writing to be so notified. The notice shall be mailed at least 24 days prior to the hearing.

7. Time for Appellate Decision. The **Area Planning Commission** or City Planning Commission shall make its decision within 75 days after the expiration of the appeal period. The 75 day time limit to act on an appeal may be extended by mutual written consent of the applicant and the **Area Planning Commission** or City Planning Commission. If the **Area Planning Commission** or City Planning Commission fails to act within this time limit, the action of the Director on the matter shall be final.

8. Appellate Decision. The **Area Planning Commission** or City Planning Commission may reverse or modify the ruling or decision appealed from only upon making written findings setting forth specifically the manner in which the action of the Director was in error or constituted an abuse of discretion. Upon making a decision, a copy of the findings and decision shall forthwith be placed on file in the Department of City Planning, and copies of the decision shall be sent to the applicant, the appellant, the Department of Building and Safety, the Director of Planning and the Office of Zoning Administration.

Attachment 4

Suggested Revisions to Sign Ordinance: "Exterior Signs"

Section 14.4.3.A should be revised as follows:

> A. **Scope.** All exterior signs and sign support structures shall conform to the requirements of this article and all other applicable provisions of this Code. **For purposes of this article, exterior signs shall not include (i) signs not primarily visible from the public right-of-way, (ii) signs that are only incidentally or partially viewed from a public right-of-way, (iii) signs located within the interior of a building or structure where the sign does not exceed the rooftop of the building or structure, and (iv) signs primarily visible from a private street or alley.** ~~except that the provisions of Sections 14.4.4 E and G; 14.4.4 1; 14.4.5; 14.4.6; 14.4.12; 14.4.18; 91.6205.2; and 91.6216 of this code shall not apply to the relocation of signs or sign support structures that existed on January 17, 1993, that were erected r are maintained by the Los Angeles Memorial Coliseum Commission (Commission) on property owned or controlled, in whole or in part, by the Commission.~~

Alternatively, Section 14.4.3.A should be revised as follows:

> A. **Scope.** All exterior signs and sign support structures shall conform to the requirements of this article and all other applicable provisions of this Code. **The purpose of this article is not to regulate interior signs such as those located 25 feet or more from a public right-of-way on properties over 15 acres with interior roadways, private streets, alleys, or walkways.** ~~except that the provisions of Sections 14.4.4 E and G; 14.4.4 1; 14.4.5; 14.4.6; 14.4.12; 14.4.18; 91.6205.2; and 91.6216 of this code shall not apply to the relocation of signs or sign support structures that existed on January 17, 1993, that were erected r are maintained by the Los Angeles Memorial Coliseum Commission (Commission) on property owned or controlled, in whole or in part, by the Commission.~~

Attachment 5

Suggested Revisions to Sign Ordinance: Relief Provision

Section 14.4.4 should be revised as follows:

> O. Relief. ~~Notwithstanding the provisions of Sections 12.24, 12.27, 12.28 or any other Section of this Code, no r~~ Relief from the sign regulations set forth in this Article ~~shall~~ **may** be granted~~, except~~ as provided by Sections 14.4.20 and 14.4.21 of this article **and as provided by Sections 12.24, 12,27, and 12.28 or any other Section of this Code**.

Attachment 6

Suggested Revisions to Sign Ordinance: Enforcement (Administrative Civil Penalties)

Section 14.4.23 should be revised as follows:

B. General Provisions.

1. The owner of the property on which a sign is located and the owner of the sign and sign support structure are both responsible parties for complying with the sign regulations. In addition, both responsible parties are individually liable to pay the civil penalties by this section.

2. Violations of the sign regulations are deemed continuing violations and each day that a violation continues is deemed to be a new and separate offense.

3. Whenever the Department of Building and Safety determines that a violation of the sign regulations has occurred or continues to exist, the Department of Building and Safety may issue a written order to comply to all the responsible parties.

4. The order to comply shall be posted in a conspicuous location on the premises where the violation has occurred and mailed via U.S. first class mail to the owner of the property on which a sign is located and the owner of the sign and sign support structure.

5. The order to comply shall cite which provisions of the sign regulations have been violated; the date and location of the violation; the action required to correct the violation; the date by which the violation must be corrected; the date from which civil penalties will accrue; the daily amount of the civil penalties; and information concerning the right of appeal, including the date by which an application to appeal the order to comply and the amount of the civil penalties must be filed.

6. ~~Civil penalties are due and payable~~**If the owner of the property on which the sign is located and the owner of the sign and support structure fail to correct the violation** within 30 days of the date the ~~Department of Building and Safety issues the~~ order to comply **is issued, they shall be subject to the civil penalties provided in this Section**.

C. Authority.

1. The Department of Building and Safety shall have the authority to assess the following civil penalties against each responsible party for the first, second, third and all subsequent violations of the **off-site** sign regulations on the same lot.

SIGN AREA OF OFF-SITE SIGN IN VIOLATION	CIVIL PENALTY PER DAY OF VIOLATION		
	First Violation	Second Violation	Third Violation and All Subsequent Violations
Less than 150 square feet	$2,000	$4,000	$8,000
150 to less than 300 square feet	$4,000	$8,000	$16,000
300 to less than 450 square feet	$6,000	$12,000	$24,000
450 to less than 600 square feet	$8,000	$16,000	$32,000
600 to less than 750 square feet	$10,000	$20,000	$40,000
750 or more square feet	$12,000	$24,000	$48,000

EXCEPTION: The civil penalty per day of a violation of Section 14.4.19 of this article for signs of less than 20 square feet in sign area shall be $500 for the first violation, $1,000 for the second violation, and $2,000 for the third and all subsequent violations on the same lot.

2. Civil penalties for violations of on-site sign regulations shall be as provided in Section 98.0411 of this Code.

~~2~~ 3. Civil penalties shall accrue until the responsible parties complete all actions required by the order to comply, notify the Department of Building and Safety and request an inspection to verify compliance, and pay all of the civil penalties due.

~~3. Filing of an appeal with the Department of City Planning does not stop civil penalties from accruing.~~

4. Compliance with the actions required by the order to comply does not cancel any civil penalties that have accrued.

5. Payment of the civil penalty shall not excuse a failure to correct the violation nor shall it bar further enforcement action.

6. If the Department of Building and Safety or the administrative hearing officer rescinds an order to comply, the violation shall be considered corrected and no civil penalties shall be due.

D. Appeals.

1. Any appeal of an order to comply or the civil penalties must be filed within 15 days of the date the order to comply is mailed to the responsible party by the Department of Building and Safety.

2. An appeal may only be filed by a responsible party.

3. The appeal must be filed at a public office of the Department of City Planning, on a form provided by the Department of City Planning, and accompanied by applicable fees. The appeal must set forth specifically the points at issue, the reasons for the appeal, and the basis upon which the appellant claims there was an error or abuse of discretion by the Department of Building and Safety.

4. No appeals of an order to comply with the sign regulations, as issued by the Department of Building and Safety, shall be accepted under Section 12.26K of the zoning code. Instead, all appeals of orders to comply, including appeals of any administrative penalties the Department of Building and Safety may impose, should be processed under Article 4.4 of the zoning code.

Attachment 7

Suggested Revisions to Sign Ordinance: Right of Private Action

Section 14.4.24 should be revised as follows:

SEC. 14.4.24. RIGHT OF PRIVATE ACTION

A. Any person who erects or maintains a permanent **off-site** sign in violation of this article and is issued an order to comply by the Department of Building and Safety shall be liable in a civil action to the owner or occupant of real property located within 500 feet of ~~a~~ **the off-site** permanent sign for damages, as determined by the court, and may, at the discretion of the court, be awarded court costs and attorneys' fees. If an order to comply is appealed, a civil action may only be pursued if the administrative hearing officer concurs with the Department of Building and Safety that the sign regulations have been violated.

B. For purposes of this section, a "permanent **off-site** sign" shall be a sign for which a permit is required under this article **and the sign meets the definition of an off-site sign, as defined in Section 14.4.2 of this article.**

C. Remedies provided by this section and Section 14.4.23 of this article are in addition to any other legal or equitable remedies and are not intended to be exclusive.