

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendations of the City Attorney (Item No.21, CF 08-2020) relative to amending Sections 14.4.1, 14.4.2, 14.4.4 and 14.4.6 of Chapter 1 of the Los Angeles Municipal Code (LAMC) to regulate off-site signs, off-site digital displays, supergraphic signs and freeway visibility of signs, **SUBJECT TO THE APPROVAL OF THE MAYOR:**

1. **FIND that adoption of the proposed ordinance will not have a significant impact on the environment, pursuant to the California Environmental Quality Act (CEQA), and ADOPT Negative Declaration No. ENV-2009-009-ND filed January 7, 2009.**
2. **ADOPT the FINDINGS of the Director of Planning as set forth in the letter dated August 4, 2009, as the Findings of the Council.**
3. **PRESENT and ADOPT the accompanying ORDINANCE amending Sections 14.4.1, 14.4.2, 14.4.4 and 14.4.6 of Chapter 1 of the LAMC to regulate off-site signs, off-site digital displays, supergraphic signs and freeway visibility of signs.**
4. **DIRECT the City Clerk to file a Notice of Determination, in accordance with Section of the State CEQA Guidelines, if the subject Ordinance is enacted.**

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

PRESENTED BY _____
ED P. REYES
Councilmember, 1st District

SECONDED BY _____
BERNARD C. PARKS
Councilmember, 8th District

August 7, 2009

CF 08-2020

ADOPTED
AUG 07 2009
LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH

VERBAL MOTION

I HEREBY MOVE that Council AMEND the Ordinance in connection with amending Sections 14.4.1, 14.4.2, 14.4.4 and 14.4.6 of Chapter 1 of the Los Angeles Municipal Code (LAMC) to regulate off-site signs, off-site digital displays, supergraphic signs and freeway visibility of signs to clarify that conversions of existing off-site sign to digital is prohibited.

PRESENTED BY _____
ED P. REYES
Councilmember, 1st District

SECONDED BY _____
BERNARD C. PARKS
Councilmember, 8th District

August 7, 2009

CF 08-2020

ADOPTED
AUG 07 2009
LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH

ORDINANCE NO. _____

An ordinance amending Sections 14.4.1, 14.4.2, 14.4.4 and 14.4.6 of the Los Angeles Municipal Code relating to off-site signs, off-site digital displays and supergraphic signs.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1. Section 14.4.1 of the Los Angeles Municipal Code is amended by adding a new Subsection F to read:

F. That the regulations will conform to judicial decisions, thereby limiting further costly litigation and facilitating enforcement of these regulations.

Sec. 2. Section 14.4.2 of the Los Angeles Municipal Code is amended by adding a new definition for the term "Digital Display" in proper alphabetical order to read:

Digital Display. A sign face, building face, and/or any building or structural component that displays still images, scrolling images, moving images, or flashing images, including video and animation, through the use of grid lights, cathode ray projections, light emitting diode displays, plasma screens, liquid crystal displays, fiber optics, or other electronic media or technology that is either independent of or attached to, integrated into, or projected onto a building or structural component, and that may be changed remotely through electronic means.

Sec. 3. Subdivisions 9 and 11 of Subsection B of Section 14.4.4 of the Los Angeles Municipal Code are amended to read:

9. Are supergraphic signs.

EXCEPTIONS: This prohibition shall not apply to supergraphic signs that are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement. This exception shall become operative only to the extent that Subdivision 9 is deemed constitutional upon the reversal of the trial court decision in the case of *World Wide Rush, LLC v. City of Los Angeles*, United States District Court Case No. CV 07-238 ABC.

In addition, notwithstanding the provisions of Section 12.26 A 3 of this Code, this prohibition shall not apply to any building permit issued prior to the effective date of this ordinance if the Department of Building and Safety determines that both substantial liabilities have been incurred, and substantial work has been performed on site, in accordance with the terms of that permit pursuant to Section 91.106.4.3.1 of this Code.

11. Are off-site signs, including off-site digital displays, except when off-site signs are specifically permitted pursuant to a relocation agreement entered into pursuant to California Business and Professions Code Section 5412. This prohibition shall also apply to alterations, enlargements or conversions to digital displays of legally existing off-site signs, except for alterations that conform to the provisions of Section 91.6216 and all other requirements of this Code.

EXCEPTIONS: This prohibition shall not apply to off-site signs, including off-site digital displays, that are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement. This exception shall become operative only to the extent that Subdivision 11 is deemed constitutional upon the reversal of the trial court decision in the case of *World Wide Rush, LLC v. City of Los Angeles*, United States District Court Case No. CV 07-238 ABC.

In addition, notwithstanding the provisions of Section 12.26 A 3 of this Code, this prohibition shall not apply to any building permit issued prior to the effective date of this ordinance if the Department of Building and Safety determines that both substantial liabilities have been incurred, and substantial work has been performed on site, in accordance with the terms of that permit pursuant to Section 91.106.4.3.1 of this Code.

Sec. 4. Section 14.4.4 of the Los Angeles is amended by adding a new Subsection J to read:

J. **Relief.** Notwithstanding the provisions of Sections 12.24, 12.27, 12.28 or any other section of this Code to the contrary, no relief from the provisions of Subsection B 9 or 11 of this section shall be granted.

Sec. 5. Section 14.4.6 of the Los Angeles Municipal Code is amended to read:

SEC. 14.4.6. FREEWAY EXPOSURE.

A. **New Signs.** No person shall erect, construct, install, paint, maintain, and no building or electrical permit shall be issued for, any sign or sign support structure within 2,000 feet of a freeway unless the Department of Building and Safety has first determined that the sign will not be viewed primarily from a main traveled roadway of a freeway or an on-ramp/off-ramp. However, at the termination of an off-ramp, any wall sign located along the front line may be viewed primarily from the off-ramp.

The phrase "**viewed primarily from**" shall mean that the message may be seen with reasonable clarity for a greater distance by a person traveling on the main traveled roadway of a freeway or on-ramp/off-ramp than by a person traveling on the street adjacent to the sign.

B. Exemption. The wall signs specified in Subdivisions 1 and 2 below are exempt from the limitation of Subsection A above. These signs shall not have moving parts or any arrangement of lights that create the illusion of movement.

1. Identification signs identifying the building where the sign is located, providing the area of the sign is not more than 50 square feet or is not larger than five percent of the area of the side of the building, which faces primarily to the freeway, whichever is greater; and

2. Wall signs on which the advertising is limited to the name of any person, firm or corporation occupying the building, or the type of business, services rendered, or the name of any product manufactured or sold on the premises. The total area of all wall signs on a building permitted in this subdivision shall not exceed 100 square feet. Any one sign shall not exceed 50 square feet in area.

C. Existing Signs. Within three years of the opening of a freeway to public travel, all signs that existed prior to the opening of the freeway and that are in conflict with the provisions of this section and/or Section 14.4.5 of this Code shall be removed, or shall be rearranged or relocated so as to eliminate any conflict with the provisions of this section and/or Section 14.4.5 of this Code.

The Department of Building and Safety and the Department of Transportation shall determine whether or not the sign or sign support structure is in conflict with the provisions of this section and/or Section 14.4.5 of this Code. If it is determined that any sign or sign support structure is in conflict with any of the provisions of this section and/or Section 14.4.5 of this Code, then the permittee and/or other responsible person shall be advised and shall remove, rearrange or relocate the sign or sign support structure within this three-year period.

D. Operative Date. This section shall become operative only to the extent that this section is deemed constitutional upon the reversal of the trial court decision in the case of World Wide Rush, LLC v. City of Los Angeles, United States District Court Case No. CV 07-238 ABC.

Sec. 6. SEVERABILITY. If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provision, and, to this end, the provisions of this ordinance are declared to be severable.

Sec. 7. URGENCY CLAUSE. The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons. Presently, Ordinance No. 180745 prevents the issuance of building permits for new off-site signs, including off-site digital displays, and supergraphic signs. That ordinance is being challenged in the United States District Court. This ordinance will remove any uncertainty about the status of the City's sign

regulations and add permanent regulations prohibiting any new off-site signs, including off-site digital displays, and supergraphic signs to the Los Angeles Municipal Code. This ordinance is necessary to prevent irreversible development from occurring by preventing the construction and placement of signage that would add to visual blight in the City. Therefore, this ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, ~~by a vote of not less than two-thirds of all its members~~, at its meeting of AUG 07 2009. *Three-fourths*

JUNE LAGMAY, City Clerk

By *[Signature]*
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By *[Signature]*
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date Aug 7, 2009

File No(s). CF 08-2020

Pursuant to Charter Section 559, I disapprove this ordinance on behalf of the City Planning Commission and recommend that it not be adopted

August 7, 2009

See attached report.

[Signature]
S. Gail Goldberg
Director of Planning