

From: Konrad Carter
To: Greaves, Barbara
CC: Kostrencich, Maria; Saxon, Yoko; Walters, Brian
Date: 5/26/2009 10:09 AM
Subject: Fwd: FW: Item No. 08-2020 - Proposed Sign Ordinance

Please process the following communication to Council. K

>>> Barbara Broide <bbroide@hotmail.com> 5/26/2009 10:07 AM >>>

My email to Ms. Hoppes was returned with instructions to contact you. I am submitted the letter below regarding sign ordinance consideration. Many others have written to her and I would suggest that her email be checked for letters for today's hearing.

Thank you.

From: bbroide@hotmail.com

To: shannon.hoppes@lacity.org; councilmember.reyes@lacity.org; councilmember.rosendahl@lacity.org;
councilmember.greuel@lacity.org; councilmember.alarcon@lacity.org; councilmember.parks@lacity.org;
councilmember.zine@lacity.org; councilmember.labonge@lacity.org; councilmember.cardenas@lacity.org;
councilmember.hahn@lacity.org; councilmember.wesson@lacity.org; councilmember.perry@lacity.org;
councilmember.garcetti@lacity.org; councilmember.smith@lacity.org

CC: mayor@lacity.org; lisa.trifiletti@lacity.org

Subject: Item No. 08-2020 - Proposed Sign Ordinance

Date: Tue, 26 May 2009 04:15:17 -0700

The residents of WESTWOOD SOUTH OF SANTA MONICA BLVD. HOMEOWNERS ASSOCIATION support the adoption of a strong and enforceable sign ordinance for our city. We support the proposed amendments of Councilmember Tom LaBonge to limit sign districts to the downtown area and allow exceptions for only those two districts that have already gone through and completed the hearing/entitlement process with the City Planning Commission. We otherwise oppose any grandfathering of other pending sign districts. We support the amendments introduced by our Councilmember Jack Weiss during PLUM Committee consideration to strengthen the ordinance passed by the City Planning Commission.

Our community is "ground zero" in what we believe is a billboard war being waged against our city and neighborhood. Our members have testified at the CPC and PLUM hearings and have submitted comments about digital billboards that invade the privacy of nearby residents, of electronic signs that distract and endanger drivers, passengers and pedestrians, of supergraphic signs endangering office workers and changing the character of our community when placed across windows of nearby buildings and across building blank walls, and so on. The examples that we can provide of illegal signs, distracting signs, noisy signs, invasive signs goes on and on, as does the seeming lack of respect that certain outdoor advertisers have for our city.

We trust that action by the Council will close loopholes, stop exceptions and give to Building and Safety inspectors both the means and the structure to stop illegal signage, remove illegal signage and mandate the removal of old signage if and when any new signage is erected -- anyplace in the city. Digital signage, both on-site and off-site must be banned along with the conversion of any further conventional signs to digital format.

Inspection fees must be increased along with penalties for non-compliance. Our city's general fund resources must NOT be tapped to enforce the sign ordinance, to inventory billboards, etc. Those actions should be paid for by fees generated by the signs themselves and whatever companion ordinances are necessary to do so should be introduced as soon as possible.

During CPC and PLUM hearings, the City Attorney's office was requested to report back as to whether the City might be able to remove the business license of a company that does not comply with sign ordinance provisions and further does not pay fines levied against it. The answer to that question was never reported back in a subsequent meeting. We would like to know what can be done to take such action again repeat offenders.

Finally, if there is any delay in the adoption of a new sign ordinance, we request that a new moratorium / interim control ordinance be adopted by the Council IMMEDIATELY so that not one minute goes by without such protections. That ICO must contain strong penalties for those who may chose to install signs during that period.

We thank you for your consideration.

Sincerely,

Barbara Broide
 President
 Westwood South of Santa Monica Blvd. Homeowners Association

08-2020

From: Barbara Greaves
To: Konrad Carter
Subject: Re: Fwd: Sign Ordinance - CF 08-2020

>>> Konrad Carter 5/26/2009 8:25 AM >>>

Lisa:

As a policy, the City Clerk does not distribute citizen communications, however, we will make sure your email part of the official record - It will be scanned, placed on the Council file, and represented in CFMS.
Konrad

Konrad Carter
Acting Division Chief
City Clerk - Council & Public Services Division
Room 395, City Hall
213.978.1081 Office
213.435.8851 Cell
213.978.1079 FAX
konrad.carter@lacity.org

>>> "Lisa Sarkin" <lsarkin@scnc.info> 5/25/2009 9:20 AM >>>

Dear Konrad -

Please distribute this email to the councilmembers. Thank you for your assistance.

VTY,

Lisa Sarkin
Studio City Neighborhood Council Board Member
Corresponding Secretary
Land Use Committee Chair
(818) 655-5400 SCNC office
(818) 980-1010 home office (818) 980-1011 fax

--- Begin forwarded message:

From: "Lisa Sarkin" <lsarkin@scnc.info>
To: "Shannon Hoppes" <Shannon.Hoppes@lacity.org>
Cc: <eric.garcetti@lacity.org>, <wendy.greuel@lacity.org>, <jan.perry@lacity.org>, <ed.reyes@lacity.org>, <jose.huizar@lacity.org>, <jack.weiss@lacity.org>, <bill.rosendahl@lacity.org>, <janice.hahn@lacity.org>, <bernard.parks@lacity.org>, <grieg.smith@lacity.org>, <dennis.zine@lacity.org>, <tony.cardenas@lacity.org>, <councilmember.alarcon@lacity.org>, <herb.wesson@lacity.org>, <tom.labonge@lacity.org>
Subject: Sign Ordinance - CF 08-2020
Date: Mon, 25 May 2009 09:17:27 -0700

Good Morning -

The Studio City Neighborhood Council is opposed to the currently proposed sign ordinance and I wish to include my personal issues with this ordinance.

Please do not pass this ordinance at this time.

The city must let the courts run its course to ensure that this new ordinance will not be struck down.

Approval should be postponed until the new City Attorney, who has no ties to the billboard companies, has enough time to review the sign ordinance.

It must be determined that the 840 digital billboards will not be allowed to be installed.

The sign companies must be required to comply with the removal of illegal signage before a new sign ordinance is enacted.

The ICO must be continued or a new ICO must be initiated for one year. The ICO is necessary to allow the Department of Building & Safety to set up the staff necessary to enforce the ordinance. The DBS staff has not enforced the current 2002 ordinance and will not be able or just will not enforce the new ordinance. I personally was told by Brad Graham that the DBS knows of many ordinances they are unable to enforce because of funding or lack of overtime hours. Currently, the Ventura/Cahuenga Blvd. Corridor Specific Plan has an entire section, Section 8, related to signage, that is not enforced and has never been enforced since inception in 1991. Unless proper funding is allocated to the DBS, there will be no enforcement.

'Grandfathering' is not a recognized term in city planning so why allowed it in this ordinance. Allowing 'grandfathering' of the sign district applications will doom communities to light pollution, excessive use of electricity and especially for Studio City, it would be particularly detrimental. Studio City is a suburban community, not an urban center. Flatland and Hillside homes would be subjected contrary to restrictions of the general plan, community plan and specific plan.

The ordinance incorrectly shows a sign district in "Universal City" when the Redline Station on the west side of Lankershim Blvd. is in Studio City. This error, I fear, leads to confusion as to where this would be located. Studio City is already exposed to City Walk signs and the proposed Universal Evolution Plan in the County of Los Angeles on the east side of Lankershim Blvd. which includes a sign district. The DEIR for the Metro/Universal Project shows that the proposed sign district will be seen as far away as Valley Village.

I can go on on and but I think you get the picture. Frankly, we are "MAD AND HELL AND DON'T WANT TO TAKE IT ANYMORE." Please start following the mission statement of the General Plan and protect the residents.

Sincerely yours,

Lisa Sarkin
Studio City Neighborhood Council Board Member
Corresponding Secretary
Land Use Committee Chair
(818) 655-5400 SCNC office
(818) 980-1010 home office (818) 980-1011 fax

May 26, 2009

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

RE: Proposed Revisions to City's Sign Ordinance

Dear Council members:

This proposed systemic change to the City's signage policy is the most ill conceived, poorly timed policy change imaginable in today's global and local economic crisis.

Ill-conceived, because it does not solve the problem that gave rise to it: the proliferation of new digital signs in place of old-style billboards, which was a consequence of successful litigation by the major billboard companies. (You might have noticed that there has been no outcry from the major billboard companies. Why? Because *any* of the changes called for in the ordinance under consideration gives them an even greater advantage and monopoly using modern advertising formats.)

Poorly timed because it discourages business investment and reduces property revenues at a time when businesses are pulling back and property owners need all the ancillary revenue they can get until tenants return in strength. If and when they do, they will need the advertising and signage opportunities they currently enjoy, if not more so. They will need contemporary forms such as temporary super-graphics and digital signs to maximize current allowable signage areas.

May I remind you that the City is also a property owner and government needs to start thinking like a property owner about how to generate income from your real estate holdings? The City owns public transit stations, parking lots, government offices, park facilities, fire and police stations and many other properties that can host digital signs with public service announcements supported by a revenue stream from advertising. Digital signage is the perfect vehicle for communicating information about conservation, way finding, City services and resources while subsidizing the costs and creating a revenue stream through compatible advertising.

City Council members have been responsive to their residential constituents who have no stake in the business environment. You also need to consider the business community that crosses council districts and, in fact, keeps the City afloat.

I urge you to *reject all revisions to the code* except for the increase in penalties for breaching the present policies and for enhancing the enforceability of the present signage policy.

Respectfully submitted,



Sandy Bleifer
President

617 South Olive Street, Suite 807, Los Angeles, California 90014
t. 213.612.3756 f. 213.612.4470 e. info@DownTownLARealty.com

MAY 26 2009



Support Statement for Sign Supplemental Use Districts (SUD)

Mr/Madam President, members of the City Council, my Name is Young L. Ko (or representative) and I represent the South Korean Government. As you well know, the area designated as Wilshire Center-Koreatown is home to the largest population of Koreans outside of South Korea.

As recent business/property owners and residents in the area, we have transformed the Wilshire Center community into a vibrant business and tourist destination, reminiscent of the days when all of Los Angeles shopped, dined and entertained along Wilshire Boulevard. Nevertheless, the area continues to be one of the most ethnically diverse neighborhoods in the City.

In many respects, Wilshire Center-Koreatown represents our Hollywood and Downtown LA rolled up into one (1). In fact, our business district (Wilshire Boulevard) with high and low rise buildings, rival most US Cities Central Business Districts (CBD's). It would be the height of discrimination if Wilshire Center- Koreatown was not allowed to pursue an appropriate SUD, much like Downtown & Hollywood, that factor in our contribution to this great city that we love, and the country we've adopted.

We understand that the procedure will include substantial community input from all impacted stakeholders, which is the democratic process. We welcome said process.

Hence, on behalf of the South Korean Government and the Korean Community here in Los Angeles, I strongly urge the LA City Council to approve a citywide sign ordinance that allows our community to pursue an SUD that will permit a range of signs, including appropriately placed video screens with conditions, that protect our residents, and permits the Wilshire Center-Koreatown District to continue grow, and provide employment opportunities to a diverse population.

Thank you for your time and consideration.

RECEIVED

MAY 26 2009



Item-08-2020 Proposed Sign Ordinance

When you consider the proposed sign ordinance before you today, I ask that you consider the following question: Who will benefit by adding sign districts to our City?

- The lobbyists filling these chambers today will certainly benefit.
- Their clients ready to fill our public spaces with the visual pollution and safety-challenging clamor of larger and more intrusive attention-diverting signs will certainly benefit.
- Building owners who stand to make ever-greater sums without having to do the hard work of actually providing tenant services will be major beneficiaries.
- Full-employment is assured for the attorneys poised to begin once more the cycle of lawsuits against the City's addiction to loopholes and exceptions.
- And, of course, the elected officials who are guaranteed those large enabling contributions.

And who stands to lose?

- The residents of entire new "Blade-Runner" communities who will be forced to bear the grinding, soulless environments created in this maelstrom.
- Commuters whose attention will be challenged by ever gaudier, ever more animated, assaults on their concentration.
- And sadly, the diminishing beauty of this City.

We have had the dispiriting experience of the tawdry Hollywood sign district. Hardly a monument to the wisdom and grace of the planners, the elected officials or the property owners. Do we really want this vulgar display to creep like a virus throughout our City? Is that what the residents of Silverlake, and Echo Park and Sherman Oaks are telling you?

Councilman LaBonge has proposed an amendment which will give the residents of this City an opportunity to re-think what it is we would like our City to become. Please support this important curb on the excesses of our recent history.

Thank you,
Marilyn Cohon

AIA Los Angeles

A Chapter of the American Institute of Architects

RECEIVED

MAY 26 2009



May 26, 2009

President Eric Garcetti
and the Honorable City Council
City of Los Angeles
200 North Spring Street, Room 395
Los Angeles, California 90012

Re: Revised Sign Ordinance – CPC 2009-0008-CA

Dear Council President Garcetti:

The American Institute of Architects Los Angeles Chapter (AIA/LA) supports the adoption of the revised sign ordinance that is before City Council. While no ordinance is perfect and the devil is on the details, the proposed sign ordinance balances limiting design criteria and enforcement provisions with creative opportunities for signage and design innovation within sign districts and via comprehensive sign programs. Additionally, the proposed sign ordinance is the result of, and clearly shaped by, public input from both private and commercial interests, as well as AIA/LA, and represents a constructive effort to acknowledge and fairly regulate the wide range of interests and positions that have debated this issue.

AIA/LA also wants to acknowledge the research, openness, and timely efforts of Planning Department staff in preparing the revised sign ordinance. There was a lot of good work completed and communicated. At the same time AIA/LA wants to urge City Council to in the future insist upon meaningful visual analysis of ordinances that impact the design of Los Angeles. Few people understand what the sign ordinance looks like, indeed what many of the planning ordinances that shape Los Angeles look like. In an age where the means of visualization have never been greater, and in a city that excels at producing these types of visualizations, non-visual planning and urban design should no longer be acceptable.

If you have any questions or if AIA/LA can be of further assistance, please do not hesitate to contact Will Wright, Director of Government & Public Affairs at (213) 639-0777.

Very truly yours,



John Kaliski, AIA
2009 President

LATHAM & WATKINS LLP

355 South Grand Avenue
Los Angeles, California 90071-1560
Tel: +1.213.485.1234 Fax: +1.213.891.8763
www.lw.com

FIRM / AFFILIATE OFFICES

Abu Dhabi	Munich
Barcelona	New Jersey
Brussels	New York
Chicago	Orange County
Doha	Paris
Dubai	Rome
Frankfurt	San Diego
Hamburg	San Francisco
Hong Kong	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.
Moscow	

May 26, 2009

Los Angeles City Council
City Hall, Room 395
North Spring Street
Los Angeles, CA 90012

City Council File No. 08-2020

Re: Agenda Item Nos. 9 and 14: Citywide Sign Ordinance

Dear Honorable President Garcetti and Council Members:

Prior to acting on the proposed sweeping overhaul of the City's sign regulations ("Sign Ordinance"), we ask you to direct additional changes that are necessary to protect continued investment in our City's non-profit, entertainment, sports, and cultural institutions to generate public benefits, jobs, and housing. Though efforts were made to address all of the on-site sign issues, given the diversity of Los Angeles' various neighborhoods and the complexity of the sign regulations, questions remain which require further effort to avoid unintended negative consequences.

Though the urgency issues identified in the Council's December 2008 Interim Control Ordinance were limited to billboards, supergraphics, and off-site digital signs, the Sign Ordinance will affect virtually every sign in the City, including those used by small and large businesses alike, non-profit universities and museums, sports facilities, shopping centers, and entertainment venues. While we appreciate the consideration given to these important stakeholders during the CPC and PLUM process, due to the expedited time frame, many critical changes and corrections to the ordinance were not addressed. We respectfully request that these changes for on-site signs be made before Council action to avoid severe, unintended negative consequences Citywide. These impacts, if not avoided, could further exacerbate the significant economic consequences of the recession on jobs, businesses, and City revenues that support much-needed City services.

The suggested modifications and implementing language for each are detailed in the attachments and are summarized as follows:

1. Transition Rule for On-Site Applications That Have Already Had Public Hearings. The Sign Ordinance should not apply to applications for discretionary approval of on-site for which at least one public hearing has been conducted prior to the effective date of the Sign Ordinance.
2. Scope: Exempt Interior Signs on Campuses. The Sign Ordinance should not apply to signs located on the interior of larger, campus-like properties at such destinations as entertainment, sports, cultural, and academic facilities that have sites over 40 acres, with controlled


LATHAM & WATKINS LLP


vehicular access, where such campuses have interior roadways, private streets, alleys, or walkways, and the signs are located 25 or more feet from a public right-of-way.

3. Flexibility for On-Site Signs Through Comprehensive Sign Program. To provide the City with the necessary flexibility to approve signs for major projects with unique sign needs, the Comprehensive Sign Program should allow for on-site digital signs, pole signs higher than 50 feet, and roof signs. Comprehensive Sign Programs also should be permitted to provide specific criteria as to what constitutes an "on-site sign" to provide flexibility for major projects with unique needs such as entertainment, sports, cultural, and academic facilities.
4. Integration of Comprehensive Sign Program Procedures with Other Discretionary Approvals. The Comprehensive Sign Program procedures should be modified to authorize the Director to waive a hearing in specified circumstances, as is the case for variances and other existing approval processes. Language also should be added to clarify that the provisions of Los Angeles Municipal Code Section 12.36 for processing multiple discretionary approvals includes a Comprehensive Sign Program.
5. Clarify the Purpose of Sign Ordinance. Language should be added that an objective of the Sign Ordinance is that consideration will be given to encourage the viability of tourism, entertainment, sports, cultural, and academic industries through on-site signs at entertainment, sports, cultural, and academic venues.
6. Additional Relief Through Variances, Conditional Use Permits, and Specific Plans. The Sign Ordinance should 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 percent regardless of the circumstances.
7. Enforcement Provisions Should Focus on Tougher Penalties for Illegal Off-Site Signs and Provide Opportunities to Cure On-Site Sign Violations. The Sign Ordinance should be modified to limit the proposed severe civil per-day penalties to off-site sign violations, to provide notice and opportunities to cure on-site sign violations to promote fairness and protect business viability, and to limit the right to private action only to off-site sign violations to limit the potential for abuse and frivolous claims.

We appreciate your consideration of these critical issues to businesses with on-site signs before taking action on the Sign Ordinance.

Very truly yours,


Lucinda Starrett
of LATHAM & WATKINS LLP


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. 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 Projects with Applications Seeking On-Site Signs and Public Hearings Held Prior to the Effective Date of the Ordinance

Proposed Sign Ordinance Section 11 provides that the new provisions of the Sign Ordinance shall not apply to any project that has received a discretionary land use approval prior to the effective date of the Sign Ordinance, and such approval specifically allowed signs, or otherwise sought relief from the sign regulations. To further the interest of fairness, its new provisions also should not apply to any project that has filed an application that specifically requested on-site signs through a discretionary approval, or otherwise sought relief from the sign regulations to allow for on-site signs, and for which at least one public hearing has been conducted prior to the effective date of the Sign Ordinance. In these cases, applicants have relied in good faith on the existing sign regulations, incurred substantial resources to process these applications, and have had public hearings on their applications. In many cases, if these applications were processed timely, they would have been completed prior to the new Sign Ordinance becoming effective. Principles of equity and fairness require that these applicants be permitted to complete the approvals process under the existing rules. Attachment 1 contains specific language to expand the transition rule in Sign Ordinance Section 11 for such on-site signs.

2. Clarify the Inapplicability of the Sign Ordinance to Interior Signs on Campuses

The scope of the new sign regulations as set forth in Section 14.4.3.A only applies to exterior signs and sign support structures except for signs or sign support structures that face an interior court bounded on all sides by one or more buildings and no sign is higher than the surrounding building walls. Without additional provisions, the application of the Sign Ordinance will not be clear as to signs located on the interior of larger, campus-like properties that do not affect the visible attributes of the public realm – including interior signs at such destinations as entertainment, sports, cultural, and academic facilities – that because of an open air design are not bounded on all sides by one or more buildings. We request that the Council adopt a more flexible definition so that such signs, which historically have not been regulated by the City's exterior sign regulations, will continue not to be regulated under the Sign Ordinance. Attachment 2 contains suggested language to implement an exception for signs located on the interior of a campus such as portions of properties that constitute development sites over 40 acres, with controlled vehicular access, where such campuses have interior roadways, private streets, alleys, or walkways, and the signs are located 25 or more feet from a public right-of-way.

To assist the Department of Planning and Department of Building and Safety in implementing and enforcing Section 14.4.3.A as to signs that are located on the interior of larger,

campus-like properties, a process such as a Zoning Administrator Interpretation with strict criteria should be established to clarify whether a property qualifies as a campus.

3. The Comprehensive Sign Program Should Allow On-Site Digital Signs, Height Relief, and Other Flexibility for Entertainment, Sports, Cultural, and Academic Facilities

Section 14.4.21 proposes a Comprehensive Sign Program to allow flexibility for major projects with unique sign needs. Though existing sign regulations would allow by-right on-site digital displays, pole signs higher than 50 feet, and roof signs without public hearings, such signage could not be permitted under the Sign Ordinance even through a Comprehensive Sign Program, which requires a public hearing and extensive findings, and contains provisions to ensure that such signage either is restricted or conditioned to ensure community compatibility. To provide the City with the necessary flexibility to approve signs for major projects with unique sign needs, proposed Sections 14.4.21.B and 14.4.21.C should be modified as suggested in Attachment 3 to give the City the authority to approve in a Comprehensive Sign Program on-site digital signs, pole signs higher than 50 feet, and roof signs. In addition, the Comprehensive Sign Program should provide specific criteria as to what constitutes an “On-Site Sign” for major projects with unique needs such as entertainment, sports, cultural, and academic facilities, to clearly identify which signs may be considered as on-site signs.

4. The Comprehensive Sign Program Procedures Should Be Integrated Consistently With Other Discretionary Approvals

a. Hearing Requirement Should Be Waivable

Like other discretionary approvals, some Comprehensive Sign Programs will not have a significant effect on adjoining properties or on the immediate neighborhood, and a public hearing will not be necessary to serve the public interest. In such circumstances, and for consistency with other discretionary land use approval and to streamline the entitlement process, the Comprehensive Sign Program procedures should be modified to authorize the Director to waive a hearing in specified circumstances and with findings. Language is proposed to Section 14.4.21.D.2 to implement this procedure as set forth in Attachment 4.

b. LAMC Section 12.36 Should Apply to Comprehensive Sign Programs

In addition, to ensure that Los Angeles Municipal Code Section 12.36 applies to projects with multiple approvals including a Comprehensive Sign Program 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 modified to clarify that the procedures set forth in Los Angeles Municipal Code Section 12.36 apply to projects with multiple approvals including a Comprehensive Sign Program. Language is proposed to Section 14.4.21.D to implement this procedure as set forth in Attachment 4.

5. The Purpose of the Sign Ordinance Should Include Encouraging Entertainment, Sports, Cultural, and Academic Facilities

PLUM commented that the intent of the Sign Ordinance is not to negatively impact the City's destinations. These include entertainment, sports, cultural, and academic facilities, which incorporate on-site signs in their essential activities and to promote their activities, programs, and events. Creativity of expression in sign design is essential to the ability of entertainment, sports, cultural, and academic facilities to attract visitors to their premises. Many Los Angeles visitors come to our City for the purpose of attending activities, programs, and events at the City's entertainment, sports, cultural, and academic facilities. To clarify this purpose, language should be added to Section 14.4.1 as set forth in Attachment 5 that an objective of the Sign Ordinance is that consideration will be given to encourage the viability of tourism, entertainment, sports, cultural, and academic industries through on-site signs at entertainment, sports, cultural, and academic venues.

6. The Sign Ordinance Must Include Adequate Relief Mechanisms Through Variances, Conditional Use Permits, and Specific Plans

Though existing law would allow adequate relief through discretionary land use approvals such as variances, conditional use permits, and Specific Plans, the proposed Sign Ordinance prohibits such relief mechanisms for signs. The sole relief provision under the proposed Sign Ordinance is the sign modification under Section 14.4.20, which only grants up to a 20 percent deviation from the height, location, and area provisions of the sign regulations. To retain the City's ability to approve adequate relief from the sign regulations and give the City flexibility to permit necessary and appropriate signs in this diverse City with its many unique neighborhoods, proposed Section 14.4.4.O should be modified to allow adequate relief through discretionary land use approvals such as variances, conditional use permits, and Specific Plans. Attachment 6 contains suggested language to include adequate relief mechanisms from the Sign Ordinance.

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

As directed by the 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. The proposed Sign Ordinance contains severe civil per day penalties for violations of the Sign Ordinance. While such 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. The proposed Sign Ordinance will be extraordinarily complicated and cumbersome for businesses with legitimate on-site sign 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 incur civil penalties that would be a severe detriment to pay. To ensure that the proposed Sign Ordinance is not a detriment to businesses with legitimate on-site signs, Section 14.4.23 should be modified so the severe civil per day penalties only apply to off-site sign violations. Suggested language is included as Attachment 7.

b. **Businesses Should be Given an Opportunity to Cure On-Site Sign Violations**

Moreover, given the complexity of the proposed Sign Ordinance for businesses with legitimate on-site signs, a number of signs will become nonconforming, possibly resulting in further, unknowing violations of the Sign Ordinance. To further ensure that the proposed Sign Ordinance is not a detriment to businesses with legitimate on-site signs, Section 14.4.23.B.6 should be modified to provide property owners and tenants the opportunity to cure an alleged violation of the sign regulations before civil penalties accrue. This is only fair given the complexity of the new sign regulations for on-site signs, the severity of the penalties, and the costly appear fees. Attachment 7 also includes suggested language to provide an opportunity to cure.

c. **The Right of Private Action Should Only Be Available for Off-Site Sign Violations**

Proposed Section 14.4.25 adds a right of private action for violations of the sign regulations. To ensure against frivolous lawsuits and otherwise ensure that the proposed Sign Ordinance is not a detriment to businesses with legitimate on-site signs, the proposed right of private action under Section 14.4.25 should only be available for off-site sign violations. Suggested language to implement this procedure is included as set forth in Attachment 7.

Attachment 1

Transition Rule for On-Site Applications With Public Hearings

Sign Ordinance Section 11 should be amended to include the following language:

This ordinance shall also not apply to any project that has applied for a discretionary land use approval, where such application specifically requested on-site signs, or otherwise sought relief from the sign regulations to allow for on-site signs, and for which at least one public hearing has been conducted, prior to the effective date of the Sign Ordinance.

Attachment 2

Definition of Interior Signs on Campuses

Sign Ordinance Section 10, Article 4.4 of Chapter I of the Los Angeles Municipal Code, Section 14.4.3.A should be amended 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.

EXCEPTION: Signs or sign support structures shall not be considered exterior if they face an interior court bounded on all sides by one or more buildings and no sign is higher than the surrounding building walls. In addition, signs or sign support structures shall not be considered exterior if they are located on the interior of a Campus such as portions of properties that constitute development sites over 40 acres, with controlled vehicular access, with interior roadways, private streets, alleys, or walkways, and where such signs are located 25 or more feet from a public right of way. The Zoning Administrator shall be authorized to issue a Zoning Administrator Interpretation as to whether a property qualifies as a Campus.

Attachment 3

Flexibility for On-Site Signs Though Comprehensive Sign Program

Sign Ordinance Section 10, Article 4.4 of Chapter I of the Los Angeles Municipal Code, Sections 14.4.21.B and 14.4.21.C should be amended as follows:

B. General Provisions. A comprehensive sign program:

1. Shall not permit any sign prohibited by Section 14.4.4 C of this article, other than those signs specifically allowed in Section 14.21.C; and
2. May only be submitted for existing or proposed development projects on development sites that have a minimum of five acres and at least 100,000 square feet of non-residential floor area, except that in the Greater Downtown Housing Incentive Area a development site need only have either a minimum of five acres or at least 100,000 square feet of non-residential floor area.

C. Sign Regulations. A comprehensive sign program may only include provisions that vary from the following provisions of this article:

1. **Definitions.** The definition of On-Site Sign in Section 14.4.2 may be modified for entertainment, sports, cultural, and academic venues based on the specific circumstances of the property subject to the Comprehensive Sign Program, for example, to include sponsorship and corporate identification as On-Site Signs.
2. **On-Site Digital Displays.** The Comprehensive Sign Program may vary from the provisions set forth in Section 14.4.4 C 8 of this article as to on-site displays only. No off-site digital displays shall be permitted.
3. **Roof Signs.** The provisions set forth in Section 14.4.4 C 11 of this article.
- ~~1.4~~ **Maximum Sign Area.** The provisions set forth in Section 14.4.4 K of this article, provided that the maximum sign area on the site of a development project shall not exceed two square feet of sign area for every linear foot of street frontage and two square feet of sign area for every linear foot of building frontage.
- ~~2.5~~ **Lots with Multiple Street Frontages.** The provisions set forth in Section 14.4.4 L of this article.
- ~~3.6~~ **Maximum Number of Signs.** The provisions set forth in Section 14.4.4 M of this article.
- ~~4.7~~ **Information Signs.** The area and height provisions set forth in Section 14.4.7 of this article.

5.8. **Monument Signs.** The area, height and location provisions set forth in Section 14.4.8 of this article.

6.9. **Projecting Signs.** The area and location provisions set forth in Section 14.4.9 of this article.

7.10. **Identification Signs over 100 Feet in Height.** The provisions set forth in Section 14.4.10 D of this article.

8.11. **Illuminated Architectural Canopy Signs.** The area provisions set forth in Section 14.4.11 of this article.

9.12. **Pole Signs.** The area and height provisions set forth in Section 14.4.12 of this article, ~~provided that no pole sign shall be allowed to exceed a height of 50 feet.~~

10.13. **Window Signs.** The provisions set forth in Section 14.4.14 of this article.

11.14. **Temporary Signs.** The time limit and area provisions set forth in Section 14.4.16 of this article, provided that the sign area of temporary signs shall not exceed two square feet of sign area for every linear foot of street frontage.

Attachment 4

Integration of Comprehensive Sign Program Procedures with Other Discretionary Approvals

Sign Ordinance Section 10, Article 4.4 of Chapter I of the Los Angeles Municipal Code, Section 14.4.21.D should be amended 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 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 a hearing 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, shall 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;

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; and

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. The Area Planning Commission's or City Planning Commission's decisions shall be based solely on the record and evidence and testimony introduced at the hearing. 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 5

Purpose: Not to Negatively Impact Entertainment, Sports, Cultural, and Academic Facilities

Sign Ordinance Section 10, Article 4.4 of Chapter I of the Los Angeles Municipal Code, Section 14.4.1 should be amended to add a new objective as follows:

That consideration will be given to encourage the viability of tourism, entertainment, sports, cultural, and academic industries through on-site signs at entertainment, sports, cultural, and academic venues.

Section 6

Additional Relief Through Variances, Conditional Use Permits, and Specific Plans.

Sign Ordinance Section 10, Article 4.4 of Chapter I of the Los Angeles Municipal Code, Section 14.4.4.O should be amended as follows:

O. **Relief.** ~~Notwithstanding the provisions of Sections 12.24, 12.27, 12.28 or any other sections of this Code, no r~~Relief from the sign regulations set forth in this article shallmay 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, 12.28 or any other sections of this Code. Moreover, **EXCEPTION:** ~~P~~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 chapter, and a building permit may be issued provided that the conditional use permit or variance was granted before the effective date of this ordinance, is still valid, and specifically authorized on-site signs or otherwise provided relief from the sign regulations.

Attachment 7

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

Sign Ordinance Section 10, Article 4.4 of Chapter I of the Los Angeles Municipal Code, Section 14.4.23 should be amended 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 <u>OFF-SITE</u> SIGN IN VIOLATION	CIVIL PENALTIES 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: Civil penalties 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, including notifying the Department of Building and Safety and requesting an inspection to verify compliance.

~~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.

Sign Ordinance Section 10, Article 4.4 of Chapter I of the Los Angeles Municipal Code, Section 14.4.25 should be amended as follows:

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.