

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R09-0278
AUG 05 2009

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 14.4.1, 14.4.2, 14.4.4 and 14.4.6 OF
CHAPTER 1 OF THE LOS ANGELES MUNICIPAL CODE TO REGULATE OFF-SITE
SIGNS, OFF-SITE DIGITAL DISPLAYS, SUPERGRAPHIC SIGNS AND FREEWAY
VISIBILITY OF SIGNS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 08-2020

Honorable Members:

Attached to this report is a final draft ordinance, approved as to form and legality, amending Sections 14.4.1, 14.4.2, 14.4.4 and 14.4.6 of the Los Angeles Municipal Code (LAMC) to regulate off-site signs, off-site digital displays, supergraphic signs and freeway visibility of signs. This ordinance has been disapproved by the Director of Planning on behalf of the City Planning Commission with a recommendation that it not be enacted. The Director states in her report that she is disapproving the ordinance because it only addresses one aspect of the sign revisions that were approved by the City Planning Commission.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has disapproved this draft of ordinance on behalf of the City Planning Commission and recommended that

you not adopt it. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in her letter dated August 4, 2009, or by making your own findings.

Council Rule 38 Referral

A copy of the final draft of ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety for its comments. The Department has been requested to report their comments directly to you.

CEQA Findings

Regarding a finding pursuant to the California Environmental Quality Act (CEQA), the Director, on behalf of the City Planning Commission, recommends that the City Council adopt Negative Declaration No. ENV-2009-0009-ND and determine that the adoption of the proposed ordinance will not have a significant impact on the environment. If you concur, you must take these actions and make these findings prior to or concurrent with your action on the ordinance. If the subject ordinance is enacted, the City Clerk should file a Notice of Determination in accordance with Section 15075 of the State CEQA Guidelines.

If you have any questions regarding this matter, please contact Assistant City Attorney Sharon Siedorf Cardenas at (213) 978-8235. She or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PE:SSC:pj
Transmittal

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 or moving 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 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 or enlargements of legally existing off-site signs, except for alterations or enlargements 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 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 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. 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 _____.

JUNE LAGMAY, City Clerk

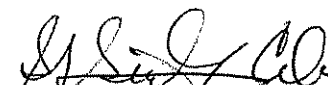
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date AUG , 5 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 5, 2009

See attached report.


S. Gail Goldberg
Director of Planning

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

WILLIAM ROSCHEN
PRESIDENT
REGINA M. FREER
VICE-PRESIDENT
SEAN O. BURTON
DIEGO CARDOSO
ROBIN R. HUGHES
FR. SPENCER T. KEZIOS
RICARDO LARA
CINDY MONTAÑEZ
MICHAEL K. WOO
JAMES WILLIAMS
COMMISSION EXECUTIVE ASSISTANT
(213) 978-1300

CITY OF LOS ANGELES
CALIFORNIA



ANTONIO R. VILLARAIGOSA
MAYOR

EXECUTIVE OFFICES

S. GAIL GOLDBERG, AICP
DIRECTOR
(213) 978-1271

VINCENT P. BERTONI, AICP
DEPUTY DIRECTOR
(213) 978-1272

JOHN M. DUGAN, AICP
DEPUTY DIRECTOR
(213) 978-1274

EVA YUAN-MCDANIEL
DEPUTY DIRECTOR
(213) 978-1273

FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

August 5, 2009

The Honorable Carmen A. Trutanich
City Attorney
200 North Main Street, 8th Floor
Los Angeles, CA 90012-4131

Attention: Sharon Siedorf Cardenas
Assistant City Attorney

RE: CPC File No: 2009-0008-CA (not transmitted)
Council File No: 08-2020 (not transmitted)
Ordinance regulating off-site signs, off-site digital displays and supergraphics

Dear Mr. Trutanich:

Transmitted is the proposed draft ordinance prepared by your office amending Sections 14.4.1, 14.4.2, 14.4.4, and 14.4.6 of the Los Angeles Municipal Code. The language contained in this attached draft ordinance is substantially different from the ordinance that the City Planning Commission (CPC) approved on March 26, 2009. The ordinance that the CPC approved revised the City's on-site and off-site sign regulations, enacted new criteria for the establishment of sign districts, established a new sign modification procedure and a comprehensive sign program, and established administrative civil penalties to enforce the sign regulations, among numerous other changes.

In summary, the attached draft ordinance prohibits, citywide, new supergraphic signs and new off-site signs, including off-site digital displays. The ordinance also states that no relief from this prohibition, as otherwise provided by the zoning code, shall be granted.

Certain specified exceptions spelled out in the attached draft ordinance are only allowed pending a 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. The

ordinance further specifies that certain sign regulations concerning “freeway exposure” shall be operative only upon a reversal of the trial court decision in the same case.

ENVIRONMENTAL IMPACT

On January 15, 2009, the Department of City Planning published a Negative Declaration, ENV-2009-0009-ND, concerning proposed new citywide sign regulations. It was determined that the new proposed citywide sign regulations, as approved by the City Planning Commission on March 26, 2009, would not have a significant effect on the environment. An addendum to the Negative Declaration was published on April 6, 2009.

The proposed new citywide sign regulations included a ban on new off-site signs, including new off-site digital displays, and deleted the definition of supergraphic signs. Supergraphic signs are a subset of wall signs, and the proposed new citywide sign regulations included strict new controls on the size and location of wall signs, in order to address the visual clutter issues posed by new supergraphic signs. As such, the attached draft ordinance, as prepared by the City Attorney, is consistent with these provisions of the new citywide sign regulations that the City Planning Commission approved on March 26, 2009.

Consequently, the environmental analysis set forth in the Negative Declaration of January 15, 2009 and the addendum of April 6, 2009 applies to the attached draft ordinance. The attached draft ordinance will thus not create a significant effect on the environment. No further environmental analysis of the attached draft ordinance is necessary.

FINDINGS

The following findings are provided regarding the attached, draft ordinance:

1. In accordance with Charter Section 556, that the attached, draft ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan in that it will support Goal 5A of the Citywide General Plan Framework by helping to further shape “a livable city for existing and future residents and one that is attractive to future investment,” by supporting Objective 5.5, to “enhance the livability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm”; Objective 5.5.3, to “formulate and adopt building and site design standards and guidelines to raise the quality of design citywide” by prohibiting new off-site signs, new off-site digital displays, and new supergraphics; and
2. in accordance with Charter Section 558 (b) (2), that the attached, draft ordinance is directly related to the General Plan, specific plans or other plans being prepared by the Department of City Planning, in that it supports Goal 3C of the Citywide General Plan Framework by helping to protect and promote “multi-family neighborhoods that enhance the quality of life for the City’s existing and future residents” by prohibiting

new off-site signs, new off-site digital displays, and new supergraphics that can disrupt the visual environment and detract from quality of life within and near residences; and

3. in accordance with Charter Section 558 (b) (2), that the attached draft ordinance is in substantial conformance with the public necessity, convenience, general welfare and good zoning practice in that it supports Goal 9P of the Citywide General Plan Framework by helping to “protect and preserve the nighttime environment, views, driver visibility, and otherwise minimize or prevent light pollution, light trespass, and glare” and Policy 9.40.3, to “develop regulations to ensure quality lighting to minimize or eliminate the adverse impact of lighting due to light pollution, light trespass, and glare for façade lighting, security lighting, and advertising lighting, including billboards” by establishing a baseline citywide prohibition on off-site digital displays, which have been shown to dangerously distract drivers and have such land use impacts as light pollution, light trespass, and excessive glare; and
4. in accordance with Charter Section 558 (b) (2), that the attached draft ordinance is directly related to the General Plan, specific plans or other plans being prepared by the Department of City Planning, in that the proposed ordinance supports the Citywide General Plan Framework’s Livable Neighborhoods Subsection (under the Land Use Section), which provides that “all neighborhoods in the City deserve to have well designed buildings and a safe, secure, and attractive public realm”.

CHARTER SECTION 559

Although the attached draft is consistent with the Environmental Impact and Findings of the comprehensive sign regulations adopted on March 26, 2009 by the City Planning Commission, it comprises merely a small portion of that previous ordinance and is more limited in scope. For the foregoing reasons and as provided under the authority of Charter Section 559, City Plan Case No. 13505-A, and the City Planning Commission Resolution of August 11, 2000, I disapprove the attached draft ordinance and recommend that it not be adopted by the City Council. I find that my action conforms with all applicable portions of the General Plan.

Very truly yours,

S. GAIL GOLDBERG, AICP
Director of Planning



MICHAEL LOGRANDE
Chief Zoning Administrator

GG:VB:ML:AB

Attachment – Draft Ordinance prepared by the City Attorney