

ORDINANCE NO. 11-1705 Date: 8.13.19
Submitted in PLUM Committee

DIGITAL OFF-SITE SIGNS

Council File No: 11-1705

Item No.: 8

Deputy: Com from the Public

WHEREAS, signs, including Off-Site Signs, are an important part of daily commerce but also impact important governmental interests, including those in traffic safety, aesthetics and quality of life; and

WHEREAS, the preservation of the distinctive architecture of the City of Los Angeles and the City's scenic vistas requires reasonable control of Off-Site Signs; and

WHEREAS, the introduction of Digital Off-Site Signs presents and amplifies many of the issues raised by Off-Site Signs in general; and

WHEREAS, this Ordinance is enacted to acknowledge and promote the continuing contribution of Off-Site Signs to the distinctive aesthetic of Los Angeles while controlling the visual blight and other harms that are unique to Digital Off-Site Signs where they are not well planned, built and operated;

NOW, THEREFORE,

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

Sec. 1. AMENDMENT TO ARTICLE 4.4 OF THE LOS ANGELES MUNICIPAL CODE.

A. The City Council hereby amends the Los Angeles Municipal Code, Article 4.4, Sign Regulations, to allow Digital Off-Site Signs subject to all of the rules and restrictions below.

Sec. 2. PURPOSES.

This Ordinance is intended to:

- A. Provide for the systematic control, limitation and safe regulation of Digital Off-Site Signs.
- B. Promote appropriate and economically viable Digital Off-Site Signs which:
 - 1. Coordinate with the architectural elements of the building to which the sign affixed or which is located on the same lot where the sign is built;

2. Reflect a modern, vibrant image of Los Angeles; and
 3. Compliment and protect the character-defining features of historic buildings.
- C. Limit visual clutter by regulating the number, size and location of Digital Off-Site Signs.
 - D. Minimize potential traffic hazards and protect public safety.
 - E. Protect the visual environment.
 - F. Protect the character of individual neighborhoods and property values.
 - G. Protect street views and scenic vistas.
 - H. Protect and enhance major commercial corridors and properties.
 - I. Provide a public benefit and enhancement to the community environment.

Sec. 3. APPLICATION OF DIGITAL OFF-SITE SIGNS ORDINANCE.

- A. The regulations in this Ordinance are in addition to those set forth in the planning and zoning provisions of the Los Angeles Municipal Code (the "Code"). These regulations do not convey any rights not otherwise granted under the provisions and procedures contained in the Code or other relevant ordinances, except as specifically provided for in this Ordinance.
- B. Wherever this Ordinance contains provisions which establish regulations for sign types, sign height, sign area, number of signs, sign dimensions, sign content or other time, place or manner regulations that are different from, more restrictive than or more permissive than would be allowed pursuant to the provisions contained in the Code, this Ordinance shall prevail and supersede the applicable provisions of the Code and those relevant ordinances.

Sec. 4. DEFINITIONS.

Whenever the following terms are used in this Ordinance, they shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Sections 12.03 and Article 4.4 of the Code.

BILLBOARD: Any sign on one or more poles or columns which:

1. Is four feet or greater in height as measured from the natural or finished grade, whichever is higher, to the bottom of the sign; and
2. Is structurally separate from an existing building or other improvement on a lot; and/or
3. Is supported by an independent footing inside an existing building or other improvement on a lot extending through the roof of the supporting structure, and/or
4. Is supporting a sign panel that is attached to the pole(s), post(s), or column(s) and that may be cantilevered over a building or structure on the lot.

DIRECTOR: The Director of Planning, or his or her designee.

HISTORIC BUILDING: A building or structure that:

1. Is listed as a Historic-Cultural Monument by the City of Los Angeles;
2. Is listed in, or has been determined to be "eligible" or "potentially eligible" for listing in the National Register of Historic Places or has been determined "eligible" for listing in the California Register of Historic Places by a local, state, or federal agency as a part of an official survey prepared for such an agency or is listed as such in the State Historic Resources Inventory;
3. Is listed as a historically significant building in a historic resources survey conducted by the Director; or
4. Is listed as a contributing structure to a National Register Historic District.

DIGITAL OFF-SITE SIGN: 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.

OFF-SITE SIGN. A sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or any other commercial message, which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located.

OFF-SITE SIGN STRUCTURE. A structure of any kind or character, erected, used or maintained for an off-site sign or signs, upon which any poster, bill, printing, painting, projected image or other advertisement may be placed.

ON-SITE SIGN. A sign that is other than an off-site sign.

SIGN FACE. The surface upon which the sign message is placed.

Sec. 5 DIGITAL OFF-SITE SIGN STANDARDS:

A. DIGITAL OFF-SITE SIGN DISPLAY STANDARDS

All Off-Site Digital Signs must comply with the following:

Digital Off-Site Signs shall be prohibited except where allowed by a legally adopted sign reduction agreement. Digital Off-Site Signs shall also be subject to all of the following additional requirements:

1. **Removal of all Unlawfully operated Off-Site Signs**

a. The City has spent hundreds of thousands of dollars to compile a comprehensive inventory of all Off-Site Signs currently being operated within its jurisdiction.

b. No sign reduction agreement for any new Digital Off-Site Signs shall be adopted prior to certification by the Director to the City Council that at least 90 percent of those Off-Site signs shown in the inventory to lack permits have been removed or their legal status resolved. Such certification shall not rely on the rebuttable presumption of Business and Professions Code section 5216.1. Instead, the City shall determine whether its records contain all valid permits necessary for the operation of the specific Off-Site Sign. If no permit can be found, then the owner of the Off-Site Sign shall have the opportunity for a hearing before the Building Department to test the rebuttable presumption.

1. Application for Permit

a. An environmental impact report (EIR) consistent with State law shall be prepared by each applicant for a permit for a Digital Off-Site Sign.

b. Every application for a Digital Off-Site Sign permit shall be accompanied by a written report from a licensed traffic safety engineer certifying that

operation of the proposed sign will not constitute a hazard to the safe and efficient operation of vehicles upon a street or a freeway and will not create any condition that endangers the safety of persons or property.

c. Every application for a Digital Off-Site Sign permit shall be accompanied by a written report from a registered civil engineer or architect, including a line-of-sight analysis, showing no appreciable impact of light on any residential property.

d. Every application for a Digital Off-Site Sign permit for a site located within 750 feet of any freeway shall be accompanied by proof of approval by the California Department of Transportation ("Caltrans") in the form of a successful Preliminary Review Request.

e. No Digital Off-Site Sign shall be constructed or operated in violation of the State Outdoor Advertising Act embodied in Business and Professions Code section 5300, et. seq.

2. Sign Reduction Credits

a. Any sign reduction credits used to construct a new Off-Site Digital Sign shall only qualify if the off-site signs that were removed by the applicant were lawfully erected with all required State and City permits. No unpermitted sign or permitted sign which was unlawfully modified will qualify for any sign reduction credits.

b. All sign reduction credits shall come only from the same Council District and Neighborhood in which the applicant proposes to construct the new Digital Off-Site Sign.

c. Any sign reduction credit used to construct a new Off-Site Digital Sign shall only be awarded if the application is accompanied with written consent from the owner of the site from which the off-site sign was removed acknowledging payment of fair compensation.

d. Approval of each square foot of a new Off-Site Digital Sign shall require the removal of ten square feet of sign face of a legally permitted Billboard or other Off-Site Sign.

3. Notice to Adjoining Property Owners and Residents.

a. At least 60 days before submitting any application for a new Digital Off-Site Sign, the applicant shall give notice to the owners and occupants of all properties within a 500-foot radius of the proposed site and provide proof of such notice with the permit application. The written notice shall advise such owners and occupants that they may file an objection to the issuance of the permit within 30 days of receipt of notice and that there is an appeals procedure whereby the City's Department of Building and Safety and Board of Building and Safety Commissioners have authority hear such appeals. No permit for any Digital Off-Site Sign shall issue before the resolution of any such appeal.

b. Any citizen of the City who believes in good faith that an applicant for a new Off-Site Digital Sign has violated any section or provision of this this article or any other aspect of the City's sign regulations or that the proposed new sign constitutes a public or private nuisance has legal standing to challenge the granting of any permit for such a sign.

4. Local Neighborhood/Community Consent

a. Before submitting any application for a new Digital Off-Site Sign, the applicant shall give written notice to both the office of the City Councilmember in whose district the proposed site is located and the local Neighborhood Council.

b. The Neighborhood Council shall hold a public hearing within 45 days of receiving notice from the applicant at which local residents may be heard. At the conclusion of all such public hearings, the Neighborhood Council Board shall vote to approve the submission of the application for the new Off-Site Digital Sign or opt out based on the objections of local residents and the conclusion that such land use is inappropriate.

c. Applications for all new Digital Off-Site Signs shall be accompanied with written proof of consent to the new sign from both the office of the City Councilmember in whose district the proposed site is located and from the local Neighborhood Council Board.

5. Construction and Operation of Off-Site Digital Signs

a. Off-Site Digital Signs constructed pursuant to a sign reduction agreement may only be located in a legally adopted specific plan, supplemental use district or sign district.

b. A total of no more than 100 new Off-Site Digital Signs may be permitted at any one time under this Ordinance. Once the 100 permit limit for new Off-

Site Digital Signs is reached, then no further permit may be issued without the surrender of an existing permit.

b. All new Off-Site Digital Signs shall be shielded to prevent light or glare intrusion onto adjoining properties that are located within five hundred (500) feet.

b. No new Off-Site Digital Sign shall simulate motion or exhibit any images or series of images that could be considered "animated" in any way, including but not limited to sequential still images that update faster than once every 8 seconds. No new Off-Site Digital Sign shall contain any flashing, sparkling, intermittent or moving lights. There shall be no flashing or scrolling messages. Changes in color or light intensity on a still image or message at a rate faster than once every 8 seconds are also not permitted.

c. No new Digital Off-Site Sign that is located within 1,000 feet of any school, playground, recreation center or facility, child care center, arcade or library may display advertising for alcoholic beverages.

d. No Digital Off-Site Sign may be built within 1000 feet of any other such sign.

e. No Digital Off-Site Sign may be built within 500 feet of any Historical Building or substantial block the view of such building.

f. No Digital Off-Site Sign may be larger than to 300 square feet.

g. No new Digital Off-Site Sign may display advertising for marijuana or marijuana related paraphernalia or products.

h. As a condition for issuance of any permit for a new Digital Off-Site Sign, the applicant must agree to make available to the City up to 10 percent of total advertising time for public service announcements ("PSAs") such as amber alerts, drunken driving awareness, serious accidents and emergency-disaster messaging.

i. All work performed in the construction or maintenance of all new Digital Off-Site Signs shall only be performed by union labor and shall comply with state prevailing wage law, Chapter 1 of Part 7 of Division 2 of the Labor Code, commencing with Section 1720 and Title 8, California Code of Regulations, Chapter 8, Subchapter 3, commencing with Section 16000, for any "public

works.” Compliance with state prevailing wage law includes without limitation: payment of at least prevailing wage as applicable; overtime and working hour requirements; apprenticeship obligations; payroll recordkeeping requirements; and other obligations as required by law.

j. All new Digital Off-Site Signs shall be illuminated and display messages only during daylight hours from dawn till dusk (official sunset). This shall be compensated by allowing all Digital Off-Site Signs to display eight messages per minute during daylight hours.

k. All new Digital Off-Site Signs must be equipped to automatically adjust the brightness of the display according to changes in ambient lighting to comply with a brightness limitation of 0.3-foot candles above ambient lighting.

l. The maximum brightness of any new Digital Off-Site Sign cannot exceed 7,500 candelas per square meter during the daytime.

m. Local businesses with an annual gross income not in excess of one million dollars (\$1,000,000) will be provided with a 50% discount off of the normal advertising rates charged by the operator of any new Digital Off-Site Sign.

n. Changing messages on all Digital Off-Site Sign must comply with all the following:

i. Last a duration of at least 8 seconds for each message.

ii. Remain static between transitions.

iii. Utilize an instant transition between messages.

iv. Not go blank during a transition.

6. Public Benefit/Environment Mitigation

a. All successful applicants for a permit to operate a new Digital Off-Site Sign shall execute a revenue sharing agreement with the City providing for payment of 25 percent of the gross revenue of the subject sign to be used at the discretion of the City Council but generally intended to mitigate aesthetic and environment harm resulting from the new Digital Off-Site Sign.

b. All successful applicants for a permit to operate a new Digital Off-Site Sign shall also enter into an agreement acceptable to the applicant and both the office of the City Councilmember in whose district the proposed site is located and the local Neighborhood Council Board to provide a public benefit to mitigate the effects of any new Off-Site Digital Sign. Potential public benefits should generally be aimed at improvement of the visual environment. Specific public benefits shall be left to the agreement of the parties but may include, at minimum, the following: ad space on the new Off-Site Digital Sign to promote local events or job opportunities; public art installation; street furniture; landscaping; graffiti removal; funds for services to the homeless; litter cleanup; street beautification; and additional Off-Site Sign removal.

Sec. 6. SEVERABILITY.

A. If any provision of this Ordinance or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect any other provisions, clauses or applications of said Ordinance which can be implemented without the invalid provision, clause or application, and to this end the provisions and clauses of this Ordinance are declared to be severable.

Sec. 7. CERTIFICATION.

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 no less than two-thirds of all its members, at its meeting of _____, 2019.

Date: _____

City Clerk

Date: _____

Mayor

Approved as to Form and Legality

Date: _____

Office of the City Attorney

Deputy City Attorney

REDUCING IMPACT OF NEW DIGITAL SIGNAGE:

- Significant public resistance Digital in the past. There was huge backlash when CBS and Clear Channel began converting static to Digital.
- Public concern justified because of tremendous impact these signs have by shining in people's windows, blinding drivers and causing aesthetic detriment.

SENSIBLE DIGITAL DISPLAY STANDARDS TO AMELIORATE HARM:

I. Already Being Considered by City.

- Duration of at least 8 seconds per message (avoids distracting drivers with movement).
- Remain static between transitions.
- Utilize an instant transition between messages.
- Not go blank during a transition (avoids blinding drivers with changes in brightness).
- All Digital must be equipped to automatically adjust brightness according to changes in ambient light.

- The maximum brightness of any Digital cannot exceed 300 candelas per square meter during the nighttime and 7,500 candelas per square meter during the daytime (they should not even be allowed at night, absolutely blinding on freeways).

II. Additional Safeguards to Makes Digital Signs Safe and Prevent Them From Causing Undue Harm.

A. Application Process

- Environmental impact report (EIR) required for each permit (light pollution issue).
- Report from licensed traffic safety engineer certifying operation will be safe (each location presents unique issues and City already requires Building and Safety to do analysis of traffic safety for static signs).
- Written report from a registered civil engineer or architect, including a line-of-sight analysis, showing no appreciable impact of light on any residential property (major public issue previously).
- Every application for a Digital located within 750 feet of any freeway accompanied by proof of approval by the Caltrans (state law requires separate state permit for such signs).

- No Digital constructed in violation of the State Outdoor Advertising Act (state has special safety req. for digitals).

B. Sign Reduction Credits

- Sign reduction credits should only qualify if the off-site signs that were removed were lawfully erected (do not reward law breakers).
- Sign reduction credits should come only from the same Council District and Neighborhood in which the applicant proposes to construct the new Digital (do not want undue concentration or taking money away from minority prop. owners).
- Sign reduction credit only awarded if application accompanied with written consent from the owner of the site from which the signs were removed acknowledging fair compensation (do not enrich a few giant sign companies at expense of thousands of local prop. Owners, many in poor areas).
- Each square foot of a new Off-Site Digital Sign should require removal of ten square feet of sign face of a legally permitted Billboard.

C. Elimination of Hundreds of Unpermitted Signs Citywide.

- City has spent hundreds of thousands of dollars to compile a comprehensive inventory of all Off-Site Signs currently being operated with and without permits.
- No sign reduction agreement for any new Digital Off-Site Signs should issue until these illegal signs have first been removed. This is an incentive to the sign industry to comply and keeps new digital sign from adding to an existing problem.

D. Notice to Adjoining Property Owners and Residents.

- 60 days' notice to the owners and occupants of all properties within a 500-foot radius (people should have say about what happens in their neighborhoods).
- Written notice should advise owners and occupants that they may file an objection within 30 days and that there is an appeals procedure to Building and Safety and Board of Building and Safety Commissioners (this is already the procedure in the case of building code violations).
- Any citizen who believes applicant has violated any section or LAMC or where sign is a public nuisance given legal standing to challenge

(city has in the past overlooked hundreds of violations while politicians get free ads, conflict of interest).

E. Local Neighborhood/Community Consent

- Residents should decide what is best for their neighborhood (require applicant to get written consent from office of the local Councilmember and Neighborhood Council).
- Neighborhood Council should hold public hearing before voting and hear from residents.
- Let local neighborhood councils opt out based on local concerns.

F. Construction and Operation of Off-Site Digital Signs

- Located only in a legally adopted specific plan, supplemental use district or sign district.
- Capped at a total of no more than 100.
- Digitals shielded to prevent light or glare into properties located within 500 feet.
- No motion or animation (illegal under state law and dangerous).
- No advertising for marijuana or marijuana related paraphernalia or products (protect kids and community).

- 10 percent of advertising time for public service announcements ("PSAs") such as amber alerts, drunken driving awareness, serious accidents and emergency-disaster messaging (public should get some benefit).
- Use union labor and prevailing wage law (Digital is hugely profitable, and companies should be good citizens).
- Operate only during daylight hours from dawn till dusk (these signs are blinding at night. The 8 messages per minute more than make up for turning off at night as they only get one message on static).
- Equipped to automatically adjust brightness of display according to changes in ambient lighting
- Maximum brightness limited to 7,500 candelas per square meter during the daytime.
- Discount to local small business (make these companies improve community as cost of doing business).
- Limit square footage to 300 square feet (this is what Riverside County requires for static sign throughout its jurisdiction and Digital has huge impact that is reduced by limited size).

- Require 1000 foot spacing (Los Angeles code before 2002 had spacing based on size of sign; bigger sign with more impact had to be further apart).

G. Public Benefit

- Applicants should also be required to enter into an agreement acceptable to City Councilmember in whose district the proposed site is located and the local Neighborhood Council Board to provide a public benefit to mitigate the effects of any new Off-Site Digital Sign. Potential public benefits should generally be aimed at improvement of the visual environment. Specific public benefits may include, at minimum, the following: ad space on the new Off-Site Digital Sign to promote local events or job opportunities; public art installation; street furniture; landscaping; graffiti removal; funds for services to the homeless; litter cleanup; street beautification; and additional Off-Site Sign removal.