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REPORT NO. R 1 6 - 0 0 9 2

MAR 2 1 2016

REPORT RE:

DRAFT ORDINANCE AMENDING SECTIONS 12.05, 12.06, 12.07, 12.08, 12.10.5, 12.11.5, 12.21, 12.21.1, 12.22, 12.23, 12.32 AND 13.11; ARTICLE 4.4 OF CHAPTER I; AND SECTIONS 19.01 AND 91.6216.4.3 OF THE LOS ANGELES MUNICIPAL CODE TO ENACT NEW CRITERIA FOR THE ESTABLISHMENT OF SIGN DISTRICTS, CREATE NEW RELIEF PROVISIONS FOR CERTAIN DEVIATIONS FROM THE SIGN REGULATIONS, ESTABLISH ADMINISTRATIVE CIVIL PENALTIES FOR VIOLATIONS OF THE SIGN REGULATIONS, AND ENACT RELATED TECHNICAL CORRECTIONS AND OTHER MEASURES TO CONTROL THE POTENTIAL IMPACTS OF SIGNS ON TRAFFIC SAFETY AND THE VISUAL ENVIRONMENT

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. 11-1705

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, a draft ordinance amending Sections 12.05, 12.06, 12.07, 12.08, 12.10.5, 12.11.5, 12.21, 12.21.1, 12.22, 12.23, 12.32 and 13.11; Article 4.4 of Chapter I; and Sections 19.01 and 91.6216.4.3 of the Los Angeles Municipal Code (LAMC).

Background

On December 16, 2014, the PLUM Committee considered a prior draft of the ordinance dated September 13, 2013, prepared by the Planning Department and

reviewed by this Office for form and legality. The PLUM Committee instructed the Planning Department to make several changes to the ordinance. In response, the department prepared two versions of the ordinance, Version A and Version B. Both versions contained the same proposed sign regulations, except that Version A also contained four changes that were required to be referred back to the City Planning Commission (CPC) for its recommendation pursuant to Charter Section 558(b)(2).

On June 30, 2015, the PLUM Committee referred Version A to the CPC and requested this Office to review Version B for form and legality and prepare the final draft ordinance. The CPC assumed jurisdiction over Version B by withdrawing the CPC's delegation of authority to the Director of Planning to sign off on the ordinance.

Thereafter, on October 22, 2015, the CPC recommended disapproval of both Version A and Version B. The CPC also instructed the Planning Department to prepare a third version of the ordinance referred to as Version B+. Because the CPC recommended approval of Version B+, if considered by you, that version will require only a majority vote by the City Council for adoption. Charter Section 558(3)(A).

The draft ordinance transmitted is Version B.

Summary of Ordinance Provisions

The draft ordinance is a comprehensive rewrite of the Citywide sign regulations and has three main purposes: enacting new criteria for the establishment of sign districts; updating the City's sign regulations; and establishing new civil penalties for violations of the sign regulations and a new framework for handling administrative appeals relating to violations of the sign regulations. The major changes made by the draft ordinance include:

- Sign Districts

The draft ordinance amends LAMC Section 13.11 to allow for two types of sign districts.

A Tier 1 sign district can be located only in regional centers and must contain at least 5,000 linear feet of street frontage or be at least 15 acres in size. A Tier 2 sign district is not restricted to regional centers and can be located in most parts of the City. A Tier 2 sign district generally requires only a minimum size of 5 acres.

Tier 1 sign districts require that the City Planning Commission prepare a report regarding a proposed Tier 1 sign district's effect on aesthetics and traffic safety, and that signage take-downs and community benefits measures be imposed as a condition of forming a new Tier 1 sign district. Off-site signs, including off-site digital signs, may be allowed in a Tier 1 Sign District.

The requirements for Tier 2 sign districts are less stringent and do not require a report on aesthetics and traffic safety or the imposition of signage take-downs and community benefits measures. Off-site signs are only allowed in a Tier 2 sign district as long as each sign face is not visible from any public right-of-way or any property other than the property on which the signs are located.

- On-site Signs With a Digital Display

The draft ordinance imposes a Citywide ban on on-site signs with a digital display, unless specifically permitted as part of a Tier 1 or Tier 2 sign district, other supplemental use district, or specific plan.

- Clarification Regarding Off-site Ban and On-site Signage on Adjoining Lots

The draft ordinance clarifies that a sign on a lot, which advertises a business on an immediately adjoining lot, is an on-site sign with respect to that adjoining lot.

- “Interior Signs” and “Exterior Signs”

The scope of the City’s sign regulations, set forth in LAMC Section 14.4.3 A, has been revised to apply to all “exterior signs and sign support structures . . .” and includes an exception for interior signs in an enclosed space that are not visible from the public right of way or any property other than the subject property.

- Sign Illumination Standards

The sign illumination limits for digital signs have been modified so that the Department of Building and Safety will no longer measure sign brightness of digital signs. Instead, the department’s sole authority will be to approve the private testing agency hired by an applicant to measure sign brightness of digital signs, and to review the measurements submitted by that agency.

- Removal of Relocation Agreements as an Exception to the City’s Off-Site Sign Ban

Relocation agreements as a stated exception to the City’s off-site sign ban have been removed.

- Removal of “Hazard to Traffic Prohibition”

The existing prohibition on “Hazard to Traffic” set forth in LAMC Section 14.4.5 has been removed.

- Sign Variances and Adjustments

The new ordinance sets forth procedures and findings specifically tailored for variances and adjustments for signage.

- Heightened Penalties for Billboard Violations

The draft ordinance imposes heightened penalties for sign violations and creates a new administrative appeal process solely for sign and billboard violations.

- Grandfathering of Requested Sign Districts and Land Use Approvals

LAMC Section 13 of the draft ordinance contains grandfathering language that currently applies to 11 pending sign districts or specific plans. The July 10, 2015, grandfathering date in LAMC Section 21 accommodates the proposed Coliseum and Soccer Stadium Sign District.

Charter Findings

Pursuant to Charter Section 558, the Planning Commission disapproved the draft ordinance and recommended that the City Council not adopt it. Because the Planning Commission has recommended against approval of the draft ordinance, Charter Section 558 requires a two-thirds vote by the City Council in order to adopt the ordinance. If the City Council chooses to adopt this ordinance, it may comply with the provisions of Charter Section 558 by adopting the findings transmitted with this report.

CEQA Findings

The Department of City Planning has prepared a narrative explaining why the ordinance qualifies for a Categorical Exemption (ENV-2009-0009-CE). The narrative is transmitted with this report. If you concur with the narrative, you may adopt the ordinance without further CEQA analysis.

Fee Notice Requirement

This ordinance imposes a new fee. Therefore, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. Those sections of State law require that, prior to adoption of a new or increased fee, a public hearing be held and notice of that hearing be published in a newspaper with two publications at least five days apart over a ten-day period. The notice period begins the first day of publication, and there must be at least five days intervening between the first and the second publications, not counting the dates of publication.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Department of Transportation, the Department of Public Works and the Fire Department. The Department of Building and Safety has given its comments, which have been incorporated into the draft ordinance. A Rule 38 letter was not sent to the Department of City Planning because that department has been the lead department and worked closely with this Office on the draft ordinance.

Recommended Actions

1. DETERMINE, having considered the proposed Categorical Exemption (ENV 2009-0009-CE), that the project is exempt from CEQA.
2. ADOPT the enclosed draft ordinance by a two-thirds vote, along with the findings supporting adoption of the ordinance.

If you have any questions regarding this matter, please contact Deputy City Attorney Kenneth Fong at (213) 978-8235. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON
Chief Assistant City Attorney

DM/KTF:gl
Transmittal