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CITY ATTORNEY

REPORT NO. R 1 4 - 0 2 7 1

REPORT RE:

JUN 13 2014

**REVISED DRAFT ORDINANCE ESTABLISHING THE WARNER CENTER
2035 PLAN SIGN DISTRICT PURSUANT TO THE PROVISIONS OF SECTION 13.11
OF THE LOS ANGELES MUNICIPAL CODE**

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. 13-0197
CPC No. 2008-3470-SP-ZC-GPA-SUD

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, a revised draft ordinance establishing the Warner Center 2035 Plan Sign District pursuant to the provisions of Section 13.11 of the Los Angeles Municipal Code. We previously transmitted to you an ordinance amending the Zoning Map referenced in Section 12.04 of the Los Angeles Municipal Code in order to add a "SN" suffix to the zoning for all parcels located within the Sign District's boundaries.

Summary of Revised Ordinance Provisions

The draft ordinance would create a sign district covering the Warner Center 2035 Plan, as depicted in the map attached as Figure 1 of the proposed sign district.

If adopted, the ordinance would create unique sign regulations for the area based upon the policy goals underlying the recently adopted Warner Center 2035 Plan.

Notably, the sign district will not allow off-site signs or supergraphic signs, which are generally banned throughout the City.

On May 7, 2014, we transmitted a revised draft incorporating changes the Planning and Land Use Management (PLUM) Committee requested at its April 8, 2014, meeting. Specifically, Council District 3 requested that PLUM, in consultation with the City Attorney's Office, revise the ordinance to incorporate a number of community comments. These comments ranged from technical changes, to clarifying signage rights on new streets that are planned for the specific plan area, to further restricting the number of digital signs allowed in the Sign District.

Since that transmittal, Council District 3 requested a few additional minor revisions that we believe are consistent with PLUM's directive. Thus, we transmit a revised draft incorporating those revisions. Both Council District 3 and the Department of City Planning have reviewed the revised draft and have indicated their approval.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has disapproved this revised draft ordinance on behalf of the City Planning Commission. 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 his transmittal to the City Council dated June 10, 2014, or by making your own findings.

CEQA Determination

If the City Council wishes to adopt the ordinance, it must first comply with the California Environmental Quality Act (CEQA). The Environmental Impact Report (EIR) for the sign district was previously certified by the City Council on October 23, 2013. Therefore, the City Council may comply with CEQA by taking the following action prior to, or concurrent with, any action to adopt the ordinance:

FIND under the California Public Resources Code Section 21166 and the State's Environmental Quality Act (CEQA) Guidelines Section 15162, on the basis of substantial evidence contained in the whole record, that since certification of EIR No. ENV-2008-3471-EIR (SCH No. 1990011055) on October 23, 2013, there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and therefore no additional environmental review is required for the Project.

Council Rule 38 Referral

The revised draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Department of Transportation, and the Fire Department. To date, the Department of Building and Safety has responded, and the enclosed draft incorporates that Department's comments.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Bostrom at (213) 978-8068. 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/MJB:zra
Transmittal

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June 10, 2014

The Honorable Michael Feuer
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**Attention: Michael Bostrom
Deputy City Attorney**

**RE: DISAPPROVAL OF REVISED DRAFT OF ORDINANCE ESTABLISHING THE
WARNER CENTER 2035 PLAN SUPPLEMENTAL SIGNAGE DISTRICT ORDINANCE AND
REVISED ZONE CHANGE ORDINANCE**

**Council File No: 13-0197
CPC-2008-3470-SP-ZC-GPA-SUD
ENV-2008-3471-EIR**

At its meeting of April 8, 2014, the Planning and Land Use Management (PLUM) Committee held a public hearing on the proposed Warner Center 2035 Plan Supplemental Signage District Ordinance and its accompanying Zone Change Ordinance. PLUM Committee received additional information from the public testimony which necessitated changes to the proposed Signage District Ordinance. As a result, the PLUM Committee continued their action in order to allow the City Attorney's office sufficient time to review the proposed changes for form and legality.

On April 28, 2014, the City Attorney's office resubmitted a revised draft Signage District Ordinance and accompanying Zone Change Ordinance to be heard by PLUM on June 3, 2014. Some procedural changes in the version of the Ordinance transmitted by the City Attorney were necessary and therefore the WC2035 Sign District Ordinance was continued from PLUM's June 3, 2014 meeting to PLUM's June 17, 2014 meeting.

On June 10, 2014, the City Attorney's office resubmitted a revised draft Signage District Ordinance and accompanying Zone Change Ordinance to be heard by PLUM on June 17, 2014.

BACKGROUND

At its meeting on November 29, 2012, the City Planning Commission (CPC) approved a draft of an ordinance establishing a Warner Center Supplemental Sign District (WCSSD), as part of the Warner Center 2035 Plan, Case No. CPC-2008-3470-SP-ZC-GPA-SUD. The new WCSSD is part of the City's wholesale revision to the existing Warner Center Specific Plan, originally adopted by City Council on June 30, 1993 under Ordinance Nos. 168873 and 168984. Under Council File No. 05-0240, the City Council initiated this revision in a motion introduced on February 9, 2005 and approved on December 21, 2005. The Project began in February 2006. The City's Project included the Specific Plan, Zoning Ordinances, Funding Ordinances, General Plan Amendments, Street Reclassifications, and a WCSSD Ordinance.

On February 12, 2013, the City Planning Commission's Letter of Determination was transmitted to the City Council the proposed Project with the Warner Center 2035 Plan ordinance and its implementing actions and including the WCSSD Ordinance.

On April 23, 2013, the City Council adopted by Resolution the General Plan Amendments and Street Reclassifications related to the Warner Center 2035 Plan Project. However, due to staffing limitations, the other parts of the Project were deferred to later action by the City Council.

On October 23, 2013, the City Council adopted the Warner Center 2035 Plan. The Plan became effective on December 25, 2013. However, due to staffing limitations, the other ordinances related to the implementation of the Project, including the WCSSD Ordinance were deferred to later action by the City Council.

The proposed Project was heard by the Planning and Land Use Management (PLUM) Committee on February 19, 2013. The PLUM Committee recommended to City Council adoption of the draft Plan ordinance and the implementing actions, including the WCSSD Ordinance. Specifically to the WCSSD Ordinance, the PLUM-approval included minor modifications relative to the version of the ordinance approved by the City Planning Commission that did not substantially deviate from the spirit and intent of the City Planning Commission's review and approval of the ordinance. PLUM also directed the City Attorney to work with the Department of City Planning to prepare and present the final draft WCSSD Ordinance for form and legality.

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As stated above, on April 8, 2014, PLUM Committee heard the proposed Signage District Ordinance due a long period between the first time the proposed project was heard (almost 14 months) and changes to the Ordinance by the City Attorney for form and legality.

Conclusion

I have reviewed the latest version of the Warner Center 2035 Plan Supplemental Signage District Ordinance that has been revised by the City Attorney in accordance with the PLUM Committee's recommendation, and subsequently transmitted to the Planning Department on account of its delegated authority by the City Planning Commission. This revised draft Ordinance contains substantial changes and the City Attorney version is not consistent with what was approved by the City Planning Commission on November 29, 2012.

Therefore, pursuant to Sections 558 and 559 of the City Charter, I have reviewed the attached findings relative to the City Planning Commission's action taken relative to Case No. **CPC-2008-3470-SP-ZC-GPA-SUD** and on behalf of the Commission, I do recommend disapproval of the current draft of the Ordinance establishing the Warner Center 2035 Plan Supplemental Signage District.

Very truly yours,

for 
MICHAEL J. LOGRANDE
Director of Planning

MJL:AB:KB:tlg

Attachment: Findings

FINDINGS

I. CHARTER FINDINGS

1. **Warner Center 2035 Plan Supplemental Sign District Area** - The area is generally bounded by the Los Angeles River to the north, the Ventura Freeway to the south, De Soto Avenue to the east, and Topanga Canyon Boulevard on the west. The area is approximately 1,000 acres or 1.5 square miles.

Charter Section 556 – Warner Center is a Regional Center under the General Plan Framework. As Regional Center, the uses in Warner Center including signage are intended to provide for the systematic execution of the Framework Plan and Community Plan and support the primary goal of developing a premier Transit Oriented District (TOD) in the West Valley. The transit-oriented development approach in this area will strengthen the City's Sustainable Community Strategy and in turn will help the SCAG six-county Region in attaining its adopted RTP/SCS goals and targets to reduce greenhouse gas emissions by concentrating development near transit infrastructure and by reducing trips through co-location of mixed uses (that are easily accessible from one to another).

The Center for Transit-Oriented Development in a publication titled "CDFI's [Community Development Finance Institutions] and Transit Oriented Development":

"Transit-oriented development can provide households with more opportunities and choices. Ideal TOD communities are mixed-use neighborhoods with good-quality public transit that connect people of a variety of incomes to a wide range of economic, social, and educational opportunities. TOD's incorporate access to human services such as child care facilities, fresh food stores, health care facilities, and cultural and educational institutions within a short walking distance of transit. Families living in transit areas can significantly reduce the time and cost spent on their daily commute to work, and other trips required for their daily chores, allowing for more disposable income and leisure time. Compact and pedestrian-oriented environments also generate demonstrated public health benefits by reducing obesity and preventing related health problems."

Specifically, a complete and total signage program as laid out in the proposed WCSSD Ordinance will augment the Warner Center TOD by:

- Promoting appropriate and economically viable signage consistent with the development patterns established for the area under the new Specific Plan;
- Providing coordination with the architectural elements of the building on which signage is located;
- Reflecting a modern, vibrant image of Warner Center as the global center of the commerce and employment;
- Complimenting and protecting the character of defined features of new and existing buildings;
- Limiting visual clutter by regulating the number, size and location of signs;
- Minimizing potential traffic hazards and protect public safety;
- Protecting and promoting street views and pedestrian-orientation;
- Protecting and enhancing the major commercial corridors and properties; and
- Providing a public benefit and enhancement to the community environment, especially through the augmentation of pedestrian activity and the encouragement to use public transit.

In accordance with Charter Section 556, the proposed Warner Center 2035 Plan Supplemental Sign District (WCSSD) Ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan. The proposed WCSSD Ordinance is consistent with and helps to further accomplish goals, objectives, and policies contained in portions of the General Plan, including the Citywide General Plan Framework Element. Specifically, with respect to Land Use, the General Plan Framework states the following:

Objective 3.10

Reinforce existing and encourage the development of new regional centers that accommodate a broad range of uses that serve, provide job opportunities, and are accessible to the region, are compatible with adjacent land uses, and are developed to enhance urban lifestyles.

The WCSSD focuses this possible growth in the Regional Center near existing transit infrastructure. This approach helps to reduce dependency on automobiles, and offers mobility choices, encourages development with less impact on roads, promotes sufficient density to support walkable communities, and supports increased use of existing and planned transit infrastructure. By encouraging transit oriented development and making a strong connection between transportation and land use planning, the WCSSD promotes several principles that are key to creating livable communities, including: improved mobility options for residents,

employees, and visitors; increased access to a wide range of uses; and expanded opportunity for businesses and residents.

With respect to commercial land use, WCSSD is consistent with the following Community Plan objectives:

Objective 2-2: Enhance the appearance of commercial districts.

Objective 2-4: Reinforce the identity of distinct commercial districts through the use of design guidelines and development standards.

The WCSSD includes signage requirements that would supplement the Los Angeles Municipal Code provisions and improve the appearance of the district. These requirements focus on the relationship of buildings to the street, including sidewalk treatment, character of the building as it adjoins the sidewalk, connections to transit, and the public realm.

Finally, the new WCSSD will create an identity to this Regional Center that was absent under the previous signage regulations. The WCSSD will provide for a signage that will augment and enhance the existing and proposed uses with the Plan area. Moreover, the signage envisioned under the WCSSD will enable those new developments that will development in the Plan area over the next 20 years to fully realize the economic opportunities of developing in Warner Center.

2. **Charter Section 558** – That in accordance with Charter Section 558(b)(2), the Proposed Plan will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning in that the Proposed Plan and land use ordinances are consistent with the City's General Plan and directly implement the policies of the Framework Element for the reasons stated above. In addition, the proposed WCSSD will be in conformity with public necessity, convenience, general welfare and good zoning practice. One of its central objectives is to promote economic well-being and public convenience to satisfy the housing, commercial, retail, service, and industrial needs of the community. The WCSSD promotes this economic well-being by giving both the owners of land, businesses, and the community an organized and coordinated signage package allowing greater flexibility in signage types and styles and more variety in where signs can be located. The WCSSD also provides the elimination of those signs that the community has deemed inappropriate for Warner Center including but not limited to pole signs and roof signs.

3. **LAMC 12.32 C.2** – That in accordance with LAMC 12.32 C.2, the WCSSD will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning in that the Proposed Plan is consistent with the City's General Plan and directly implements the policies of the Framework Element (as indicated above). In addition, the WCSSD will be in conformity with public necessity, convenience, general welfare and good zoning practice (as described above) and follows good zoning practice in implementing policies that provide greater latitude for the Warner Center area to provide for flexibility of sign standards and provisions. The signage will: Support land uses and Urban Design Guidelines of the Plan; Reinforce the pedestrian-oriented character of all Warner Center's streets by allowing and encouraging pedestrian-oriented signs throughout Warner Center; Contribute to a lively, colorful, 24/7 pedestrian atmosphere in the Uptown, Downtown, and College Districts; and Contribute to a lively, but more restrained pedestrian atmosphere in the remaining Districts.

4. **Warner Center 2035 Plan (Ordinance No. 182,766).**

The success of the Warner Center 2035 Plan as a TOD is dependent upon a variety of features of the Plan including a comprehensive signage package for developments. As a result, the WC2035 Plan and the TOD it creates will go a long way towards helping to amplify the existing investment in the public transportation system. The WC2035 Plan would also support Metro's goal to transition the Metro Orange Line from a Bus Rapid Transit line to a Light Rail line by further increasing ridership between regional centers (Warner Center and downtown Los Angeles). In addition, the proposed expansion of development rights would support those living and working in Warner Center. The proposed WC2035 Plan would concentrate a mix of uses within walking distance of one another so people can easily walk rather than drive. The proposed Plan would create "complete streets" that accommodate alternatives to the car. Publicly accessible open spaces areas, both large and small, would help break-up the large super blocks, thereby facilitating easy access throughout the center and providing for pedestrian-oriented facilities throughout Warner Center.

The health and safety of those who live and work in Warner Center with the substantially increased densities allowed under the WC2035 Plan are dependent on the provision of necessary public benefits that support healthy lifestyles. People living and working in urban environments today want to be able to walk, bike, run, scooter, etc. to nearby destinations including work, school, restaurants, shops, and recreational areas. People want to stay healthy by walking to their destinations and reducing

emissions in their environment by walking rather than taking a car. In addition they want to gather and interact.

Without a comprehensive signage package for developers and the community, the potential massive economic investment in Warner Center over the next 20 years could be neutralized by the lack of sufficient signage incentives provided.

II. ENVIRONMENTAL FINDINGS

California Environmental Quality Act (CEQA) – Pursuant to the California Public Resources Code Section 21166 and the State's Environmental Quality Act (CEQA) Guidelines Section 15162, on the basis of substantial evidence contained in the whole record, that since certification of EIR No. ENV-2008-3471-EIR (SCH No. 1990011055) on October 23, 2013, there have been no changes to the Project, changes with respect to the circumstances under which the Project is being undertaken, or new information of substantial importance concerning the Project, which cause new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and therefore no additional environmental review is required for the Project.