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CITY ATTORNEY

REPORT NO. R 1 6 - 0 0 1 6
JAN 1 5 2016

REPORT RE:

**DRAFT ORDINANCES ESTABLISHING
THE HISTORIC BROADWAY SIGN SUPPLEMENTAL USE DISTRICT
AND THE BROADWAY STREETScape TRUST FUND**

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. 16-0020
CPC No. 2014-2711-CDO-SN-ZC

Honorable Members:

This Office has prepared and now transmits for your consideration, approved as to form and legality, the enclosed draft ordinance establishing the Historic Broadway Sign Supplemental Use District pursuant to Section 13.11 of the Los Angeles Municipal Code, and the enclosed draft ordinance establishing the Broadway Streetscape Trust Fund.

Summary of Ordinances

The Historic Broadway Sign Supplemental Use District draft ordinance would create a sign district in Downtown Los Angeles from 1st Street to 12th Street, encompassing the Broadway Theater and Entertainment District and parcels fronting along intersecting streets, as depicted in the map attached to the Supplemental Use District as Exhibit 1.

The draft ordinance would allow for unique sign rights not permitted in the City-wide sign regulations. For example, the draft ordinance would allow offsite signs on

Illuminated Projection Signs, Marquee Digital Signs, Open Panel Roof Signs, and on Painted Secondary Façade Signs. To qualify for off-site sign rights, however, the property on which the sign will be displayed must be brought up to Code and maintain a 75% occupancy rate. Furthermore, the street improvements set forth in the Historic Broadway Streetscape Master Plan must be completed for the block in question before off-site advertising is displayed on any property on that block. If an applicant would like to display off-site advertising before the street improvements are completed for the block, then the applicant must first pay a fee that equates to the cost of the street improvements immediately adjacent to the applicant's property. The fee will be used to complete the street improvements for the applicant's property.

In order to account for the fee, a draft ordinance establishing the Broadway Streetscape Trust Fund is also enclosed herewith.

Fee Notice Requirements

Because this ordinance would impose a new fee, notice of its proposed adoption should be given in accordance with the provisions of California Government Code Sections 66018 and 6062a. This notice was given prior to the hearing before the City Planning Commission and thus no additional notice under Sections 66018 or 6062a is required.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has disapproved the draft sign district ordinance on behalf of the City Planning Commission because the draft ordinance recommended by the PLUM committee does not adopt all of the changes the City Planning Commission recommended. The Director of Planning has approved the draft trust fund ordinance on behalf of the City Planning Commission. Should you adopt the draft ordinances, 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, or by making your own findings.

CEQA Determination

If the City Council wishes to adopt the draft ordinances, it must first comply with the California Environmental Quality Act (CEQA). The Director of Planning recommends that the City Council find that the project was assessed in ENV- 2014-2712-MND, adopted on August 13, 2015, and that the City Council find that pursuant to CEQA Guidelines, Section 15162, based on the whole of the administrative record, that no subsequent EIR or negative declaration is required for approval of the project.

Council Rule 38 Referral

A copy of the draft Historic Broadway Sign Supplemental Use District ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety. We requested that the Department provide any comments directly to you.

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:cg
Transmittal