



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

October 22, 2008

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

Re: Draft Of Ordinance Prohibiting the Installation of New
Off-Site And Supergraphic Signs or Alteration
of Existing Off-Site Signs Citywide

Honorable Members:

We are transmitting to you for your consideration a proposed draft interim control ordinance that would prohibit the issuance of building permits for new Off-Site Signs, Supergraphic Signs or alterations to existing Off-Site Signs, including conversion of existing conventional off-site signs to digital signs. The moratorium would apply on a citywide basis for a period of six months, with two three-month extensions. We would recommend that you act to initiate the proposed ordinance.

During the six month moratorium, the City can carefully study the concerns associated with all off-site signs and supergraphic signs, and consistent with recent court rulings, consider legislative changes to the City's off-site sign and supergraphic sign regulatory framework.

Pursuant to Charter Section 558, the draft ordinance would have to be sent to the City Planning Commission for their recommendation. In addition, the Department of City Planning has to prepare the appropriate finding under the California Environmental Quality Act (CEQA).

**PLANNING & LAND
USE MANAGEMENT**

DEC 16 2008



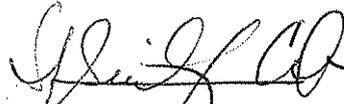
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If you have any questions, please feel free to contact the undersigned at (213) 978-8235. She or another member of this staff will be available to answer any questions you may have when you consider this matter.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By



SHARON SIEDORF CARDENAS
Assistant City Attorney

SSC:lee
Transmittal

cc: Antonio Villaraigosa, Mayor
Ray Ciranna, Chief Administrative Officer
Gerry Miller, Chief Legislative Analyst
Gail Goldberg, Director of Planning
Andrew Adelman, Superintendent of Building

ORDINANCE NO. _____

An ordinance imposing interim regulations on the issuance of building permits and construction or alterations for Off-Site Signs and Supergraphic Signs.

WHEREAS, on April 17, 2002, the City Council adopted Ordinance No. 174517 to ban the erection of new Supergraphic Signs; and

WHEREAS, on April 30, 2002, the City Council adopted Ordinance No. 174547 to ban the erection of new Off-Site Signs and the alteration of existing Off-Site Signs; and

WHEREAS, in 2006 and 2007 the City entered into settlement agreements with off-site advertising companies Regency, Clear Channel and CBS who challenged the City's sign ordinance and inspection program. A term of the settlement agreements allowed these companies to modernize a certain number of existing conventional signs to digital signs; and

WHEREAS, other lawsuits challenging the City's ban on Off-Site Signs and Supergraphic Signs continue to be litigated in both federal and state court; and

WHEREAS, on June 13, 2008, in one of the cases, *World Wide Rush v. City of Los Angeles*, the Court granted a preliminary injunction against the City's enforcement of the ban as to World Wide Rush's signs on the basis that the exceptions to the City's ban on supergraphic signs and off-site signs granted the City too much discretion to approve or deny signs based on the content of the sign, or the identity of the speaker; and

WHEREAS, on July 29, 2008, a motion was introduced to "revise the sign ordinance to toughen and create easily enforceable time/place/manner restrictions citywide to protect neighborhoods." The motion was referred to the Planning and Land Use Management Committee (PLUM) of the City Council for action; and

WHEREAS, on August 26, 2008, the *World Wide Rush* court issued a permanent injunction on the same basis; and

WHEREAS, on September 9, 2008, PLUM held a hearing on the motion and referred the motion to appropriate city staff; and

WHEREAS, the City's existing sign ordinance has been in effect for many years, and despite periodic revision, there have been changes in the sign industry regarding off-site marketing techniques and technologies and advancements in the sign industry that were not anticipated and are still not addressed in the ordinance; and

WHEREAS, there is a strong probability that the result of the court's ruling in *World Wide Rush* will trigger a proliferation of new Off-Site Signs, Supergraphic Signs

or alterations to existing Off-Site Signs while the City undertakes a comprehensive review of the existing sign ordinance and formulates recommendations for updating the ordinance; and

WHEREAS, the companies that settled with the City are in the process of converting existing conventional off-site signs to digital signs and in the absence of time, place and manner regulations, some of these digital signs are causing unanticipated negative impacts including negative impacts on residential neighborhoods; and

WHEREAS, it is necessary to halt the proliferation of new Off-Site Signs, Supergraphic Signs or alterations to existing Off-Site Signs, including conversion of existing conventional off-site signs to digital signs, until permanent regulations can be enacted and put into place so the adverse effects of these new or modified signs can be minimized or eliminated; and

WHEREAS, the City Council had determined that in order to address these concerns, it is necessary and appropriate that an interim control ordinance be enacted prohibiting the issuance of permits for new Off-Site Signs, Supergraphic Signs, or alterations to existing Off-Site Signs.

NOW THEREFORE,

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

Section 1. **DEFINITIONS.** Words and phrases shall be construed as defined in Sections 12.03 and 14.4.2 of the Los Angeles Municipal Code (LAMC).

Sec. 2. **PROHIBITION.** Notwithstanding any provision of the LAMC to the contrary, including Section 12.26 A 3, or any other ordinances adopted by the City Council containing regulations regarding signs, for a period of 180 days from the effective date of this ordinance, or until a permanent ordinance which amends the citywide provisions governing Off-Site Signs and Supergraphic Signs becomes effective, whichever occurs first:

A. No building permit for the construction or placement of any new Off-Site Sign or Supergraphic Sign, or the alteration to an existing Off-Site Sign, shall be issued.

B. No person shall erect, place, alter or construct any Off-Site Sign or Supergraphic Sign pursuant to a building permit issued prior to the effective date of this ordinance.

Sec. 3. EXCEPTIONS.

A. The prohibitions specified in Section 2 of this ordinance shall not apply to any construction for which a building permit is required as follows:

1. In order to comply with an order issued by the Department of Building and Safety to repair, remove, or demolish an unsafe or a substandard condition with respect to any Off-Site Sign.

2. In order to replace an Off-Site Sign damaged as a result of fire, earthquake, or other natural disaster, provided that the replacement is not prohibited by any provision of the LAMC.

B. The prohibitions specified in Section 2 of this ordinance shall not apply to any building permit issued prior to the effective date of this ordinance:

1. If the building permit holder has performed substantial work on or before the adoption of this ordinance by City Council and has incurred substantial liabilities in good faith reliance upon the building permit.

2. The work performed shall be considered substantial if construction pursuant to a valid building permit has progressed to the point that one of the inspections required by LAMC Section 91.108.5 has been made and the work for which the inspection was called has been approved by the Department of Building and Safety prior to the effective date of this ordinance.

Sec. 4. EXTENSION OF REGULATIONS. The City Council may by resolution, extend the provisions of this ordinance for two additional three month periods, so long as the Council makes the following findings: That appropriate City agencies and officials are exercising due diligence to assure that the permanent regulations are being expeditiously processed.

Sec. 5. 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. 6. APPLICABILITY OF THE ZONING CODE. The regulations of this ordinance are in addition to those set forth in the planning and zoning provisions of Chapter 1 of the LAMC and any other ordinances adopted by the City Council, and do not contain any rights not otherwise granted under the provisions and procedures contained in that Chapter or any other ordinances.

Sec. 7. URGENCY CLAUSE. The City Council finds and declares that this ordinance is required for the immediate preservation of the public peace, health and safety for the following reasons. This ordinance is necessary to prevent irreversible

development from occurring pending adoption of a permanent ordinance by preventing the construction and placement of signage that would add to visual blight in the City and possibly undermine the recommendations for updating the sign ordinance. In addition, this ordinance is needed to protect the health and safety of citizens of Los Angeles by limiting the potential for traffic conflicts caused by motorists who are distracted by Off-Site Signs and Supergraphic Signs on heavily traveled thoroughfares. Therefore, this ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 8. 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 three-fourths** of all of its members, at its meeting of _____.

KAREN E. KALFAYAN, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By _____
City Attorney

Date _____

File No(s). _____

Pursuant to Charter Section 559, I **approve** this ordinance on behalf of the City Planning Commission and recommend that it be adopted

November , 2008

See attached report.

S. Gail Goldberg
Director of Planning