



PACIFIC PALISADES COMMUNITY COUNCIL

September 12, 2011

Councilmembers Reyes, Huizar & Kerkorian
Los Angeles City PLUM Committee
200 North Spring Street
Los Angeles, CA 90012

RE: Opposed to Proposed Sign Ordinance as currently drafted

Dear Councilmembers Reyes, Huizar and Kerkorian;

On Thursday, September 8, 2011 Pacific Palisades Community Council unanimously passed the following motion opposed to the Proposed Sign Ordinance as currently drafted:

MOTION – PROPOSED CITYWIDE SIGN ORDINANCE: OFF-SITE SIGNS (INCLUDING DIGITAL DISPLAYS), “INTERIOR” SIGNS, AND DONOR SIGNS NOT IN THE PUBLIC RIGHT OF WAY.

Proposed changes to the Citywide Sign Ordinance would amend the Los Angeles Municipal Code (“LAMC”) to enact new criteria for sign districts, deviations from sign regulations, administrative civil penalties, technical corrections, and other measures to control the visual environment (i.e., the “Ordinance”).

The City Planning Commission (“CPC”) passed a prior version of the Ordinance after three public hearings and many hours of public comment and debate just two years ago (the “2009 Sign Ordinance”). The CPC, community activists and business interests all lauded the 2009 Sign Ordinance as a win-win for all. We would like to bring to your attention that the current Ordinance contains a number of proposed changes that have a detrimental effect on the intent of the 2009 Sign Ordinance.

While PPPC supports the efforts of the CPC and City Attorney to further clarify regulations for off-site signage, PPCC opposes the Ordinance as presently drafted based on the following:

- 1. Comprehensive sign programs should not allow for off-site signage even when not visible from the public rights of way and adjacent property.** Because these programs are allowed on any commercial property, public or private, the Ordinance improperly opens the door to commercial advertising in city parks and recreational facilities. Potentially negative impacts on LAUSD school campuses are unclear.
- 2. Electronic signs should not be allowed by the current Ordinance as on-site signs anywhere in the city.** They should be restricted to sign districts, which is the basis upon which the 2009 Sign Ordinance passed the CPC. All new digital displays must have greater regulations to address spillover effects, traffic safety, energy use, aggregate impacts, placement, and number of digital signs (the Ordinance only considers message duration and brightness).
- 3. “Interior” signs should not be exempt from regulation in specific plan and non-specific plan areas provided that they are not visible from public rights of way and adjacent property.** Signs covering windows should not be allowed (even with fire department certification that they don’t present a safety hazard) because signage adhered to windows can degrade the view to the outside and seriously affect the quality of life of tenants of offices and apartments.
- 4. Signs recognizing donors should not be allowed “by-right” without restrictions on size, location, text, etc.** This would allow signs carrying corporate logos anywhere, including city parks and other public property.

5. **The Ordinance should not allow adjustments without a public hearing and appeals process.** This would allow a zoning administrator to approve a 20% deviation from sign area, height, location, projection, clearance and some time limits without a public hearing and appeals process.

6. **Signage in the public right of way should be regulated by this Ordinance instead of being exempted.** Certainly, digital off-site advertising should not be allowed in the public rights of way throughout the City of Los Angeles.

Finally, **PPCC demands that off-site signs and digital displays adhere to its Specific Plan** as well as all Specific and Community Plans throughout the City of Los Angeles. Communities worked on these plans with the CPC in good faith to assure that signage remains consistent with the low-intensity character of certain neighborhoods (i.e., single family residences, multiple residential structures, commercial uses, community oriented uses, significant open space, and parkland). The PPCC would like assurances that these Plans will be protected.

In a separate document PPCC is providing a analysis of the proposed Sign Ordinance which questions specific language in the current draft and also makes recommendations for changes to that language.

If you have any questions about this material, please feel free to call me at 310-496-9896 cell or Jennifer Malaret, the author of the motion and supplemental report at 310-773-7881 cell.

Sincerely,

Janet Turner, Chair
Pacific Palisades Community Council
310-573-0382 home/office

cc: Councilmember Bill Rosendahl bill.rosendahl@lacity.org



ANALYSIS OF PROPOSED CITYWIDE SIGN ORDINANCE¹

PPCC seeks to assure that signage is consistent with the general, low-intensity character of Pacific Palisades that consists of single family residences, multiple residential structures, commercial uses, community oriented uses, significant open space, and parkland. Off-site signs and interior on-site signs (including digital displays) must be installed in a manner that adheres to restrictions set forth in the Pacific Palisades Commercial Village and Neighborhoods Specific Plan.

PPCC recognizes that the City of Los Angeles has been embroiled in litigation for almost ten years following its 2002 ban on off-site signage. The PPCC is aware of the likely benefits for the City of Los Angeles to amend the LAMC in light of the November, 2010 decision in *World Wide Rush, LLC v. City of Los Angeles*, 606 F. 3d 676 - Court of Appeals, 9th Circuit 2010, other ongoing/threatened litigation, and political forces. In fact, PPCC Board Members have previously advocated that the City clarify the LAMC relative to regulation of off-site signs.

While PPCC supports the efforts of the City Planning Department and City Attorney to amend the LAMC relative to the regulation of off-site signs, opposition to the proposed Citywide Sign Ordinance (as presently drafted) is based on the following conclusions.² PPCC makes suggestions for ways the ordinance may be amended and requests further clarifications as denoted in italic text below:

1. **COMPREHENSIVE SIGN PROGRAMS.** The "Three Tiered Approach to Deviations" (proposed LAMC Art. 4, Sec.'s 14.4.4(B), 14.4.4(C), 14.4.4(D), 14.4.22, 14.4.23, 14.4.24) is Not Acceptable as Written. The ordinance would permit prohibited on-site signs, off-site signs, and temporary signs in the event that as commercial developer or the city applies for a comprehensive sign program ("CSP"). A commercial project of five acres or more can apply for a CSP and have 10% of the signs displaying off-site advertising as long as the signs weren't visible from the PROW or adjacent property. For example, advertisements for fast food, liquor, movies, cars and many other products and services could be displayed in a shopping center parking lot as long as they were turned away from the street, or shielded by walls or vegetation. Since public property would also be eligible for CSPs, the outdoor areas of city facilities could also be used to display ads as long as they were oriented away from the street. City parkland with areas far from the street could become the site of ads tailored to families, children and other park patrons. *Therefore, PPCC opposes the ordinance as written because CSPs should not allow for off-site signage even when not visible from the public rights of way and/or adjacent property. PPCC requests that (i) the City of Los Angeles be prohibited as an applicant for any CSP or that Recreation & Parks otherwise are exempted from Art. 4, Sec. 14.4.24, (ii) Planning clarify the 10% allowance for off-site signs (i.e., gross number of signs or sign square footage relative to street frontage), (iii) Planning define what types of "city owned properties" become eligible for commercial signing. Types of "city owned properties in the Palisades that could be affected are Recreation & Parks, DWP, Public Works (Sanitation Bureau, Bureau of Street Lighting), and Transportation (bridges, parking*

¹ This Analysis, prepared by Jennifer Malaret of Pacific Palisades Community Council (PPCC), is submitted to City officials in connection with PPCC's Motion re the proposed Sign Ordinance (passed 9/8/11).

² PPCC reserves the right to submit additional comments or supplemental Motion(s) regarding the Sign Ordinance as more information becomes available. This is a complicated matter with the potential for serious impacts on current Code protections. PPCC has participated and will continue to participate in constructive dialogue with the Planning Department in this regard.

structures, parking lots, street medians, bikeways, and streets themselves including currently un-posted retaining walls) and allow the PPCC sufficient time to evaluate likely impacts on the community of additional signage, (iv) Planning confirm that standalone firehouses and branch libraries (if otherwise ineligible for offsite sign placement) will not become eligible for signage through a CSP where these smaller properties are combined with private property sufficient to satisfy the CSP parameters, (v) Planning clarify the impact of the proposed ordinance on LAUSD public, charter and independent charter school campuses including whether LAUSD owned and managed properties will be regulated by the ordinance (note: when Palisades Charter High School erected a digital sign, homeowners experienced light spillover from flashing, rolling, scrolling 24/7 messages that also created a substantial distraction to drivers along Temescal Canyon Road and Sunset Boulevard (the sign is one long block from Sunset Blvd.), (vi) Planning should confirm that public facilities such as tennis courts and playgrounds cannot display inner-facing off-site signage merely because they are enclosed by fences wrapped in translucent fabric, and (vii) Planning should clarify what is meant by “adjacent” property, i.e., abutting only, across the street, signage in proximity to hillside areas that could have significant effects on residential property not physically immediately adjacent, etc.

2. ELECTRONIC DISPLAYS. Regulation of Digital Displays (proposed LAMC Art. 4, Sec. 14.4.9, 14.4.15, 14.4.19) Are Insufficient at the Present Time.³ The ordinance contains bare minimum standards to regulate digital signs – brightness, message duration and message transition. Thus, electronic business signs are without special regulations on size, height, spacing, number, hours of operation, or proximity to residences⁴ and are allowed as on-site signs anywhere in the city without processes for public hearing or community input prior to the issuance of permits. The ordinance also fails to impose meaningful restrictions on the placement or number of digital signs/billboards. Furthermore, there is an upcoming federal study on driver safety near digital billboards that has not been completed or reviewed relative to potential applications for the City of Los Angeles. Finally, based on our experience with Palisades Charter High School’s digital display the PPCC is most concerned that spillover light is not regulated.⁵ *PPCC agrees with many other stakeholders citywide that a moratorium should be placed on the installation of any new*

³ It should be noted that on-site digital signs are allowed by-right in current sign regulations that date back to 1986 although there have been a number of amendments since, most notably the ban on new off-site signs in 2002. The revised ordinance that passed the CPC in 2009 prohibited all digital signs outside sign districts, but the version now before PLUM removes that prohibition for on-site signs.

⁴ Digital billboards, including “super-graphic signs” are regulated as wall signs or temporary signs. Applicants are allowed 2 feet of sign for 1 square feet of street frontage, including parking lot fences (Art. 4, Sec. 14.4.9(F)) and up to 10% of window space. Thus, the revised ordinance doubles the allowable size of temporary signs, opening the door for building-size super-graphic style signs that can be on a building for as much as 90 days. There may also be a conflict between Sec. 14.4.3(D) [temporary signs may display offsite, on-site or non commercial messages] and Sec. 14.4.15(A) [temporary signs displaying off-site content are limited to temporary construction walls].

⁵ The candelas standard involves pointing a light at the source to determine what is too bright only and does not address spillover impacts. Proposed LAMC Art. 4, Sec. 14.4.4(F) (Sign Illumination Limitations) limits light intensity from a single sign and not an aggregate affect of multiple signs on the public right of way or nearby residentially zoned properties. It is also unclear whether the “not visible” language proposed in the interior sign exception (Sec. 14.4.3(A)) means “not visible” or includes the allowance of light intensity limited by Sec. 14.4.4(F).

electronic signs and conversion of existing signs until regulations are in place that protect residents, motorists, communities and others from adverse effects.

3. INTERIOR SIGNS. The “Internal Sign Exception” (proposed LAMC Art. 4, Sec. 14.4.3(A)) is Unacceptable as Written. The intent of this exception is to accommodate signs in large, enclosed spaces like malls and stadiums through sign districts (15 acres, regional centers like LAX, downtown and the Ports), a comprehensive sign program (5 acres or more) or during temporary construction. However, as presently drafted, the ordinance allows the “by-right” installation of on-site and off-site interior signs, i.e., signs or sign support structures that “face an interior court bounded on all sides by one or more nontranslucent buildings or walls on the property, and no sign is higher than any of the surrounding buildings or walls. Surrounding walls may have necessary openings for ingress and egress [6] provided the sign is not visible from any public right of way or adjacent property.” Without change, PPCC believes that both our specific plan and nonspecific plan areas may become subject to unregulated, “by-right” interior signs (including digital displays) because we have small commercial atrium office buildings, retail plazas, schools with courtyard areas, and arguably enclosed baseball fields and facilities at our recreation center and parks. These are by-right installations and there are no considerations given to site characteristics, aesthetics, or adjacent/surrounding properties. *PPCC has suggested to Planning, in order of preference, the following options: (a) delete proposed change and leave the existing LAMC which regulates interior signs, (b) have the interior sign exception not apply to off-site signs and digital on-site signs, or (c) cross-reference Sec. 91.6216.4.3 (Sign Districts) and LAMC 14.4.24 (Comprehensive Sign Program) to ensure that the interior sign exception applies only to larger projects and land areas.*⁷
4. DONOR SIGNS. The New “Donor Sign” Definition (proposed LAMC Art. 4, Sec.14.4.2) Should be Deleted. This definition arguably regulates content. Second, it does not specify whether donor signs are recognized as off-site or on-site signs. Signs recognizing donors should not be allowed “by-right” without restrictions on size, location, text, etc. This would allow signs carrying corporate logos anywhere, including city parks and other public property. *Therefore, PPCC recommends that the definition be deleted entirely because it may provide a loophole for a proliferation of unregulated on-site and off-site “donor” signs throughout the Pacific Palisades (note: our specific plan bans only “off-site commercial” signs).*
5. ADJUSTMENTS. The “Three Tiered Approach to Deviations” (proposed LAMC Art. 4, Sec.’s 14.4.4(B), 14.4.4(C), 14.4.4(D), 14.4.22, 14.4.23, 14.4.24) is Not Acceptable as Written. “Adjustments” (where a zoning administrator may approve a 20% deviation from sign area, height, location, projection, clearance and some time limits) may be far from “minor” and this provision effectively raises the statutory limits for affected characteristics by 20%. *Therefore, the PPCC requests that this provision be stricken from the ordinance or that such deviations from sign regulations be allowed only if a public hearing and appeals process is provided.*

⁶ Note also that the proposed LAMC Art. 4, Sec. 14.4.9 (wall signs) allows signs to be placed over the exterior surface and perimeter openings of any building (including its windows, doors and vents) provided that the Fire Department determines that the sign would not create a hazardous condition. The 2009 Sign Ordinance passed by the CPC had prohibited wall signs from covering windows.

⁷ Planning has represented that the interior sign exception was never intended to allow unregulated signs in specific plan areas and is “aware of the ambiguity” in LAMC Sec. 14.4.3(A) as presently drafted.

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6. SIGNAGE IN THE PUBLIC RIGHT OF WAY. Signage in the Public Right of Way Should be Regulated by this Ordinance Instead of Being Exempted. The ordinance exempts public rights of way from any signage restrictions in the ordinance, which opens the door to digital offsite advertising along public streets throughout the City of Los Angeles. Subject to current legal decisions on limits regarding sign regulations and advertising, and putting aside “protected speech” arguments, there is longstanding law that says cities can regulate for aesthetics in PROWs. Such local regulation has been allowed even in cases where public utilities have a "franchise right" under PUC rules and/or even greater rights to operate under federal law (telecommunications). *PPCC urges that signage in the public rights of way be regulated by the proposed ordinance in the absence of a determined legal impediment to enacting appropriate aesthetic regulation in the PROW. At a minimum, digital off-site advertising should not be allowed in the PROW.*