

PROPOSED ORDINANCE FOR DISCUSSION

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

WHEREAS, on February 8, 2002, the City Council adopted Ordinance No. 174442 to establish a periodic inspection and inventory of all Off-Site Signs; and

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, a number of off-site advertising companies have challenged the City's inspection, inventory, and ban on Off-Site Signs and Supergraphic Signs in both federal and state court; and

WHEREAS, in 2006 and 2007, the City entered into settlement agreements regarding several of said legal challenges. The settlement agreements, which authorized the significant alteration of existing signs, did not apply either the California Environmental Quality Act or the prohibition on contracting away municipal zoning and police powers as more fully set forth in the case *Trancas Property Owners Association v. City of Malibu*; and

WHEREAS, on August 11, 2006, in one of the cases, *Metro Lights v. City of Los Angeles*, the Court ruled that the City's ban on off-site signs violates the First Amendment because it was not narrowly tailored to accomplish the City's visual blight and traffic hazard goals in light of the City's street furniture agreement with another entity. This ruling is on appeal to the Ninth Circuit, which heard oral argument in June 2008.

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. On August 26, 2008, the court issued a permanent injunction on the same basis; and

WHEREAS, the inspection and inventory of Off-Site Signs as contemplated by Ordinance No. 174442 have not been accomplished and as a result, the City does not currently know the number, locations, ownership, or permit status of the Off-Site Signs in the City, which are variously reported as exceeding ten thousand Off-Site Signs, including an ever growing number of off-site signs with no permits or with permits that

do not conform to the currently installed sign; and

WHEREAS, there is a strong probability that the result of the settlement agreements, the judicial rulings, and the absence of the long awaited inspection and inventory will be a proliferation of new Off-Site Signs, Supergraphic Signs or alterations to existing Off-Site Signs; 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, which held a hearing and referred the motion to appropriate city staff on September 9, 2008; and

WHEREAS, the City’s current 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, it is necessary to halt the proliferation of new Off-Site Signs, Supergraphic Signs or alterations to existing Off-Site Signs until the inspection and inventory can be completed, the magnitude of the existing Off-Site Sign and permit compliance issues can be fully understood, and 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 proliferation of off-site signs and supergraphics and the recent conversions of existing off-site signs to brightly lit digital displays has created concerns among many residents as to light pollution, traffic safety, visual blight, energy consumption, quality of life and public health issues; and

WHEREAS, the City Planning Commission at its meetings on October 16 and 23, 2008 directed the Planning Department to prepare an Interim Control Ordinance regarding Off-Site Signs and Supergraphics and to use an October 15, 2008 proposal from the City Attorney as its basis but to lengthen the duration of the temporary restriction from six months to one year to allow for the completion of the City inspection and inventory and for significant public and professional input on permanent sign regulations, and to reexamine the exceptions allowed under the ICO; and

WHEREAS, the City Council has determined that in order to address these concerns, it is necessary and appropriate that an interim control ordinance be enacted prohibiting the issuance of new 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.

Discretionary sign approval – A grant of privileges by a Zoning Administrator, the Director of Planning, an Area Planning Commission, the City Planning Commission, or an appellate body on appeal, for the construction, placement or alteration of an off-site sign or supergraphic sign.

Other 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, or any other ordinances or agreements adopted by the City Council containing regulations or provisions regarding signs, until the first occurring of: a period of six months from the effective date of this ordinance, or both a citywide inspection and inventory of Off-Site Signs and Supergraphics is complete and a permanent ordinance which amends the citywide provisions governing Off-Site Signs and Supergraphic Signs becomes effective:

- 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 on or after 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 damaged sign fully conformed to an unexpired building permit, that the replacement shall be limited to the work authorized by the same unexpired building permit, and 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 sign

for which either of the following conditions is true:

1. A building permit has been issued for the sign and has not expired prior to the effective date of this ordinance, and construction pursuant to the 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, and the applicant, sign owner, or sign landlord/lessor is not also the applicant, sign owner, or sign landlord/lessor of one or more off-site or supergraphic signs in the City that have been installed but that do not fully conform to an unexpired permit; or
2. The sign has received a discretionary sign approval prior to the effective date of this ordinance, and the privileges granted by the discretionary sign approval have not expired.

Sec. 4. **PENALTIES.** Violations of the provisions of this ordinance are punishable as follows: the recipient of all gains from the violation shall disgorge said gains to the City, as shall be determined by a court of competent jurisdiction.

Sec. 5 **EXTENSION OF REGULATIONS.** The City Council may, by resolution, extend the provisions of this ordinance for three additional three month periods, so long as the Council makes the following finding: that the appropriate City agencies and officials are exercising due diligence to assure that the inspection, inventory, and permanent regulations are being expeditiously processed.

Sec. 6. **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. 7. **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. 8. **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 temporarily halting the proliferation of signage that is negatively impacting communities with light pollution and visual blight, as well as impacting traffic safety, quality of life and public health issues. In addition, the expeditious implementation of this ordinance is

needed to protect the citizens of Los Angeles from the possibility that the city's weakened ban on off-site and supergraphic signs may soon be further undermined in court, leaving the city with no regulations governing these prominent and often controversial types of signs. Therefore, this ordinance shall become effective upon publication pursuant to Los Angeles City Charter Section 253.

Sec. 9. 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 ...