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***Via hand delivery to PLUM Committee: Chairman Reyes, Committee Member Huizar,
Committee Member Krekorian***

October 18, 2011

Council of the City of Los Angeles
Planning and Land Use Management Committee
200 North Spring Street
Los Angeles, CA 90012

RE: Proposed Ordinance Revising Citywide Sign Regulations
Council File Nos. 08-2020, 11-1705
(City Planning Commission Case No. CPC-2009-0008-CA)

Dear Chairman Reyes and Honorable Members of the Planning and Land Use
Management Committee:

This letter is written on behalf of the Coalition to Ban Billboard Blight,¹ Hillside
Federation,² Brentwood Residents Coalition,³ Pacific Palisades Residents Association,⁴
Holmby-Westwood Property Owners Association,⁵ and Westwood South of Santa

¹ The Coalition to Ban Billboard Blight is a registered non-profit 501(c)(4) organization dedicated to defending our public spaces and protecting our visual environment. BBB represents groups and individuals committed to defending the urban landscape of Los Angeles from a proliferation of billboards, supergraphic signs, and other forms of outdoor advertising that blight our public spaces.

² The Federation of Hillside and Canyon Associations, founded in 1952, represents thirty-three homeowner and residents associations that span the Santa Monica Mountains from Pacific Palisades to Mt. Washington. It represents more than 200,000 constituents. The Federation's mission is to protect the property and the quality of life of the residents of the Santa Monica Mountains and other hillside areas of Los Angeles and its environs.

³ The Brentwood Residents Coalition is a grass roots, non-profit advocacy group whose purposes are to preserve and enhance the environment and quality of life in Brentwood, to protect the integrity of residential neighborhoods, to assist with planning, to uphold zoning and municipal codes, to encourage traffic safety, and to educate the public on issues that affect quality of life and the environment.

⁴ Pacific Palisades Residents Association is an all volunteer non-profit Palisades community-wide organization established 1958 with mission to preserve and protect mountain, community and coastal recreational resources; protect single family residential neighborhoods with rational planning by upholding zoning and municipal codes; and educate elected officials and public on issues that impact quality of life and the environment.

⁵ Holmby-Westwood Property Owners Association represents 1,100 single family homes on the westside of Los Angeles and recently celebrated its fiftieth year serving our community. The Mission of the HWPOA is to engage the forces that affect and impact the quality of life within Holmby-Westwood in a positive manner to ensure the protection and preservation of the quality, character, and property values of the Holmby Westwood community.

Monica Boulevard Homeowners Association.⁶

The City Charter is unequivocal that the City Planning Commission's guidance during the process of adoption, amendment, or repeal of a zoning ordinance is mandatory, unless the CPC has delegated its authority to the Director of Planning. LOS ANGELES, CAL., CHARTER § 559.⁷ The CPC has not delegated its authority to the Director of Planning on this ordinance. Moreover, the ordinance has been substantially modified during the more than two and a half years since the CPC transmitted its report and recommendation to the Council and requires further review by CPC before the Council may take final action.

There are two clear rationales for the City Charter requirement that modified ordinances go back to the CPC prior to final action by the City Council. First, the CPC is unquestionably the City commission with the most expertise with regard to zoning and land use issues. By definition, the Commission is charged with providing advice and guidance to elected officials, municipal departments and agencies on all manner of land use issues within the City. CHARTER § 551. Individual commissioners generally have many years of training and experience in land use planning.⁸ In fulfilling its obligations under the Charter, the Commission works closely with the Director of Planning and Planning staff. Second, the CPC often gains invaluable input from the community at its hearings. For example, even during its accelerated schedule on the ordinance now before PLUM, the CPC received more than four and a half hours of public testimony over the course of five separate hearings during the first three months of 2009 alone. The ordinance has changed substantially since then, and requires additional public comment. Due to CPC's unique expertise, its hearings provide the best opportunity for community members to contribute meaningful input to the City on proposed land use ordinances.

In addition, it seems likely that some CPC commissioners might like to have another opportunity to formally review the revised ordinance. Following the Directors Report at

⁶ Westwood South of Santa Monica Blvd. Homeowners Association, established as a non-profit mutual benefit organization in 1971, represents over 3,800 *single-family and condominium* homes located between Santa Monica and Pico Boulevards on the north and south, and Beverly Glen and Sepulveda Boulevards on the east and west.

⁷ All references are to the current City Charter, operative July 1, 2000, unless otherwise noted.

⁸ A few examples of the land use expertise among sitting commissioners: Commission President Roschen is an architect honored as a Fellow of the American Institute of Architects, served for 15 years on the Hollywood Community Redevelopment Agency, and is an expert on a variety of land use topics, including green building and energy efficient design; Commissioner Burton is a land use attorney and served multiple terms on the West Los Angeles Area Planning Commission, including serving as President; Commissioner Cardoso is an Urban Planner graduate of UCLA with two decades of land use planning experience; Commissioner Kim served as a Central Area Planning Commissioner prior to joining the CPC; Commissioner Romero has served the Mountains Recreation and Conservation Authority in several capacities, including as Chief of Urban Projects and Watershed Division; and, Commissioner Woo, a former Los Angeles City Council member, has a Master of City Planning degree from UC Berkeley, taught urban planning and development at USC for seven years, and is currently Dean of the College of Environmental Design, Cal Poly Pomona.

the CPC hearing on August 11, 2011, for example, Commissioner Freer asked Deputy Planning Director Alan Bell: “Under what circumstances might we have the pleasure of receiving this back to us, or would we, ever?”⁹

The stakeholder organizations respectfully request that the Planning and Land Use Management Committee not follow the first two recommendations of the October 5, 2011 letter from the Deputy Director of Planning regarding the proposed sign ordinance now before PLUM.¹⁰ Instead, for the reasons outlined above and discussed more fully below, PLUM must refer the proposed Citywide Sign Ordinance back to the CPC so that it may fulfill its obligations under the City Charter.

I. THE CITY CHARTER REQUIRES THE CPC TO PROVIDE GUIDANCE TO THE CITY COUNCIL WITH RESPECT TO PROPOSED ZONING ORDINANCES, WHETHER ORIGINAL OR MODIFIED

The City Charter states that the CPC “shall:

- (a) give advice and make recommendations to the Mayor, Council, Director of Planning, municipal departments and agencies with respect to City planning and related activities and legislation;
- (b) make recommendations concerning amendment of the General Plan and proposed zoning ordinances in accordance with Sections 555 and 558;
- (c) make reports and recommendations to the Council and to other governmental officers or agencies as may be necessary to implement and secure compliance with the General Plan; and
- (d) perform other functions prescribed by the Charter or ordinance.”

CHARTER § 551 (emphasis added).

Charter § 558 spells out the process by which land use ordinances may be adopted, and restates that the recommendation of the CPC is required before the Council may take action on an ordinance. *See* CHARTER § 558(b)(2).¹¹ The CPC’s recommendation to approve or disapprove of a proposed ordinance is what determines whether the Council may pass an ordinance with a simple majority or must obtain a two-thirds majority.

⁹ An “mp3” recording of this portion of the August 11, 2011, CPC hearing is available at: <http://cityplanning.lacity.org/StaffRpt/Audios/CPC/2011/08-11-2011/03DirectorsReportb.mp3>.

¹⁰ To wit, the first two recommendations of the Deputy Director’s letter are to:
“1. Adopt the Planning Department’s reports dated July 22, 2011 and October 5, 2011.
“2. Approve the attached ordinance and direct the City Attorney to review for form and legality and prepare and present an ordinance for final consideration by PLUM.”

¹¹ “After initiation, the proposed ordinance, order or resolution shall be referred to the City Planning Commission for its report and recommendation regarding the relation of the proposed ordinance, order or resolution to the General Plan and, in the case of proposed zoning regulations, whether adoption of the proposed ordinance, order or resolution will be in conformity with public necessity, convenience, general welfare and good zoning practice . . . After the City Planning Commission has made its report and recommendation, or after the time for it to act has expired, the Council may consider the matter.”
CHARTER § 558(b)(2).

CHARTER § 558(b)(3). The current Charter provides that “to the extent the provisions of this Charter are the same in terms or effect as provisions of the Charter . . . they shall be construed and applied as a continuation of those provisions.” CHARTER § 110(b). Section 558(b)(2) is a continuation of former Charter § 97.2, which states, perhaps even more clearly than the current Charter does, that an ordinance must be presented to CPC for approval or disapproval prior to action on the ordinance by the City Council.¹² *Accord, Schofield v. Los Angeles*, 120 Cal. App. 240 (Cal. Ct. App. 1932).¹³

Although the municipal code provides time constraints within which the CPC must act in providing its report and recommendation to the Council, *see* LAMC § 12.32(C)(6), neither the Charter nor the municipal code appears to provide support for the proposition that the Council may act on a substantively modified ordinance without, at some point, receiving the CPC’s further recommendation prior to taking final action. Where, as here, the ordinance before Council contains substantial changes, the City’s Charter and statutory scheme requires that CPC be given the opportunity to recommend approval or disapproval of the proposed ordinance before the City Council may take final action. The practice of referring ordinances, orders, or resolutions back to CPC for further review and approval due to even minor modifications is historic, such that in 1964 the CPC passed a resolution delegating authority to the Director of Planning under previous City Charter § 97.8.¹⁴ The purpose of the 1964 delegation was for the CPC to avoid spending time on “routine matters of a repetitive nature” when modifications requiring further review were only editorial or clerical in nature, and not substantive, as often happens following re-drafting of an ordinance for form and legality by the City Attorney.

This is consistent with California state law, which requires that a city council “may approve, modify or disapprove the recommendation of the planning commission; *provided that any modification of the proposed ordinance or amendment by the legislative body not previously considered by the planning commission during its hearing, shall first be referred to the planning commission for report and recommendation[.]*” CAL. GOVT. CODE § 65857 (Deering 2011) (emphasis added). Of course, not all land use sections of the Government Code specifically apply to a charter city such as Los Angeles, *see* CAL. GOVT. CODE § 65803, but the City’s Charter and

¹² Former Charter § 97.2 states, in part, that “[n]o ordinance, order or resolution shall be adopted by the Council effectuating . . . the establishment, change or repeal of regulations applying within any of said zones, districts, yards, open spaces, or setbacks *unless it shall have first been submitted to the City Planning Commission for report and recommendation . . .*” LOS ANGELES, CAL. CHARTER § 97.2 (1969).

¹³ “It is manifest it was the legislative intent in the drafting of the charter provisions under consideration, to provide for a city planning commission in fact, as well as in name, and not to allow any zone ordinance to be passed until the proposed ordinance was submitted to the commissioners, whose duty required the making of recommendation as to whether the particular ordinance submitted to them should or should not be passed.” *Schofield v. Los Angeles*, 120 Cal. App. 240, 245 (Cal. Ct. App. 1932).

¹⁴ *See* Resolution of the City Planning Commission (July 27, 2000), attached to Memorandum of Gabriele Williams, Commission Executive Assistant II of the City Planning Commission, to All [Planning Department] Staff (August 11, 2000).

Code are not in conflict with state law, and the City’s historic practice has been to bring even minor modifications back to CPC, as evidenced by the necessity of the 1964 and 2000 resolutions by CPC to delegate authority to the Director to approve otherwise-conforming ordinances that contain minor editorial and clerical changes.

Because the CPC has neither had the chance to report and recommend on the modified sign ordinance now before PLUM, nor has it delegated authority to the Director of Planning to act on its behalf, the proposed Citywide Sign Ordinance must be returned to CPC for its report and recommendation prior to further Council action.

II. THERE IS NO DELEGATION OF AUTHORITY TO THE DIRECTOR OF PLANNING TO RECOMMEND APPROVAL OR DISAPPROVAL OF THE MODIFIED SIGN ORDINANCE.

The Director of Planning, the “chief administrative officer of the Department of City Planning,” is charged with preparing all proposed zoning and other land use regulations. CHARTER § 553. For an initiated zoning ordinance, as here, “[t]he Director shall make a recommendation for action on the matter, which recommendation *shall then be heard by the Planning Commission.*” LAMC § 12.32(C)(2) (emphasis added).

Following the report and recommendation of CPC transmitted to Council in April 2009, multiple substantive revisions of the sign ordinance have been made by the Planning Department. The Director of Planning and Planning Department staff are to be commended for educating stakeholders on the continued revisions to the Citywide Sign Ordinance, being receptive to additional public input, and responding to concerns of City actors, including PLUM, the City Attorney, and the Department of Building and Safety, during recent months. These actions are not, however, an adequate substitute for the guidance CPC provides the City Council as mandated by the City Charter.

The City Charter allows the CPC to delegate authority to the Director of Planning “to approve or disapprove for the Commission any ordinance, order or resolution or modification thereto which is subject to the provisions of Section[] . . . 558.” CHARTER §§ 559. The CPC has *not* recommended approval or disapproval of the nonconforming modifications made to the Citywide Sign Ordinance, nor has it delegated its authority to the Director of Planning to do so on its behalf.¹⁵

There is only one resolution providing standing delegation of authority to the Planning Director. The standing delegation allows the Director “to approve or disapprove for the City Planning Commission any ordinance, order or resolution or modification thereto . . .

¹⁵ Review of all CPC agendas posted at the Department of Planning web site since the CPC acted to recommend approval of the sign ordinance on March 26, 2009 as it then existed, fails to disclose any CPC agenda item related to delegating authority to the Director of Planning to approve or disapprove of modifications to that ordinance.

which conform [sic] with the last action of the City Planning Commission upon such matter, when in the exercise of sound discretion and judgment, he or she determines that such ordinance, order or resolution conforms with the expressed intent of the City Planning Commission even though there may be minor changes for editorial and clarification purposes therein.”¹⁶

When read in isolation, it is hard to understand how one could interpret this resolution to provide the sweeping authority to the Director or Planning Department necessary to recommend approval or disapproval of ordinances upon which CPC has previously acted if those ordinances have been substantively modified at all. When read in context, it is even more apparent that the motivation to pass the July 27, 2000 resolution was CPC’s desire to continue delegating to the Director only matters that conform in substance with prior CPC action. This previous act of delegation shows that even conforming matters require referral back to the CPC for an additional report and recommendation to Council due to the “minor changes for editorial and clarification purposes” made during the legislative process, most often after the City Attorney has re-drafted an ordinance, order, or resolution for form and legality.¹⁷

The practice of referring back to CPC is historic, as evidenced by the standing delegations of authority passed by the CPC in 1964 and 2000. The motivation for the 2000 ordinance seems to be that the 1964 resolution was no longer valid, since, as of July 1, 2000, the 1964 resolution was superseded by the new City Charter. *See* July 27, 2000 resolution at ¶¶ 2-3.¹⁸ The CPC, intending to continue its delegation of authority to the Director for those ordinances that conform in intent, but contain minor clerical changes, noted that “Charter Section 559 is inherently the same provision that was permitted by Section 97.8 of the previous City Charter which was superseded on July 1, 2000[.]” *Id.* at ¶ 2.

Nonetheless, in Deputy Planning Director Alan Bell’s report to PLUM dated October 5, 2011, the Planning Department recommends PLUM approve the now substantially modified sign ordinance.¹⁹ But neither the Director of Planning nor Deputy Director Bell have authority to recommend approval of the currently proposed Citywide Sign Ordinance on behalf of the CPC, because the ordinance contains so many substantive

¹⁶ Memorandum of Gabriele Williams, Commission Executive Assistant II of the City Planning Commission, to All [Planning Department] Staff (August 11, 2000) (attaching the July 27, 2000 resolution of the CPC, as well as the September 30, 1965 “Action of the City Planning Commission” upon which the July 2000 resolution was based in part) (attached as Appendix A).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Deputy Director Bell’s letter states:

“Staff recommends that PLUM take the following actions:

1. Adopt the Planning Department’s reports dated July 22, 2011 and October 5, 2011.
2. Approve the attached ordinance . . .”, etc.

Letter from Alan Bell, Deputy Planning Director, to PLUM, p.2 (Oct. 5, 2011) (*hereinafter* Bell Report).

changes that it cannot, “in the exercise of sound discretion and judgment,” be said to conform with the ordinance approved by the CPC on March 26, 2009.

Instead of acting upon the Deputy Director’s unauthorized requests for action, PLUM must refer the modified Citywide Sign Ordinance back to the CPC for its report and recommendation as required by the Charter.

III. The October 5, 2011 Revision of the Citywide Sign Ordinance Does Not Conform with the March 26, 2009 Revision Previously Approved by the CPC

A comparison of the proposed Citywide Sign Ordinance recommended for Council approval by the CPC on March 26, 2009 and the version currently before PLUM discloses a large number of substantive differences between the two.²⁰ These many differences, some of them quite profound in effect, clearly show that the current revision of the Citywide Sign Ordinance does not substantively conform to the March 26, 2009 revision that the CPC recommended for approval by the City Council.

Two of the proposed changes of greatest concern are even described by Deputy Director Bell as “significant revisions.” The first of these adds an entirely new “Community Benefits Program” that, according to Deputy Bell, “has been developed as an option that could potentially . . . *replace required Sign Reduction* for proposed Sign Districts.”²¹ Although labeled a “Community Benefits” provision, this revision completely undercuts one of the true benefits of the Citywide Sign Ordinance, a reduction in billboard proliferation within our City. Introducing an option late in the process, only *after* the ordinance has already received a recommendation of approval by the CPC, which allows applicants the possibility of trading off certain “community benefits” (likely to benefit applicants as much or more than the community) “*in lieu of all* or a portion of the sign reduction requirement” is a terrible way to go about drafting and enacting such a significant piece of legislation.²²

Similarly, the changes to the “Grandfathering” provisions of the Citywide Sign Ordinance are cause for serious concern. “Grandfathering” of pending Sign Districts or

²⁰ Both versions of the Citywide Sign Ordinance are part of the administrative record, and available for download at the Council File Management System website. See Transmittal from CPC to City Council: Letter from James Williams, Executive Assistant to CPC, to City Council, Attachment 8 (Ordinance (Appendix C)) (Apr. 8, 2009) (*hereinafter* March 26, 2009 Ordinance), available at: http://clkrep.lacity.org/onlinedocs/2008/08-2020_rpt_cpc_4-8-09.pdf; and, Letter from Alan Bell, Deputy Planning Director, to PLUM, Attachment 1 (Proposed Citywide Sign Ordinance) (Oct. 5, 2011) (*hereinafter* Oct. 5, 2011 Ordinance), available at: http://clkrep.lacity.org/onlinedocs/2011/11-1705_RPT_PLAN_10-05-11.pdf.

²¹ Bell Report, pp. 1, 3-4, *supra* note 19 (emphasis added); see also, Bell Report Attachment 1 (Proposed Citywide Sign Ordinance (Oct. 5, 2011)), pp. 5-7.

²² Bell Report, p.3.

Specific Plans allows “sign types prohibited by the proposed sign ordinance.”²³ In the original Citywide Sign Ordinance, two pending Sign Districts were approved for grandfathering “because they had already been approved by the CPC prior to its approval of the new sign ordinance[.]”²⁴ Subsequent to the March 26, 2009 ordinance being recommended for approval by the CPC, there are now a total of fourteen Sign Districts or Specific Plans asking for exemptions. Planning has revised the ordinance to allow this by changing the cutoff date for eligibility for “grandfathering” from March 26, 2009, to August 9, 2011.²⁵ There is no compelling reason to justify the change, and it is unquestionably a substantive revision of the sign ordinance that requires further review by the CPC before the Council may take final action.

An additional example of a significant substantive revision is the so-called “interior sign exception” added to Sec. 13 of the Oct. 5, 2011 ordinance.²⁶ In the original proposed ordinance, there is *no* exception to this code section, which states simply that: “[a]ll exterior signs and sign support structures shall conform to the requirements of this article and all other applicable provisions of this Code.”²⁷ Following the CPC’s recommendation of approval of the March 26, 2009 ordinance, the “interior sign exception” cited above was added. By its plain meaning, this exception could allow off-site signs within public parks. It seems most unlikely that the CPC could have intended this result, and such a dramatic change requires the CPC’s further review.

There are also cases of code language being reinstated in the Oct. 5, 2011 revision after having been specifically stricken from the March 26, 2009 version. For example, the current municipal code section dealing with the area of monument signs is as follows:

“A. Area.

1. The sign area of monument signs shall not exceed 1.5 square feet per foot of street frontage nor a maximum of 75 square feet for the sign face visible to the same direction of traffic.
2. The combined sign area of monument signs, projecting signs, wall signs, illuminated architectural canopy signs, pole signs, roof signs and window signs shall not exceed four square feet for each foot of street frontage.”

LAMC § 14.4.8(A). In the March 26, 2009 proposed ordinance, recommended for approval by the CPC, that language was stricken and replaced with the much simpler: “Area. The maximum sign area of any one monument sign shall not exceed a total of 60 square feet for all the sign faces.”²⁸ But the Oct. 5, 2011 proposed ordinance would strip away this simpler language and reinstate the status quo ante by re-adopting the existing

²³ Bell Report Attachment 2 (“Grandfathering” of Pending Sign Districts and Specific Plans), p. 1.

²⁴ *Id.*

²⁵ Compare Oct. 5, 2011 Ordinance, Sec. 14, pp. 44-45 (APPLICATION OF REGULATIONS TO EXISTING PROJECTS...), with March 26, 2009 Ordinance, Sec. 12, p. C-47.

²⁶ Oct. 5, 2011 Ordinance, *supra* note 20, pp. 13-14.

²⁷ March 26, 2011 Ordinance, *supra* note 20, p. C-6.

²⁸ *Id.* at C-12.

municipal code provision.²⁹ There are numerous examples of similar reinstatements in the Oct. 5 revision, all evidence that the ordinance now before PLUM has been substantively changed and requires the CPC to report and recommend anew before the Council may take final action on the ordinance.³⁰

To further underscore this point, following is a non-exhaustive list of sections of the currently proposed Citywide Sign Ordinance before PLUM that are substantively different from those in the March 26, 2009 ordinance, as well as several provisions removed entirely from the earlier version:³¹

Section 1: Change Section 11.5.7 – Section K. Sign Regulations;

Section 4: Delete 12.21.1(B)(3)(c);

Section 5: Reinstate previously deleted Section 12.22(A)(23)(a)(6)(i);

Section 7: Reinstate previously deleted Section 12.22(A)(23)(c)(1)(iii);

Section 11: Add new section amending LAMC § 91.6216.4.3;

Section 12:

- 1) Change 13.11(A) “Purpose” (of “SN” Sign Districts);
- 2) Change 13.11(B) “Establishment of Districts,” including:
 - a. Change boundary requirements
 - b. Change required findings
- 3) Change 31.11(C), instituting the Community Benefit Program as an option to Sign Reduction requirements;
- 4) Change 13.11(D) “Sign Regulations”;
- 5) Change 13.11(F) “Administration” (changes to required findings);

Section 13:

- 1) Change 14.4.1 “Purpose” (add subsection (F));
- 2) Change 14.4.2 “Definitions,” including:
 - a. Add definition for and limitation to “Aerial View Sign”

²⁹ See Oct. 5, 2011 Ordinance, *supra* note 20, pp. 19-20 (now renumbered as Sec. 14.4.7).

³⁰ These examples include (all referencing the Oct. 5, 2011 revision) reinstatement of: § 14.4.5(A)-(C) (entitled “Freeway Exposure”); § 14.4.9(A) (“Projecting Signs - Permitted”); § 14.4.9(A) (“Wall Signs – Area”); § 14.4.10 (“Illuminated Architectural Canopy Signs – Area”); § 14.4.9(A)-(C) (“Pole Signs”); and, § 14.4.12 (“Roof Signs”) (entirely removed from the March 26, 2009 revision, but reinstated in the Oct. 5, 2011 revision).

³¹ Note that the numbering scheme between versions is different as a result of re-organization. To avoid confusion, the code section numbers above are taken from the Oct. 5, 2011 revision, except where they refer to provisions removed from the March 26, 2009 version.

- b. Add definition for “Can Sign”
 - c. Add definition for “Captive Balloon Sign”
 - d. Add definition for “Exterior Sign”
 - e. Add definition for “Hanging Sign”
 - f. Change definition for “Off-Site Sign”
 - g. Change definition for “On-Site Sign”
 - h. Add definition for “Pillar Sign”
 - i. Add definition for “Sandwich Board Sign”
 - j. Change definition for “Wall Sign”
- 3) Change 14.4.3 “Application,” including subsection (A), “Scope”
- 4) Change 14.4.4:
- a. Remove “digital displays from 14.4.4(C)(8)
 - b. Modify 14.4.4(C)(9)
 - c. Remove the subsection from 14.4.4(C) regarding roof signs
 - d. Change 14.4.4(D) to add (D)(5)
 - e. Change 14.4.4(F) “Sign Illumination Limitations”, and add clause regarding digital displays
 - f. Remove former 14.4.4(K) “Maximum Sign Area”
 - g. Remove former 14.4.4(M) “Maximum Number of Signs”
 - h. Add exception to 14.4.4(M) “Relief”
 - i. Add 14.4.4(N) “Replacement of Signs on Historic Buildings”
- 5) Remove former 14.4.5 “Hazard to Traffic”
- 6) Change 14.4.5 “Freeway Exposure”:
- a. Change 14.4.5(A) to increase distance for which code section applies, among other changes
 - b. Reinstate previously removed 14.4.5(A) paragraph 2, 14.4.5(B) & (C)
- 7) Change 14.4.7 “Monument Signs”:
- a. Remove previous language and reinstate language specifically removed from 14.4.7(A) in March 26, 2009 revision
 - b. Remove previous language and reinstate language specifically removed from 14.4.7(C)-(E) in March 26, 2009 revision
- 8) Change 14.4.8(A) & (B) “Projecting Signs”: Remove previous language and reinstate language specifically removed from March 26, 2009 revision, add new language

- 9) Change 14.4.9:
 - a. Reinstate language specifically removed from March 26, 2009 revision of 14.4.9(A)
 - b. Remove exception from 14.4.9(C) “Location” and add clauses related to LAFD to (C)(4) and (C)(5)
 - c. Simplify 14.4.9(E) “High Rise Signs”

- 10) Change 14.4.10 “Architectural Canopy Signs; change 14.4.10(A):
 - a. In subsection (1) remove previous language and reinstate language specifically removed in March 26, 2009 revision;
 - b. In subsection (3)-(4) reinstate language specifically stricken in March 26, 2009 revision.

- 11) Change 14.4.11 “Pole Signs”:
 - a. Reinstate language specifically removed from March 26, 2009 revision of 14.4.9(A)
 - b. Reinstate language specifically removed from March 26, 2009 revision of 14.4.9(B), increase limits four-fold
 - c. Reinstate language specifically removed from March 26, 2009 revision of 14.4.9(C)

- 12) Reinstate 14.4.12 “Roof Signs”: Entire section reinstated after having been removed from the March 26, 2009 revision;

- 13) Reinstate 14.4.13(B) to “Window Signs”;

- 14) Change 14.4.14 “Marquee Signs”;

- 15) Added new 14.4.15(A) to “Temporary Signs”;

- 16) Added new paragraph as 14.4.16(F)(8) “Temporary Signs on Temporary Construction Walls”;

- 17) Add reference to Cal. Building Code to 14.4.18 “Awning Signs”;

- 18) Add new 14.4.19 “Digital Displays”

- 19) Change 14.4.21 “Signs in A and R Zones”: increase max sign area six sq. ft. to 20 sq ft, add monument signs to subsections (C)(3)-(4)

- 20) Change 14.4.22 “Sign Adjustments” and 14.4.23 “Sign Variance, alter findings required;

- 21) Change 14.4.24 “Comprehensive Sign Program”: change purpose, change eligibility, add new subsections (b)(2)-(3); elevate initial decision maker and appellate body to CPC and Council, respectively; now allows max 10% off-site signs (previously allowed none); different findings required; omitted amendment of CSPs;
- 22) Add option to 14.4.25 “Continuation of Nonconforming Signs” to allow repairing in compliance with California Historical Building Code when applicable;
- 23) Change 14.4.26 “Violations and Administrative Civil Penalties” (numerous changes);
- 24) Delete former 14.4.24 “Right of Private Action”

Section 14: Substantial Change to “Application of Regulations to Existing Projects and Initiated or Applied for Sign Districts and Specific Plans” (a.k.a. – “Grandfathering”), resulting in an increase from two to fourteen “grandfathered” SN sign districts;³²

Section 15: Change 19.01(G) “Sign Applications” – triple fee for Comprehensive Sign Program compared to March 26, 2009 ordinance;

Section 16: Change Article 4.4 “Statement of Intent.”


After reviewing the numerous substantive changes between the March 26, 2009 proposed ordinance recommended for approval by the CPC and the Oct. 5, 2011 version currently before PLUM, outlined above, the inescapable conclusion must be that CPC’s previous recommendation of approval cannot apply to the current version of the ordinance, and that the proposed ordinance should be referred back to the CPC for its additional report and recommendation.

³² See also Letter from Alan Bell, Deputy Planning Director, to PLUM, Attachment 2 (Proposed “Grandfathering” List) (Oct. 5, 2011)).

IV. CONCLUSION

For all of the reasons discussed above, it is premature for PLUM to take action on the Director's first two recommendations. The stakeholder organizations therefore respectfully request that PLUM refer the proposed Citywide Sign Ordinance back to CPC so that it may fulfill its obligations under Los Angeles City Charter §§ 551 and 558.

Sincerely,



John P. Given, Esq.

Enclosure
cc (via e-mail):

City Council:

Councilmember Ed Reyes – councilmember.reyes@lacity.org
Councilmember Paul Krekorian – councilmember.krekorian@lacity.org
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City Planning Commission – cpc@lacity.org

Commission President William Roschen – roschen@rvca.org

Commission Executive Asst. James Williams – james.k.williams@lacity.org

Stakeholder Organizations:

Coalition to Ban Billboard Blight – info@billboardblight.org

Hillside Federation – president@hillsidefederation.org

Brentwood Residents Coalition – brc90049@aol.com

Pacific Palisades Residents Assoc. – barbara@kohn.com

Holmby-Westwood Property Owners Assoc. – jerbrown@ucla.edu

Westwood South of Santa Monica Blvd. HOA – bbroide@hotmail.com



Los Angeles City Planning Commission

221 North Figueroa Street, Room 1600, Los Angeles, CA 90012-2601 (213) 580-5234

DATE: August 11, 2000
TO: All Staff
FROM: Gabriele Williams, Commission Executive Assistant II
City Planning Commission

**SUBJECT: DELEGATION OF AUTHORITY TO THE DIRECTOR OF PLANNING
TO ACT ON BEHALF OF THE CITY PLANNING COMMISSION ON
CERTAIN MATTERS.**

Pursuant to Section 559 of the City Charter, the Planning Commission has the authority to delegate to the Director of Planning the authority to act on its behalf on any " ordinance, resolution, or modification thereto ..."

In the past, the Commission has delegated this authority to the Director in two areas. The first instance is where the Commission has acted on an ordinance or resolution and the language of the ordinance, consistent with the original ordinance, has subsequently been redrafted by the City Attorney as to form and legality or where there have been minor changes by the City Council consistent with the expressed intent of the Planning Commission. The second instance is the Commission's delegation to the Director the authority to act on "plan approvals". This latter category has been modified to allow the Director more latitude in setting these actions for decision by the Planning Commission.

At its meeting of July 27, 2000, the City Planning Commission officially adopted the attached resolution to continue these delegations.

This action was approved by the following vote:

Moved: Weil
Seconded: Widom
Ayes: Landau, Menzer, Oakley, Scott, Walker
Absent: Jackson, Schnabel

Attachment: Resolution

RESOLUTION

WHEREAS, Section 559 (Delegation of Authority) of the City Charter, adopted by the voters at the General Municipal Election held June 8, 1999, permits the City Planning Commission to authorize the Director of Planning to approve or disapprove for the City Planning Commission any ordinance, order or resolution or modification thereto which is subject to the provisions of Charter Sections 555 (General Plan - Procedures for Adoption) or 558 (Procedures for Adoption, Amendment or Repeal of Certain Ordinances, Orders and Resolutions); and

WHEREAS, the aforementioned delegation of authority to the Director by the City Planning Commission permitted by Charter Section 559 is inherently the same provision that was permitted by Section 97.8 of the previous City Charter which was superseded on July 1, 2000; and

WHEREAS, the aforementioned delegation of authority to the Director by the City Planning Commission has been a longstanding practice that originated on July 11, 1964, when the City Planning Commission, by resolution, authorized the Director to approve for the City Planning Commission and/or for the Board of Zoning Adjustment those ordinances, orders or resolutions which the Director finds conform with the latest approved applicable portion of the General Plan, or which conform with the last action of the City Planning Commission or Board upon such matter; and

WHEREAS, on September 30, 1965, as contained in City Plan Case No. 13505-A, the City Planning Commission approved a resolution further authorizing the Director to act upon ordinances, orders or resolutions on behalf of the City Planning Commission; and

WHEREAS, such delegation of authority by the City Planning Commission has been successful in reducing the number of City Planning Commission actions on routine matters or of a repetitive nature; and

WHEREAS, there will likely continue to be instances when final ordinances, orders or resolutions will contain minor editorial changes which will be incorporated into the final draft but where no substantive changes are made from the last action of the City Planning Commission; and

WHEREAS, in order to avoid a considerable number of unnecessary referrals of final ordinances, orders or resolutions to the City Planning Commission, it is necessary to continue the longstanding policy of authorizing the Director to approve or disapprove for the City Planning Commission those ordinances, order or resolutions which the Director finds conform with the latest approved applicable portion of the General Plan, or which conform with the last action of the City Planning Commission upon such matter; and

WHEREAS, Municipal Code Section 12.24 M 1 permits the City Planning Commission to delegate to the Director the authority to approve or disapprove, on their behalf, plans for the development of an approved or deemed-approved conditional use site, subject to reasonable guidelines and policies to be followed in the exercise of the delegated authority; and

WHEREAS, on November 5, 1987, the City Planning Commission adopted a policy allowing delegation of authority to the Director to approve plans for the development of an approved or deemed-approved conditional use site if the approval of plans met certain specified guidelines;

WHEREAS, it is necessary to continue the general policy commenced in 1987 allowing the delegation of authority to the Director to approve plans for the development of an approved or deemed-approved conditional use site so to avoid a considerable number of unnecessary referrals of plan approvals to the City Planning Commission, provided reasonable guidelines and policies are followed by the Director in the exercise of the delegated authority.

NOW, THEREFORE, BE IT RESOLVED that the Director of Planning is hereby authorized, in accordance with Charter Section 559, to approve or disapprove for the City Planning Commission any ordinance, order or resolution or modification thereto which is subject to the provisions of Charter Sections 555 or 558 and which the Director finds conform with the latest approved applicable portion of the General Plan, or which conform with the last action of the City Planning Commission upon such matter, when in the exercise of sound discretion and judgment, he or she determines that such ordinance, order or resolution conforms with the expressed intent of the City Planning Commission even though there may be minor changes for editorial and clarification purposes therein.

BE IT FURTHER RESOLVED that the Director of Planning is hereby authorized, in accordance with Municipal Code Section 12.24 M 1, to approve or disapprove, on behalf of the City Planning Commission, plans for the development of an approved or deemed-approved conditional use site, subject to the following guidelines and policies to be followed in the exercise of the delegated authority:

1. Approval of the plans does not conflict with previous City Planning Commission actions on the site;
2. The proposed project substantially conforms with all conditions of the original authorization; and
3. The Director shall impose conditions as he or she deems necessary to protect the best interests of the surrounding property or neighborhood, or to secure an appropriate development in harmony with objectives of the General Plan:

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revised 7/20/00

Moss
B.M.
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**CITY PLANNING DEPARTMENT
ACTION OF THE CITY PLANNING COMMISSION**

CITY PLAN CASE NO. 13505-A

SEPTEMBER 30, 1965

To further authorize the Director of Planning the right to act upon ordinances, orders or resolutions which conform with the expressed intent of the City Planning Commission and/or the Board of Zoning Adjustment, the following resolution was adopted:

WHEREAS, Section 97 of the City Charter, as amended by a vote of the people on April 2, 1963, permits the City Planning Commission to authorize the Director of Planning to approve for the Commission or the Board of Zoning Adjustment any ordinance, order or resolution which conforms to the last action of said Commission or Board; and

WHEREAS, the Commission on July 11, 1964, did, by resolution, authorize the Director to approve for the City Planning Commission and/or for the Board of Zoning Adjustment those ordinances, orders or resolutions which he finds conform with the latest approved applicable portion of the Master Plan of the City, or which conform with the last action of said Commission or Board upon such matter; and

WHEREAS, such delegation of authority by the Commission has been successful in reducing the number of Commission actions on routine matters of a repetitive nature; and

WHEREAS, the Director has followed the practice of presenting a draft of the final ordinance, order or resolution to the Commission and/or Board of Zoning Adjustment whenever there have been any differences between the final draft and that approved in the last action of the Commission; and

WHEREAS, there have recently been several final ordinances wherein minor editorial changes have been incorporated in the final draft but where no substantive changes have been made from the last action of the Commission or Board; and

WHEREAS, it appears that this has resulted in a considerable number of unnecessary referrals of final ordinances, orders or resolutions to the Commission and/or Board.

NOW, THEREFORE, BE IT RESOLVED that the Director of Planning is hereby authorized to approve for the City Planning Commission and/or for the Board of Zoning Adjustment those ordinances, orders or resolutions which he finds conform with

SEPTEMBER 30, 1965

the latest approved applicable portion of the Master Plan of the City, or which conform with the last action of said Commission or Board upon such matter when in the exercise of sound discretion and judgment he determines that such ordinance, order or resolution conform with the expressed intent of the Commission or Board even though there may be minor changes for editorial and clarification purposes therein.

Adopted September 30, 1965

VOTE:

Moved: Flanagan
Seconded: Riedel
Ayes: Jarvis, Mackaig, Branch

Edith S. Jameson

Edith S. Jameson, Secretary
City Planning Commission

EXCERPTS FROM
CITY OF LOS ANGELES CHARTER

Sec. 559. Delegation of Authority.

The City Planning Commission may authorize the Director of Planning to approve or disapprove for the Commission any ordinance, order or resolution or modification thereto which is subject to the provisions of Sections 555 or 558. In exercising that authority, the Director must make the same findings as would have been required for the City Planning Commission to act on the same matter. An action of the Director under this authority shall be subject to the same time limits and shall have the same effect as if the City Planning Commission had acted directly.

Sec. 555. General Plan - Procedures for Adoption.

Sec. 558. Procedure for Adoption, Amendment or Repeal of Certain Ordinances, Orders and Resolutions.