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September 24, 2010

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

**RE: REVISED FINDINGS, DRAFT OF ORDINANCE AMENDING THE HOLLYWOOD  
SIGNAGE SUPPLEMENTAL USE DISTRICT, ORDINANCE NO. 176,172**

**Council File No: 07-2858-S1  
CPC File No: 2007-5866-SN**

**ENVIRONMENTAL IMPACT/CEQA FINDINGS**

A Mitigated Negative Declaration [ENV-2003-1377-MND (REC1)] was prepared for the original Hollywood Signage Supplemental Use District amendments and was adopted by the City Planning Commission on January 8, 2009. The proposed ordinance prepared by the City Attorney, per City Council direction, will prohibit Supergraphics as an allowed sign type within the Hollywood Signage Supplemental Use District (SUD), eliminate the sign reduction program and make other technical changes. On the basis of the whole of the record before the lead agency, no known additional environmental impacts will be caused by the revised ordinance. With the imposition of the mitigation measures described in the MND, there is no substantial evidence that the proposed project will have a significant effect on the environment.

California Environmental Quality Act Guidelines Section 15073.5 requires the recirculation of a Mitigated Negative Declaration when a draft document is substantially revised after public notice of its availability has previously been given. Recirculation is not required when measures or conditions are added after the circulation of the Mitigated Negative Declaration which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

The environmental impacts of supergraphics and the accompanying sign reduction program were considered in Mitigated Negative Declaration ENV-2003-1377-MND (REC1). The proposed elimination of the supergraphic program will reduce the scope and breadth of signage analyzed as part of the original proposal, and will consequently result in no new significant environmental effects. Mitigation Measure MM1C-1 established the signage reduction program

as a mitigation for supergraphics and the resulting potentially significant environmental impacts in the subject area. If supergraphics are universally prohibited in the Hollywood Sign District, Mitigation Measure MM1C-1 and the signage reduction program is no longer required.

Therefore, Mitigated Negative Declaration ENV-2003-1377-MND (REC1) is adequate environmental clearance for this action, and recirculation is not required per Section 15073.5.

## **GENERAL PLAN/CHARTER FINDINGS**

### **City Charter Section 556**

Los Angeles City Charter Section 556 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance the City Council make findings that the ordinance is in substantial conformance with the purposes, intent and provisions of the General Plan. The attached draft ordinance prepared and transmitted by the City Attorney is in substantial conformance with the purposes, intent and provisions of the General Plan in the following respects:

The Hollywood Community Plan was adopted by the City Council on December 13, 1988. The draft amendment to the Hollywood SUD is in conformance with the following goals and objectives of the Community Plan:

- 1. To coordinate the development of Hollywood with that of other parts of the City of Los Angeles and the metropolitan area. To further the development of Hollywood as a major center of population, employment, retail services, and entertainment; and to perpetuate its image as the international center of the motion picture industry.**

The attached draft ordinance proposes changes to regulations in order to encourage the construction, maintenance and retention of contemporary and historic forms of signage which will promote the advancement of a unique sign program for an area which is undergoing resurgence in commercial development. The draft ordinance proposes changes that would regulate the use of contemporary types of signage such as Electronic Message Displays (Digital Displays). In addition, the amended regulations will encourage iconic signs held to high architectural design standards to ensure that Hollywood perpetuates its image as an international center of the motion picture industry.

- 2. Land Use Commerce Standards and Criteria: The focal point of the Community is the Hollywood Center. This center area shall function as the commercial center for Hollywood and surrounding communities as an entertainment center for the entire region. Future development should be compatible with existing commercial development, surrounding residential neighborhoods and the transportation and circulation system.**

This ordinance proposes changes that would enhance the Hollywood Signage SUD's unique sign program to help create a visually exciting pedestrian environment which maximizes the visibility of Hollywood's historic architecture and distinguishes this area from that of nearby commercial areas. The Hollywood SUD amended regulations are designed to protect views of character-defining features of historic structures, views of

the nearby Hollywood Hills, and Hollywood's scenic highways, including Sunset Boulevard. Amended regulations to protect these views include: 1) eliminating supergraphics as an allowed sign type, 2) incorporating lighting and design standards for all signs, and 3) reducing maximum permitted combined sign area by half. The draft ordinance also includes incentives for restoring historic signage on historic structures as a means of deriving additional revenue which may be used for the rehabilitation and maintenance of these structures. Amended regulations to minimize distractions to motorists caused by full motion electronic message displays (digital displays) include: changes to electronic message displays (digital displays) permitted locations and requiring electronic message displays (digital displays) to have both a daytime and nighttime illumination.

### **Charter Section 558**

Los Angeles City Charter Section 558 and LAMC Section 12.32(C)(7) require that prior to adopting a land use ordinance, the City Council make findings that the ordinance conforms with public necessity, convenience, general welfare and good zoning practice. The Hollywood Signage Supplemental Use District draft ordinance conforms to public necessity, convenience, general welfare and good zoning practice in the following respects:

The amendments to the Hollywood Signage SUD will enhance the unique characteristics of signage in Hollywood; promote historic signage in Hollywood; encourage enhanced aesthetics and quality lighting design of new signage; continue to encourage the development of new sign technologies while preserving historic architecture.

The ordinance contributes to the general welfare and good zoning practice by regulating signage in a manner that promotes a distinctive Hollywood design aesthetic, permitting signage which:

- Highlights the entertainment industry and other local businesses;
- Creates a lively, visually exciting atmosphere in Hollywood, while maintaining historic signage and structures;
- Allows newer building-mounted sign technologies which coordinate with and minimally obscure a building's architectural elements;
- Minimizes the obstruction of architectural elements, views of historic architecture, the Hollywood Hills, the Hollywood Sign, and scenic corridors;
- Protects residents from glare and protects pedestrians and motorists from traffic safety hazards.

### **HOLLYWOOD SIGNAGE SUPPLEMENTAL USE DISTRICT FINDINGS**

The draft ordinance furthers the following Hollywood Signage SUD purposes:

1. Provide for the systematic execution of the Hollywood Community Plan and Redevelopment Plan.
2. Promote appropriate and economically viable signage that:

- Coordinates with the architectural elements of the building on which signage is located;
  - Reflects a modern, vibrant image of Hollywood as the global center of the entertainment industry; and
  - Compliments and protects the character-defining features of historic buildings.
3. Limit visual clutter by regulating the number, size, and location of signs.
  4. Minimize potential traffic hazards and protect public safety.
  5. Protect street views and scenic vistas of the Hollywood Sign and the Hollywood Hills.
  6. Protect and enhance major commercial corridors and properties.
  7. Provide a public benefit and enhancement to the community environment.

### **SUPPLEMENTAL FINDINGS REGARDING GRANDFATHERING AND TOLLING**

In addition to the findings proposed by the Planning Department in its August 26, 2010, report to the City Planning Commission, which are incorporated by reference and adopted by the City Council as its own findings, the City Council hereby finds:

1. Pursuant to California law, a local agency may not apply a new regulation to a development that has vested. Historically, an applicant obtained a vested right in a project only if the applicant obtained a building permit and performed substantial work in reliance on that permit. *Avco Community Developers, Inc. v. South Coast Regional Com.*, 17 Cal. 3d 785 (1976). More recently, California law has granted applicants a vested right to development before permit issuance if the applicant enters into a development agreement, or receives an approval for a vesting tentative map. In the case of development agreements, the “rules, regulations, and official policies governing permitted uses of the land, governing density, and governing design, improvement and construction standards and specifications, applicable to development of the property subject to a development agreement, shall be those rules, regulations, and official policies in force at the time of execution of the agreement.” Gov’t Code § 65866. In the case of vesting tentative maps, state law provides that when a local agency approves a vesting tentative map, that approval shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in place at the time the application for the vesting tentative map is deemed complete. See, e.g., Cal. Gov’t Code § 66498.1; *City of West Hollywood v. Beverly Towers, Inc.*, 52 Cal. 3d 1184, 1193 n. 6 (1991) (a “vesting tentative map gives a developer a vested right to proceed with development, including the right to obtain all necessary building permits and discretionary approvals, in accordance with the local ordinances, policies and standards in effect when the application for the vesting tentative map was complete.”) In adopting Section 6 K. of the amended Ordinance, it is the intent of this Council to grandfather all developments that are vested under California law.
2. The Council also recognizes that several applicants may not have obtained building permits for their signs prior to the effective date of the amended Ordinance and/or their projects may not have involved a development agreement or a vesting tentative map.

Nonetheless, these applicants spent a significant amount of time and money obtaining either a Project Permit Approval from the City or a Sign Covenant Agreement with the CRA prior to November 12, 2008 (i.e., the date that the Planning Department first held a widely noticed hearing concerning the amendment of the Hollywood Signage SUD). Thereafter, these applicants continued to invest a great deal of time and money in good faith reliance on these approvals or agreements. The Council finds that it would be inequitable to now apply the new ordinance to prohibit their projects. Thus, it is the intent of this Council in adopting Section 6 K. of the amended Ordinance to grandfather all developments that obtained a Project Permit Approval or a Sign Covenant Agreement prior to November 12, 2008.

3. The City has been engaged in substantial litigation concerning its City-wide sign regulations over the past several years. In August of 2008 the trial court in the *World Wide Rush* action struck down the City's bans on off-site and supergraphic signs. In order to fill the regulatory gap created by the *World Wide Rush* ruling, this Council adopted Interim Control Ordinance 176172 (effective December 26, 2008), which prohibited all off-site and supergraphic signs City wide. Except for those with vested rights under California law, this prohibition applied even if the applicant had obtained a Project Permit Approval under the Hollywood Signage SUD Ordinance. Through the adoption of subsequent legislation, this prohibition continued uninterrupted until July 15, 2010, when the Ninth Circuit released its mandate in the *World Wide Rush* appeal. As a result, applicants were prohibited from moving forward with their projects during this 18 month period, notwithstanding the fact that their Project Permit Approvals or related entitlements include a 24 month expiration clause. It is the intent of this Council in adopting Section 6 L. of the Amended Ordinance to remedy this inequity by allowing all applicants with Project Permit Approvals that were valid as of December 26, 2008 to obtain permits pursuant to the previously issued approvals either within the next sixth months, or no later than the expiration date set forth in their approvals, whichever comes later.