

ORDINANCE NO. 180445

An ordinance imposing interim regulations on the issuance of building permits for Off-Site Signs, including Digital Displays, and new 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 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.

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 August 26, 2008, in one of the cases, *World Wide Rush v. City of Los Angeles*, the Court granted a permanent 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 September 9, 2008, PLUM held a hearing on a motion to "revise the sign ordinance to toughen and create easily enforceable time/place/manner restrictions citywide to protect neighborhoods." At that time members of the public testified about the negative effects of Off-Site Sign Digital Displays and Supergraphic Signs. In response, PLUM referred the motion to appropriate city staff to revise the citywide sign regulations; and

WHEREAS, on December 2, 2008, the Planning Department reported to PLUM that it would have a draft of the new permanent time, place and manner regulations to the City Planning Commission for their review and recommendation on January 22, 2009; and

WHEREAS, the court's ruling in *World Wide Rush* has triggered a proliferation of new Supergraphic Signs and there is a probability that the ruling will also result in new Off-Site Signs, including Digital Displays, 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 Displays and because no existing City regulations address where and how these conversions can take place, some of the signs being converted to Digital Displays are causing unanticipated negative impacts including negative impacts on residential neighborhoods; and

WHEREAS, in addition to the conversion of existing Off-Site Signs to Digital Displays, new Off-Site Signs, some with Digital Displays, might be erected; and

WHEREAS, it is necessary to halt the proliferation of new Off-Site Signs, including Digital Displays, and Supergraphic 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 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 permits for new Off-Site Signs, including Digital Displays, and Supergraphic Signs.

NOW THEREFORE,

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

Section 1. **DEFINITIONS.** The following words or phrases, whenever used in this ordinance, shall be construed as defined in this section. Words and phrases not defined here shall be construed as defined in Sections 12.03 and 14.4.2 of the Los Angeles Municipal Code (LAMC).

DIGITAL DISPLAY. A sign face that displays still images, scrolling images or moving images, including video and animation, that may be changed remotely through electronic means and utilizes a series of grid lights, including cathode ray, light emitting diode display (LED), plasma screen, liquid crystal display (LCD), fiber optic, or other electronic media or technology.

SUPERGRAPHIC SIGN. A sign, consisting of an image projected onto a wall or printed on vinyl, mesh or other material with or without written text, supported and attached to a wall by an adhesive and/or by using stranded cable and eye bolts and/or other materials or methods, and which does not comply with the following provisions of the LAMC: Sections 14.4.10, 14.4.16, 14.4.17, 14.4.18, and/or 14.4.20.

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 90 days from the effective date of this ordinance, or until a permanent ordinance which amends the citywide

provisions governing Off-Site Signs, including Digital Displays and Supergraphic Signs becomes effective, whichever occurs first:

A. No building permit for an Off-Site Sign, including any Off-Site Digital Display or new Supergraphic Sign shall be issued.

B. No person shall erect, place, alter or construct any Off-Site Sign, including any Off-Site Digital Display 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 existing Off-Site Sign, including a Digital Display.

2. In order to replace an Off-Site Sign, including a Digital Display 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 date of 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 45-day 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. 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 DEC 17 2008.

KAREN E. KALFAYAN, City Clerk

By [Signature] Deputy

Approved DEC 23 2008

[Signature]
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By [Signature]
SHARON SIEDORF CARDENAS
Assistant City Attorney

Date DEC 17 2008

File No(s). CF No. 08-3422, CPC No. 2008-4482-ICO

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted

December 17, 2008

See attached report.

[Signature]
S. Gail Goldberg
Director of Planning