

**Los Angeles City Planning Department
RECOMMENDATION REPORT**

CITY PLANNING COMMISSION

DATE:	March 22, 2007	CASE NO:	CPC 2006-3536-CA
TIME:	After 8:30 a.m.*	CEQA:	ENV 2006-3552-CE
PLACE:	Van Nuys City Hall 14410 Sylvan Street Council Chambers 2 nd Floor Van Nuys, CA 91401	LOCATION:	Citywide
		COUNCIL DISTRICTS:	All
		PLAN AREAS:	All

PUBLIC HEARING REQUIRED (Continued from June 22, 2006 meeting)

REQUEST: Amendments to Sections 12.05, 12.21, and 12.22 of the Los Angeles Municipal Code

SUMMARY: A proposed ordinance (Appendix A) amending regulations pertaining to signs in agricultural and residential zones which may be "content-based discrimination" pursuant to the Los Angeles County Superior Court ruling in People vs. Cripps (Case No. 3CR12109).

APPLICANT: CITY OF LOS ANGELES

RECOMMENDATION:

1. **Adopt** the staff report as the Commission's report on the subject.
2. **Approve** the proposed ordinance (Appendix A) and **recommend** its adoption by the City Council.
3. **Adopt** the attached findings.
4. **Approve** Categorical Exemption No. 2006-3552-CE


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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communications may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No.213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent the week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213-978-1300.

Summary

At the Commission's June 22, 2006 meeting, the Department of City Planning (Department) presented a draft ordinance to amend regulations pertaining to signs in the "A" (Agriculture) and "R" (Residential) Zones. The ordinance was proposed in response to the case *People vs. Cripps (County of Los Angeles Superior Court Case No. 3CR12109)*, in which the Court found inconsistencies in the City's regulations to be "content-based discrimination" and an improper restraint on commercial speech. The draft presented by the Department in June created two size standards for all signs within all "A" and "R" Zones (nine square feet for one sign and 12 square feet for all signs collectively). The Commission directed the Department to return with a new ordinance that creates sign standards based upon zoning classification.

The draft ordinance (Appendix A) responds to the Commission's request. It amends Sections 12.05, 12.21, and 12.22 of the Los Angeles Municipal Code (L.A.M.C.) to create specific sign provisions for permanent and temporary signs in the "A" Zones, the single family "R" Zones and the multi-family "R" Zones. These new provisions include regulations for permanent signs, temporary signs, and safety signs.

Additionally, provisions within Sections 12.05 governing signs for home occupations are proposed to be moved to the revised sign sections of the Code so that they will be subject to the same sign regulations as all other uses in the zone in which the home occupation occurs. The operations of home occupations will continue to be governed by the provisions contained in Section 12.05.

Findings

The Department of City Planning recommends that the City Planning Commission, find that

1. In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan because the General Plan as set forth in the Economic Development Chapter of the Framework Element of the General Plan supports appropriately located and designed projects and seeks to facilitate their establishment. Standardizing and clarifying sign regulations will identify where signs can appropriately be located which will support appropriately designed projects.
2. In accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) will have no adverse effect upon the General Plan, specific plans, or any other plans being created by the Department of City Planning. These amendments to the Zoning Code are for the purpose of clarifying existing provisions within the Municipal Code and will facilitate the implementation of the General Plan.
3. In accordance with Charter Section 558 (b)(2), the proposed ordinance (Appendix A) is in conformity with the public necessity, convenience, general welfare and good zoning practice. These proposed amendments to the Zoning Code will eliminate conflicting language and will bring sign regulations into compliance with a Court action. Additionally, the proposed amendments will assist the Department of Building and Safety with their responsibility of administering and enforcing the Zoning Code, by clarifying the provisions pertaining to agricultural and residential signs within the LAMC. Furthermore, the proposed ordinance will protect the health, safety, and welfare of the public by identifying appropriate locations for signs, including safety signs. Further, it will provide for the orderly appearance of the community and

prevent the proliferation of signs and sign clutter, while recognizing the unique characteristics of each zoning classification.

4. In accordance with Charter Section 558 (b), the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. By creating standard sign provisions for all "A" and "R" Zones, the proposed ordinance meets Objective 5.6 of the adopted Framework Element of the General Plan to conserve and reinforce "the community character of neighborhoods." The proposed ordinance divides all "A" and "R" Zones into five groups of zoning classifications based upon their similarities. Each of the groups will have tailored provisions for permanent signs based upon the characteristics of the zoning classification and the character of the neighborhoods to which the zones apply.

5. The proposed ordinance (Appendix A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2, Subsection (m) of the City's CEQA Guidelines (ordinances which do not of themselves have an impact on the physical environment).



S. GAIL GOLDBERG, AICP
Director of Planning

REVIEWED BY:



Jane Blumenfeld,
Principal City Planner

PREPARED BY



Jordann Turner
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STAFF REPORT

Background

The purpose of the proposed ordinance is to create a rational and comprehensive system of sign regulations for all "A" (agriculture) and "R" (residential) Zones. Section 12.21 of the Los Angeles Municipal Code (L.A.M.C.) is the primary section of the L.A.M.C. that regulates signs within the agricultural and residential zones. Current provisions within Section 12.21 are internally inconsistent allowing signs for certain permitted uses, but not for others. For example, signs advertising produce grown on residential lots are currently allowed, but signs advertising a doctor's office hours in the same zone are prohibited even though both uses are permitted in the zone. Additionally, the current provisions contain inconsistent regulations for "A" and "R" Zones. As an example, the current code contains provisions for signs "warning against trespassing" in "A" Zones, but not in "R" Zones. While the need for those signs is the same in both zones, any "warning against trespassing" sign in an "R" Zone would be counted as part of the total amount of signage allowed, but would not be counted that way in an "A" Zone.

In a recent court case, **People vs. Cripps (County of Los Angeles Superior Court Case No. 3CR12109)** the Court found these inconsistencies to be "content-based discrimination" and an improper restraint on commercial speech in violation of the First Amendment. The Department of Building and Safety has asserted that this ruling has prevented it from enforcing the City's sign regulations. As a response to the Court's ruling, and in order to clarify and strengthen the City's agriculture/residential sign regulations, the Department of City Planning has drafted the attached proposed ordinance (Appendix A). The proposed ordinance creates clear and consistent standards for all signs in agriculture zones, single family zones, low-density multiple family zones, high-density multiple family zones and mobile home park zones. It is not content based and reflects the character and sign needs of each cluster of zones.

Discussion

In developing the proposed ordinance, staff based the structure and the approach to various provisions on the sign ordinances adopted by the City of Lake Oswego (Oregon) and the City of San Diego. Both cities revised their sign ordinances and have been successful in defending them against legal challenges.

Groups

The proposed ordinance divides all "A" and "R" Zones into five groups of zoning classifications based upon their similarities. Each of the groups will have tailored provisions for permanent signs based upon the characteristics of the zoning classification. The proposed ordinance prohibits all signs in single-family zones (except for addresses, and safety signs), while allowing limited signage in low-density multiple-family zones and additional signage in high-density multiple-family zones (because they permit many commercial uses). The need for temporary signs and safety signs in all zones are reflected in the ordinance in a manner similar to the way they were addressed in Lake Oswego's ordinance, and regulations governing them are proposed to be identical for all "A" and "R" Zones. The draft ordinance will regulate the size illumination, location, and height for all permanent and temporary signs. Furthermore, the proposed ordinance requires that all signs on a lot pertain to a use on that lot and prohibits signs from projecting above roofs or parapets. The proposed groups are as follows:

Group 1: A1 and A2 Zones (agricultural) These zone classifications are predominantly agricultural in nature and consist of lots with a minimum lot size of two or more acres. These zones are often developed with a main dwelling unit and accessory buildings, and permit residential uses as well as commercial farming operations. Developments in the A1 and A2 Zones will be allowed a street address identification (1/2 square foot per number and letter), wall signs (individual sign not to exceed 20 square feet with the total of all signs on a lot not to exceed 30 square feet), and one freestanding sign for identification purposes (not to exceed nine square feet).

Group 2: RA, RE 40, RE 20, RE 15, RE 11, RE 9, RS, R1, RU, RZ 2.5, RZ3, RZ4, RW1, and R2 Zones (single-family/duplex) These zone classifications are primarily developed with single-family dwellings (and duplexes in the R2 zone) although they permit non-residential and commercial uses such as churches, hospitals and day-care facilities by conditional use permit. The only signs permitted for this group are street addresses (1/2 square foot each number and letter) and safety signs. The proposed requirements will ensure that the tranquil nature of these primarily single-family neighborhoods is maintained.

Group 3: RD1.5, RD2, RD3, RD4, RD5, RD5, RD6, and RW2 Zones (low-density multiple-family) The lower density multiple-family zones of the City generally consist of apartment and condominium developments (densities of 7-29 units per acre), although the same non-residential and commercial uses permitted in the single-family zones are permitted in these zones. The proposed ordinance permits buildings in these zones to have larger sized street addresses (numbers and letters of one square foot each), one or more wall signs per building per lot and one freestanding sign for the entire site (not to exceed nine square feet). Wall signs are generally used to identify individual buildings within a complex, while a freestanding sign is frequently used to identify the complex as a whole. Individual signs may not exceed 10 square feet in area with the total of all signs on a lot not to exceed 20 square feet in area.

Group 4: R3, R4, RAS3, RAS4, and R5 Zones (high-density multiple-family) These zone classifications consist of high-density multiple-family residential buildings (densities of 54 to 218 units per acre) and many commercial uses. The RAS3 and RAS4 Zones permit nearly all commercial uses that are allowed in the City's C2 Commercial Zone. The R5 Zone permits all commercial uses by right in the downtown area of the City, pursuant to a special code provision, and via a conditional use permit in all other redevelopment project areas. In fact, buildings in the R5 zone in downtown can be entirely commercial. The proposed ordinance permits street addresses (one square foot for each number and letter), one or more wall signs per building, and one freestanding sign (not to exceed nine square feet). Individual wall signs shall not exceed 20 square feet, and the total area of all signs shall not to exceed 40 square feet per lot. Wall signs are permitted to be larger in Group 4 than in the more restrictive zones because the buildings tend to be larger in size and are generally located on major or secondary highways and because so many commercial uses in business districts are permitted in these zones.

Group 5: RMP Zone (Mobile home park) Mobile home parks generally consist of a single development that is divided into several mobile home lots. A mobile home park development will be allowed freestanding and wall signs to identify the development (individual sign not to exceed ten square feet and the total area not to exceed 15 square feet), with street addresses permitted for each individual mobile home (1/2 square foot each).

The table below summarizes the permanent sign provisions contained in the proposed ordinance.

Permanent Signs

Sign Type	A Zones	Single-Family Zones	Low Density Multiple-Family Zones	High Density Multiple-Family Zones
Addresses	½ square foot each	½ square foot each	One square foot each	One square foot each
Wall signs	Individual sign not to exceed ten square feet. Total area of all signs shall not exceed 20 square feet per lot.	N/A	Individual sign not to exceed ten square feet. Total area of all signs shall not exceed 20 square feet per lot.	Individual sign not to exceed 20 square feet. Total area of all signs shall not exceed 40 square feet per lot.
Freestanding Sign	One sign not to exceed nine square feet	N/A	One sign not to exceed nine square feet	One sign not to exceed nine square feet

Temporary and Safety Signs

In addition to permanent sign provisions, the proposed ordinance recognizes the need for temporary signs and safety signs and establishes standards for them which will be applicable to all “A” and “R” Zones.

Temporary signs include signs that are erected in conjunction with a particular short-term event such as construction, rental or sale of units, yard sales, or elections. The proposed ordinance ties temporary signs to the duration and the nature of the event it relates to and is modeled after the provisions for temporary signs in Lake Oswego’s ordinance. The height and area of all temporary signs are proposed to be identical – limited to six square feet in area and six feet in height.

Signs related to elections are demonstrations of free speech for candidates and for issues. Name recognition is an important part of an election and many property owners display signs that reflect their opinion of a candidate or issue. However there is a definitive day that an election ends. The proposed ordinance allows signs related to elections to be displayed for 90 days before an election, but they must be removed within five days following the election. Real estate signs and construction signs are other examples of temporary signs stating that a property is for sale/rent or that construction is occurring on the property. Different from elections, these events have a definitive beginning and end. Thus, the proposed ordinance permits signs related to real estate or construction to be erected at the beginning of the sale or construction period, and requires their removal within 5 days of sale/rent of the property or completion of construction. Signs related to yard sales must be removed by the sunset of the day they are displayed. All other signs used for a temporary purpose that is not specifically mentioned, may be displayed for up to eight days in a calendar year and must also be removed by the sunset of the day they are displayed.

Safety signs are those required by government agencies or that are necessary to warn tenants and/or visitors of serious dangers, or hazards (i.e. “high voltage”, “beware of dog”, etc). These signs which are necessary for safety purposes will be limited to a total of five square feet.

The table below summarizes the temporary and safety sign provisions contained in the proposed ordinance.

Temporary Signs

Sign Type	Area	Height	Duration
In conjunction with elections	Six square feet	Six Feet	Not more than 90 days prior to an election and removed within five days after the election
In conjunction with real estate	Six square feet	Six Feet	Five days from the sale, lease, or rental of the property
In conjunction with construction projects	Six square feet	Six Feet	Five days following completion of construction
In conjunction with yard sales	Six square feet	Six Feet	Removed by sunset of the day of the yard sale
All others	Six square feet	Six Feet	Maximum of eight days each calendar year and removed by sunset

Other Provisions

The proposed ordinance limits all freestanding (permanent or temporary) signs to six feet in height and precludes them from being moving, flashing and/or animated. Furthermore, the proposed ordinance requires that all signs on a lot pertain to the use on that lot and prohibits wall signs from projecting above the lowest point of any roof.

Conclusion

The proposed ordinance virtually eliminates signs in single family neighborhoods and decreases the amount of allowed signage in “A” and “R” zones, while allowing adequate space for signs identifying businesses and for necessary safety warnings. The ordinance recognizes that standards should be different for agricultural zones, single-family zones and multiple-family zones and that the regulations should be based upon the needs and development types that occur in each of these zones.

With the proposed changes, all signs for allowed uses within A and R Zones will be subject to uniform standards based upon zone classification without regard to content. Additionally, with these changes and clarifications, the City’s neighborhoods will be improved and the L.A.M.C will be clear, consistent, understandable, and in compliance with the Court’s action regarding agricultural/residential signs.

APPENDIX A

PROPOSED ORDINANCE FOR DISCUSSION

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

Section 1. Subparagraph (2) of Paragraph (a) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is hereby repealed:

~~(2) Notwithstanding Section 12.21 A7 of this Code, signs and window or outside displays in connection with the home occupation are prohibited.~~

Sec. 2. Subdivision 7 of Subsection A of Section 12.21 of the Los Angeles Municipal Code is hereby amended to read:

~~(a) All nameplates and signs, and advertising matter on a lot in an "A" and "R" Zone shall pertain to a permitted use (except that no signs shall be permitted to identify a home occupation) or indicate the name of the occupant and shall be located on the same lot with that use;~~

~~(b) No nameplate or sign or advertising matter, which is attached to a building on a lot in an "A" or "R" Zone, may shall project above the lowest portion of any roof, eave and/or ridge or parapet wall (whichever is higher) of the building; ~~, unless otherwise specified;~~~~

~~(c) No illuminated permanent or safety nameplate, or identification sign or advertising matter, which is permitted by this subdivision, in the "A" or "R" Zones may be of the flashing, moving or animated type;~~

~~(d) There may be only one unlighted nameplate for each dwelling unit on a lot in an "A" or "R" Zone indicating the name of the occupant, (except that no signs shall be permitted to identify a home occupation), and no nameplate may exceed three square feet in area in an "A" Zone, nor exceed one and one half square feet in area in an "R" Zone;~~

~~(e) There may be one or more unlighted signs pertaining to the sale of farm products raised or produced on the premises, but the total area of all these signs shall not exceed 20 square feet on any lot in an "A" Zone, nor exceed 12 feet on any lot in an "R" Zone;~~

~~(f) There may be one or more unlighted signs pertaining to the prospective rental or sale of the property, but the total area of all these signs shall not exceed 20 square feet on any lot in an "A" Zone, nor exceed 12 square feet on any "R" Zone;~~

~~(g) There may be one identification sign for each farm, ranch, estate or building other than a dwelling in an "A" Zone, but that identification sign may not exceed 20 square feet in area;~~

~~(h) There may be one or more signs identifying the buildings or permitted use (except that no signs shall be permitted to identify a home occupation) on any lot in any "R" Zone, but no one sign may have a surface area, which exceeds 20 square feet, nor shall the total surface area of all these signs exceed 30 square feet;~~

~~(i) There may be one church bulletin board, not exceeding 18 square feet in area, on any lot in any "A" or "R" Zone;~~

(j) There may be one or more signs, warning against trespassing, on any lot in an "A" Zone, but no one sign shall exceed three square feet in area.

(d) A freestanding sign (permanent or temporary) may be single or double-faced and may be located in any required front yard, side yard, rear yard, passageway or other open space. A freestanding sign shall not exceed six feet in height as measured from the underlying ground to the satisfaction of the Department of Building and Safety

(e) Temporary sign which relate to a specific event shall be permitted on a lot in the "A" and "R" Zones. Temporary signs shall comply with the following:

1. One temporary sign related to an election, provided it does not exceed six square feet, is not erected more than 90 days prior to an election and is removed within five days following the election.
2. One temporary sign related to the sale, lease or rental of property or construction, provided it does not exceed six square feet and is removed within five days of the sale, lease, or rental of the property or within five days of completion of any construction or remodeling.
3. One temporary sign related to a yard sale, provided it does not exceed six square feet and is removed by the sunset of the day of yard sale.
4. One temporary sign related to an event not described in subparagraph 1, 2 or 3, provided it does not exceed six square feet in area, is erected for a maximum of eight days in any calendar year and is removed by sunset on any day it is erected.
5. Temporary signs may not be illuminated.

(f) Safety signs shall be permitted in the "A" and "R" Zones as follows:

1. Signs such as directional signs, "no parking, "beware of dog", and "security services" shall be permitted, provided the total area for all safety signs shall not exceed five square feet.

(g) The following permanent signs shall be permitted in the A1 and A2 Zones:

1. Street address (including street numbers and name) provided that no number or letter exceeds ½ square foot in area.
2. Wall signs provided no single sign exceeds 20 square feet in area and the total area of all wall signs on a lot shall not exceed 30 square feet.
3. One freestanding sign provided it does not exceed nine square feet.

(h) The following permanent signs shall be permitted in the RA, RE40, RE15, RE11, RE9, RS, R1, RU, RZ2.5, RZ3, RZ4, RW1, and R2 Zones:

1. Street address (including street numbers and name) provided that no number or letter exceeds ½ square foot in area.

(i) The following permanent signs shall be permitted in the RD1.5, RD2, RD3, RD4, RD5, RD6, and RW2 Zones:

1. Street address (including street numbers and name) provided that no number or letter exceeds ½ square foot in area.
2. Wall signs provided no single sign exceeds 20 square feet in area and the total area of all wall signs on a lot shall not exceed 30 square feet.
3. One freestanding sign provided it does not exceed nine square feet.

(j) The following permanent signs shall be permitted in the R3, R4, RAS3, RAS4, and R5 Zones:

1. Street address (including street numbers and name) provided that no number or letter exceeds ½ square foot in area.
2. Wall signs provided no single sign exceeds 20 square feet in area and the total area of all wall signs on a lot shall not exceed 40 square feet.
3. One freestanding sign provided it does not exceed nine square feet.

(k) The following permanent signs shall be permitted in the RMP Zone.

1. Street address (including street numbers and name) provided that no number or letter exceeds ½ square foot in area.
2. Wall signs provided no single sign exceeds ten square feet in area and the total area of all wall signs on a lot shall not exceed 15 square feet.

Sec. 3. Paragraph (j) of Subdivision 20 of Subsection C of Section 12.22 of the Los Angeles Municipal Code is hereby repealed:

~~Name plates, signs, and advertising matter, as permitted by this article, may be located in any required front yard, side yard, rear yard, passageway or other open space, provided that the total area of all identification signs in any required yard, shall not exceed 12 square feet, and any sign appertaining to the sale of farm products raised or produced on the premises shall be located at least ten feet from any side lot line.~~