

**Los Angeles City Planning Department
RECOMMENDATION REPORT**

CITY PLANNING COMMISSION

DATE:	June 22, 2006	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-Room 201 City Council Chambers Van Nuys, CA 91401	LOCATION:	Citywide
		COUNCIL DISTRICTS:	All
		PLAN AREAS:	All

PUBLIC HEARING REQUIRED

REQUEST: Amendments to Sections 12.21A7 (General Provisions) and 12.22 C20(j) (Exceptions) of the Los Angeles Municipal Code (LAMC).

SUMMARY: A proposed ordinance (Exhibit A) amending regulations pertaining to agricultural and residential signage found to be "content-based discrimination" pursuant to the Court's ruling in People vs. Cripps (**County of Los Angeles Superior Court 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 (Exhibit A) and **recommend** its adoption by the City Council.
3. **Adopt** the attached findings.
4. **Approve** Categorical Exemption No. 2006-3553-CE

CONTACT INFORMATION: Jordann Turner, City Planning Associate, 213-978-1379

S. GAIL GOLDBERG, AICP
Director of Planning

APPROVED BY:

Jane Blumenfeld
Principal City Planner

PREPARED BY:

Jordann Turner
City Planning Associate

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“A” - Proposed Ordinance	Attached
“B” - Categorical Exemption Env-2006-3552-CE	Attached
“C” - Transcript of Court Proceedings	Attached

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

Section 12.21 A7 (General Provisions) of the Los Angeles Municipal Code (LAMC) regulates signage within the residential and agricultural zones (“A” and “R” zones). Currently, provisions within 12.21 A7 allow signs within those zones for certain permitted uses, but not for others. For example, signs advertising produce grown on residential lots are currently allowed, but signs advertising permitted home occupations are prohibited. In a recent court case, *People vs. Cripps (County of Los Angeles Superior Court Case No. 3CR12109)* the Court found this inconsistency 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 has prevented them from enforcing the sign regulations contained in 12.21A7 of the Municipal Code. In addition, the Code section uses various undefined terms in place of the term “sign”, such as “nameplate,” “building identification sign,” and “advertising matter,” creating confusion as to the applicability of each of the provisions.

As a response to the Court’s ruling, and in order to clarify existing agriculture/residential sign regulations, the Department of City Planning has drafted an ordinance to amend 12.21.A7 and 12.22.C20 (j).

FINDINGS

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. By standardizing and clarifying residential and agricultural sign regulations, review procedures for allowed uses in “A” and “R” zones will be streamlined and therefore review time will be lessened, thereby facilitating appropriate sign development.
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.
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 amendments to the Zoning Code will eliminate conflicting language within the sign regulation provisions and will bring these regulations into compliance with a Court ordered action. Furthermore, 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.
4. The proposed ordinance (Exhibit 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).

STAFF REPORT

REQUEST

LAMC Section 12.21 A7 regulates signage within the residential and agricultural zones (“A” and “R” zones). Currently, provisions within 12.21 A7 allow signs within those zones for certain permitted uses, but not for others. In a recent court case, *People vs. Cripps (County of Los Angeles Superior Court Case No. 3CR12109)* the Court found this inconsistency 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 stated that, as a result, it has not been able to enforce 12.21 A7 of the Municipal Code.

DISCUSSION

Presently section 12.21 A7 contains provisions which are internally conflicting or unclear and which have been determined to be content-based. The proposed amendment is designed to address both of these issues.

For example, 12.21A7 (a) states “All nameplates, 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”. Section 12.21A7 (h) states “ 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”. Is a “nameplate” a “sign identifying the building?” Is the name of the person engaged in the home occupation (i.e. Dr. Smith, DDS) a “sign identifying a home occupation” or a “nameplate” or a sign “indicating the name of the occupant?” Without a clear understanding of what each of these terms mean, it is not possible to know what signs are permitted and what signs are prohibited by this Code section.

The current provisions also regulate the content of signs, which the proposed ordinance eliminates. Signs are allowed for one permitted use (the sale of farm products raised or produced on the premises), but not allowed for other uses that are permitted in the zone (home occupations). Similarly, signs are permitted for the sale of farm products but not for vegetables or other products that are permitted to be grown on a lot in an R zone.

In response to the Court’s ruling, the Department of City Planning has drafted an ordinance to amend 12.21.A7 and 12.22.C20 (j) by deleting all references to signage allowed for specific uses within “A” and “R” zones. Additionally, the amount of signage within those zones for all permitted uses will be limited to 9 square feet for one sign and 12 square feet for all signage collectively, reduced from the current 20 square feet for one sign and 30 square feet collectively. Also signs, within the “A” and “R” zones, not located on a building will be limited to 6 feet in height as measured from the lowest adjacent grade. With the changes, all signs for allowed uses within “A” and “R” zones will be subject to the same size and location standards without regard to content or use of the building/lot. Also

references to nameplates and building identification will be deleted. With these changes and clarifications, the City’s Municipal Code regulating residential/agriculture signs will be in compliance with the Court’s action and will be clear and simple to understand and enforce.

The Department proposes the following:

1. Amend 12.21A7(a) to delete references to nameplates, advertising matter and home occupations.
2. Amend 12.21A7(b) to delete references to nameplate and advertising matter and change language to prohibit signs from projecting above the lowest portion of a roof instead of a “roof ridge or parapet”.
3. Amend 12.21A7(c) to delete references to nameplates, identification signs, and advertising matter.
4. Repeal 12.21A7(d) and (e).
5. Amend 12.21A7(f) to limit lighted signs in the A and R zones to not exceed 9 square feet individually or 12 square feet collectively.
6. Repeal 12.21A7(g), (h), (i), and (j).
7. Add a provision within 12.21A7 to state that signs structurally independent of a building shall be limited to 6 feet in height above the underlying ground.
8. Re-letter 12.21A7.
9. Amend 12.22C20(j) to delete references to nameplate, advertising matter and signs for farm products.

Comparison of Existing Current Regulations and Proposed New Regulations

	CURRENT REGULATIONS	PROPOSED NEW REGULATIONS
Allowing signs for permitted uses in “A” and “R” zones.	Nameplates, signs and advertising matter on a lot in an “A” or “R” Zone shall pertain to 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.	All signs on a lot in an “A” and “R” Zone shall pertain to a permitted use or indicate the name of the occupant and shall be located on the same lot with that use. <i>Reference to nameplates, home occupations, and advertising matter deleted.</i>

Sign projections/height	May not project above roof ridge or parapet wall.	<p>No sign, which is attached to a building on a lot in an "A" or "R", may project above lowest portion of a roof.</p> <p>Any signs that are structurally independent of a building shall be limited to 6 feet in height above the underlying ground</p>
Sign type	No illuminated nameplate, identification sign, or advertising matter may be of flashing, moving or animated type.	<p>No illuminated sign, which is permitted by this subdivision, may be of the flashing, moving or animated type.</p> <p><i>Clarified language.</i></p>
Area for building signage and area for signs for certain uses	<p>One or more signs identifying building is permitted, no one sign can exceed 20 square feet, signs collectively cannot exceed 30 square feet.</p> <p>Nameplate may not exceed 3 square feet in "A" zone nor exceed 1 1/2 square feet in "R" zone</p> <p>Sale of farm products raised or produced on premises: A Zone: 20 square feet. R Zone: 12 square feet</p> <p>Signs for prospective rental or sale of property; A Zone: 20 square feet. R Zone: 12 square feet.</p> <p>Identification signs for farms, ranch, estates, etc. A Zone: 20 square feet.</p>	<p>There may be one or more signs in the "A" or "R" zone but the total area of all these signs shall not exceed 12 square feet, nor shall any single sign exceed 9 square feet.</p> <p><i>All signs in A and R zones now subject to standards.</i></p>

	<p>Church Bulletin: A/R Zone: 18 square feet</p> <p>Trespassing Signs: A Zone: Unlimited, but no one sign can exceed 3 square feet</p>	
<p>Location of signs of signs</p>	<p>Regulates sizes of signs located within any required yard, passageway, or other open space. Nameplates, signs, and advertising matter shall not exceed 12 feet, signs appertaining to the sale of farm products raised or produced on the promises shall be located at least 10 feet from any sidelot</p>	<p>Signs may be located in any required front yard, side yard, rear yard, passageway or other open space; provide that the total area of all signs in any required yard, shall not exceed 12 square feet, and shall be located at least 10 feet from any side lot line.</p> <p><i>Language referencing nameplates, advertising matter, and farming deleted.</i></p>

CONCLUSION

With the proposed changes, all signs for allowed uses within “A” and “R” zones will be subject to uniform standards without regard to content or use of the building/lot. Also references to nameplates and building identification signs, which are not defined in the Code, will be deleted. With these changes and clarifications, the City’s Municipal Code regulating residential/agriculture signs will be clear, simple, and in compliance with the Court’s action.

ENVIRONMENTAL IMPACT

The attached proposed ordinance (Exhibit A) is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2, Subsection (m) of the City of Los Angeles CEQA Guidelines (ordinances that have no negative impact on the physical environment).

Exhibit A

PROPOSED ORDINANCE FOR DISCUSSION

ORDINANCE NO. _____

An ordinance amending Sections 12.21 A7 and 12.22 C.20 (j) of the Los Angeles Municipal Code to clarify existing regulations pertaining to residential and agricultural signs.

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

Section 1. Paragraph 7 of Subsection A of Section 12.21 is hereby amended to read:

- (a) All ~~nameplates, 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, sign or advertising matter~~, which is attached to a building on a lot in an "A" or "R", ~~may~~ shall project above the lowest portion of any roof, eave and/or ridge, or parapet wall (whichever is the higher) of the building;
- (c) No illuminated ~~nameplate, identification sign or advertising matter~~, which is permitted by this subdivision, 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 such 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 maybe 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 in an "R" zone;~~
- (f) ~~There may be one or more unlighted signs in the "A" or "R" zone pertaining to the prospective rental or sale of the property, but the total area of all these signs shall not exceed 20 12 square feet in area, on any lot in an "A" Zone, nor exceed 12 square feet on any lot in an "R" Zone: nor shall any one single sign exceed 9 square feet in area;~~

~~(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;~~

~~(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 an "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; Signs pertaining to home occupation shall be governed by 12.05 A.16 (a) (2).~~

~~(i) There may be one church bulletin board, not exceeding 18 square feet in area, on any lot in an "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.~~

(e) No portion of any permitted sign that is structurally independent of a building shall be more than six feet above the underlying ground.

Section 2. Subparagraph (j) of Paragraph 20 of Subsection C of Section 12.22 is hereby amended to read:

(j) ~~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; provide 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.

Section 3. 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 in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; 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, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

Richard J. Delgadillo, City Attorney

By _____
SHARON SIEDORF CARDENAS
Deputy City Attorney

Date _____

File No.

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 360
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(Article III, Section 3—City CEQA Guidelines)

Submission of this form is optional. The form shall be filed with the County Clerk, 12400 e. Imperial Highway, Norwalk, CA 90650 pursuant to Public Resources Code Section 21252 (b). Pursuant to Public Resources Code Section 21188 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY Department of City Planning	COUNCIL DISTRICT All
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PROJECT TITLE Code amendment – Amendment to residential and agricultural sign regulations. (CPC 2006-3536-CA)	LOG REFERENCE ENV-2006-3552-CE
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PROJECT LOCATION
Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:

Amendment to residential and agricultural sign regulations.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
N/A

CONTACT PERSON Jordann Turner	AREA CODE 213	TELEPHONE NUMBER 978-1379
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EXEMPT STATUS: (Check One)

	CITY CEQA GUIDELINES	STATE EIR GUIDELINE
<input checked="" type="checkbox"/> MINISTERIAL	Art. III, Sec. 2b	Sec. 15073
<input checked="" type="checkbox"/> DECLARED EMERGENCY	Art. III, Sec. 2a (1)	Sec. 15071 (a)
<input checked="" type="checkbox"/> EMERGENCY PROJECT	Art. III, Sec. 2a (2) & (3)	Sec. 15071 (b) & (c)
<input checked="" type="checkbox"/> GENERAL EXEMPTION	Art. III, Sec. 1	Sec. 15060
<input type="checkbox"/> CATEGORICAL EXEMPTION	Art. VII, Sec. 1	Sec. 15100
Class _____ Category _____ (City CEQA Guidelines)		
<input type="checkbox"/> OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and city guideline provision. <u>Categorical Exemption Art. II, Sec. 2 (m)</u>)	

JUSTIFICATION FOR PROJECT EXEMPTION:
This ordinance, regulating residential and agricultural signs will have no negative physical effect on the environment. All development projects that must adhere to the regulations set forth in this ordinance will be reviewed on an individual basis.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.

SIGNATURE	TITLE City Planning Associate	DATE June 8, 2006
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FEE: N/A	RECEIPT NO. N/A	RECEIVED BY N/A	DATE N/A
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DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
Form Gen. 183 (Rev. 8-90) (Appendix A) (C.S. 4/98)

THE APPLICANT CERTIFIES THAT HE OR SHE UNDERSTANDS THE FOLLOWING:
Completion of this form by an employee of the City constitutes only a staff recommendation that an exemption from CEQA be granted. A Notice of Exemption is only effective if, after a public review and any required public hearings, it is adopted by the City agency having final jurisdiction (including any appeals) over the project application. If a CEQA exemption is found inappropriate, preparation of a Negative Declaration or Environmental Impact Report will be required. IF THE INFORMATION SUBMITTED BY THE APPLICANT IS INCORRECT OR INCOMPLETE SUCH ERROR OR OMISSION COULD INVALIDATE ANY CITY ACTIONS ON THE PROJECT, INCLUDING CEQA FINDINGS.

W Jordann Turner
NAME (PRINTED)

W
SIGNATURE