

**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

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APPROVED BY:

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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 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>

