

MOTION

PLANNING & LAND USE MANAGEMENT

To allow the sign inspection program approved in 2002 to go forward, the City of Los Angeles entered into a series of settlements with certain billboard companies. As part of the settlements, the City required the companies to take down some billboards and provide the City with an inventory of all off-site sign locations in the City. The settlement also allows for a limited number of modernizations to existing billboard sites, including digital technology and tri-vision structures.

A series of lawsuits by other sign companies have followed these settlements, and complex questions of law about the legality of the settlements have been raised in both federal and state courts. Other questions about the level of environmental review allowed by the settlements have been raised on a case by case basis recently when modernization permits have been sought in different areas of the City.

The City Council required as part of the settlements that all modernization requests comply with relevant zoning regulations, including Specific Plans, neighborhood oriented districts, or other overlay zones, where applicable. When approving the settlements, the City Council did not explicitly exempt modernization requests from environmental review under the California Environmental Quality Act (CEQA). In fact, the City Attorney's office has provided conflicting advice to the Planning Department. In the case of 1333 Westwood Boulevard, the City Attorney's office advised that despite the Pedestrian Oriented District restriction on flashing signs, the Planning Department could not limit or restrict the request for billboard digitization. However, in the case of 15826 Ventura Boulevard, the city attorney's office advised that the modernization request must comply with the Ventura Boulevard Specific Plan.

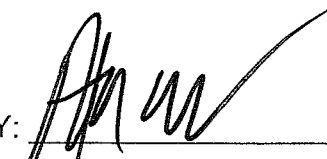
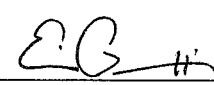
Although the settlements seek to label the processing of modernizations as ministerial acts, which would not require environmental review, the settlements appear to bestow sufficient discretion on the part of Building and Safety regarding the modernization of billboards at different types of locations. In each case, the Department must determine how and if the modernization request conflicts with specific plans, pedestrian- or neighborhood-oriented districts, overlay zones, or other relevant zoning regulations. Given this discretionary action, CEQA may be triggered and environmental review may be required.

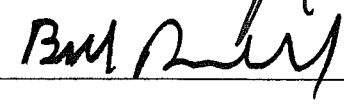
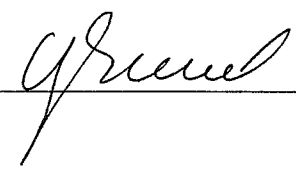
Communities where modernizations are being installed have expressed a desire for a process to ensure notification before modernizations are complete and the opportunity to voice concerns about light and glare, traffic hazards, aesthetic impacts, and other public safety and environmental impacts that could result from the digitization of existing billboards. It is imperative that the City evaluate and understand its ability to analyze environmental impacts associated with the digitization of existing billboards to allow the consistent administration and fair review of all modernization applications.

I THEREFORE MOVE that City Council direct the Planning Department and Department of Building and Safety, in consultation with the City Attorney's office, to clarify what level of environmental review is warranted under CEQA to adequately analyze all environmental impacts of billboard modernization requests.

I FURTHER MOVE that the Department of Building and Safety identify specific locations for both pending applications and modernization requests that have received final permits and the relevant zoning regulations that potentially apply.

I FURTHER MOVE that the City Attorney's office provide an update on recent lawsuits against the City challenging the settlements, and explain current case law, including Trancas Property Owners Association v. City of Malibu, which raises questions about whether the billboard settlements were an unlawful surrender of city police power.

PRESENTED BY:       SECONDED BY: 

October 10, 2008