



PACIFIC PALISADES COMMUNITY COUNCIL

May 31, 2022

Hon. Eric Garcetti, Mayor, City of Los Angeles
Hon. Mike Feuer, Los Angeles City Attorney
Hon. Bob Blumenfield, Chair, City Council Public Works Committee & Councilmember, CD 3
Hon. Mike Bonin, Councilmember, CD 11
Matthew W. Szabo, City Administrative Officer (CAO)
Vincent P. Bertoni, Director, Dept. of City Planning (DCP)
Samantha Millman, President, and Members of the City Planning Commission (CPC)

Via email to all addressees and submission to City Clerk online filing portal in CF 20-1536-S1

Re: BPW 2022-0308; CF 20-1536-S1 – Proposed Sidewalk and Transit Amenities Program (STAP) and Revision of Los Angeles Municipal Code (LAMC) Sections 67.01(a) and 67.02(b)

Dear City Officials:

Pacific Palisades Community Council (PPCC) has been the most broad-based community organization and voice of the Palisades for 49 years.

PPCC has previously expressed strong concerns regarding the STAP program and proposed revisions to the above-referenced LAMC provisions, recently approved by the Board of Public Works (BPW).¹ We understand that the BPW has now submitted its report and recommendations regarding the STAP program and proposed LAMC revisions to the offices of the Mayor and CAO for further review before hearing by the Council Public Works Committee and other Council committees.²

PPCC respectfully submits that the proposed revision of LAMC Sec. 67.02(b) is seriously flawed because it contains **no restrictions on advertising in the public right of way (PROW) of designated Scenic Highways** and is **inconsistent with the Mobility Element of the General Plan**, which prohibits advertising structures in the PROW within 500 ft. of the center line of a designated Scenic Highways (if no Scenic Corridor Plan has been adopted). We urge you now to consider the following key factors and concerns:

1. *The Mobility Element of the City's General Plan restricts signage in the PROW of designated Scenic Highways to "traffic, information and identification" only; it prohibits all "off-site outdoor advertising" in the PROW and on all publicly-owned land within 500 ft. of the center line of designated Scenic Highways where no Scenic Corridor Plans have been adopted (Mobility Plan 2035, Appendix B, Scenic Highways Guidelines, Sec. 4(a) and (b), p. 168).*³

¹ See: <http://pacpalicc.org/wp-content/uploads/2022/05/STAP-Letter-Bd-Pub-Works.pdf>.

² We also understand that the CPC President expressed concerns at its May 19th meeting about the impact of these proposals on land use and planning in the City, and has requested a report back on these matters from the DCP Director for consideration at an upcoming CPC meeting.

³ According to the Mobility Element, there are at least 68 designated Scenic Highways in the City of Los Angeles, including **four Scenic Highways located in Pacific Palisades**: Sunset Blvd., Pacific Coast Highway, Temescal Canyon Blvd. and Palisades Dr.; only 8 Scenic Corridor Plans have been adopted for these highways (not including those in the Palisades), *i.e.* almost 90% of all

The proposed revision of LAMC Sec. 67.02(b) makes no reference to these clear prohibitions in the Mobility Element. It instead provides for an entirely *over-broad and indefinite exemption* that would allow “any outdoor advertising structure associated with an outdoor advertising program for the [PROW] that is approved by the [BPW].” In contrast, the provision as currently worded provides an exception specifically for transit shelters *approved by the City Council*; the revision therefore would give exclusive and broad approval authority to the BPW over all future advertising programs (undefined) in the PROW.

As the Bureau of Engineering explains on its website, the revision would “potentially authorize the consideration of other [unspecified] activities in the future.” In other words, **the proposed revision would in effect allow advertising displays of undetermined numbers, type and size, in undetermined locations, throughout the City’s PROW.** We submit that this vague language is elastic enough to encompass future advertising programs for the PROW in Scenic Highway areas which are *expressly prohibited by the Mobility Element but are not precluded by the revised language of Sec. 67.02(b)*; the proposed revision is thus in conflict with the General Plan.⁴

2. *The proposed revision of LAMC Sec. 67.02(b) is inconsistent with the Mobility Element of the General Plan; it is invalid ab initio and should be rejected.*

Government Code Sec. 65860 provides that once a city has adopted a general plan, “all zoning ordinances must be consistent with that plan, and to be consistent must be ‘compatible with the objectives, policies, general land uses, and programs specified in such a plan.’” Gov. Code Sec. 65860(a)(ii), quoted in *Leshner Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. 3d 531, 536. In *Leshner*, the California Supreme Court held: “A zoning ordinance that is inconsistent with the general plan is **invalid when passed . . . The general plan is the charter to which the ordinance must conform**” [emphasis added]. *Id.* at 541. A project cannot be consistent with the general plan if it violates a “fundamental, mandatory and specific land use policy.” *Families Unafraid to Uphold Rural, etc. v. Board of Supervisors* (1998) 62 Cal. App. 4th 1332, 1341-1342.⁵

PPCC respectfully submits that under Gov. Code Sec. 65860 and relevant case law, the Mobility Element of the General Plan supersedes Sec. 67.02(b); any revision of Sec. 67.02(b) must conform with the General Plan; the proposed revision violates the fundamental land use policy reflected in the Mobility Plan 2035; the revision is therefore invalid on its face and would be invalid if passed.

We further stress that LAMC Sec. 67.02(b) – although nominally a provision under the “Public Works” section of the LAMC – is functionally equivalent to a zoning ordinance because it sets parameters for and will clearly have an effect on the use of land within the City. The CPC has expressed concern about the potential impact on land use

Scenic Highways in the City are subject to the Mobility Element restrictions (Mobility Plan 2035, Inventory of Designated Scenic Highways, pp. 170-172; <https://planning.lacity.org/>).

⁴ We note that with respect to the proposed STAP contract, StreetsLA officials have assured PPCC that the contractor will be required to follow all applicable zoning provisions; we assume this means that at least with respect to the STAP program, the Mobility Element of the General Plan will be followed with respect to our Scenic Highways. However, given the indefinite language of the proposed revision to Sec. 67.02(b), there is no certainty that *future* programs proposed for the PROW in Scenic Highways (unrelated to STAP) will be required to abide by the Mobility Element of the General Plan.

⁵ The Mobility Plan 2035 clearly sets forth a fundamental policy, as reflected in the Scenic Highway Guidelines, to protect against aesthetic, land use and other impacts to scenic resources, views and on adjacent land uses. “2.16: Scenic Highways: Ensure that future modifications to any scenic highway do not impact the unique identity and characteristic of that scenic highway. . . Scenic Highways include many of the City’s iconic streets. Preservation and enhancement of these streets and their scenic resources need to be preserved per the Scenic Highways Guidelines in Appendix B of this Plan.”

considerations and recognized the interrelated nature of these proposals by requesting a report back from the Planning Director. The original motion in CF 20-1536 (by Councilmembers Blumenfeld and Bonin)⁶ also recognized scenic highways as “land use zones” which should be protected. Since the overbroad language of the proposed revision would allow and does not preclude deviations from the General Plan (*i.e.*, would potentially permit advertising in the PROW of designated Scenic Highways, in direct contravention of Appendix B of Mobility Plan 2035), the revision conflicts with the General Plan and is therefore invalid. For these reasons, City officials should reject the proposed revision of Sec. 67.02(b).

3. *Alternatively, LAMC Sec. 67.02(b) should be further revised to include a specific exemption from any approval by the BPW of future off-site advertising programs in the PROW and on all publicly-owned land within 500 ft. of the center line of all designated Scenic Highways in the City where no Scenic Corridor Plans have been adopted.*

At a minimum, proposed revision of LAMC Sec. 67.02(b) should not be approved without further revision to include a **specific exemption for designated Scenic Highways**. The exemption should make clear that, consistent with the Mobility Element, off-site advertising is not permitted in the PROW and on all publicly-owned land within 500 ft. of the center line of all designated Scenic highways in the City -- including the four Scenic Highways located in Pacific Palisades – where no Scenic Corridor Plans have been adopted.

We implore City officials to protect Scenic Highways in Pacific Palisades and throughout the City by rejecting the proposed revision of LAMC Sec. 67.02(b) and/or by requiring further specific revision of these provisions to ensure future compliance and consistency with the protections afforded by the Mobility Element of the General Plan.

Thank you for your anticipated prompt attention to and serious consideration of these significant matters.

Sincerely,

Executive Committee, Pacific Palisades Community Council

David Card, Chair
David Kaplan, Vice-Chair
Richard Cohen, Treasurer
Christina Spitz, Secretary

Maryam Zar, Chair Emeritus
John Padden, Organizational Representative (PRIDE)
Joanna Spak, Elected Representative (Area 1, Castellammare,
Paseo Miramar)

cc (via email):

Kevin Keller, Deputy Mayor, Economic Development
Arthur Mandel, Chief of Intergovernmental & Legislative Affairs, Mayor Garcetti
Vishesh Anand, West Area Representative, Mayor Garcetti
Edward M. Jordan, Assistant City Attorney
Jeff Jacobberger, Legislative Director, CD 3
Noah Fleishman, District Director, CD 11
Patricia J. Huber, Assistant CAO & Executive Officer
Shirley Lau, Assistant Director & Chief Technical Officer, StreetsLA
Lance Oishi, STAP Program Manager, StreetsLA

⁶ The motion in CF 20-1536 emphasizes that the public should be assured that “adequate controls are in place to protect neighborhoods” and there should be consideration of “parameters of digital advertising and/or digital displays to ensure compatibility with their surrounding environments, traffic safety, and **land use zones such as specific plans and scenic highways**” [emphasis added].