

**Appeal Justification Attachment  
Figueroa and Olympic Signage  
(701 & 777 Chick Hearn Ct., 1011 Figueroa St., 800, 888 & 900 Olympic Blvd.)  
Case No. DIR-2008-2279-SPP-M3  
Related Case No. CPC-2018-6693-GPA-SP-SPP**

Background

L.A. Arena Land Holdco, LLC (the "Applicant") requested a modification to Specific Plan Sign Application Compliance (DIR-2008-2279-SPP) to allow the conversion of an existing 4,205 square foot Vinyl Wall Sign (Sign A9/A10) on the northeast corner of Building A at the intersection of Figueroa Street and Olympic Boulevard within the Los Angeles Sports and Entertainment District ("LASED") LASED Specific Plan ("Existing Sign") to a fully animated Electronic Message Display of the same size and at the same location ("Proposed Sign") as the existing sign ("Sign Modification Request"). See depiction of Existing Sign and rendering of Proposed Sign below.

As discussed in detail below, while the City Planning Commission ("CPC") approved of the replacement of the Existing Sign with an Electronic Message Display, it (i) restricted the sign to an 8-second refresh rate and denied the Applicant's request and recommendation by the Department of City Planning ("DCP") to allow for full animation, and (ii) limited the Proposed Sign to a nighttime 300 candela limit rather than the 600-candela limit recommended by DCP ("CPC Denial"). For the reasons set forth below, the Applicant appeals the CPC Denial.



EXISTING STATIC SIGNAGE



PROPOSED DIGITAL SIGNAGE

The Existing Sign is located in LASED Sign District B and spans Vertical Sign Zone 1 (0' – 35' in height) and Vertical Sign Zone 2 (35' – 100' in height), comprised of 1,631 square feet for Sign A9 and 2,574 square feet for sign A10. The Proposed Sign would maintain 4,205 square feet of area and would include a high-resolution LED screen that would allow for changing graphics, text, and full motion animation. Since the Proposed Sign will be of the same size and location to the Existing Sign that it is replacing, it will maintain its

appropriate scale with other signage on Building A, Building B, and other buildings within the LASED Specific Plan fronting Figueroa Street and Olympic Boulevard.

Since the Proposed Sign would replace the Existing Sign of similar size, the sign would continue to be within the signage allowance for Sign District B. However, while the Specific Plan allows full animation of Electronic Message Displays in Sign District B, Vertical Sign Zone 2 (35'-100' in height), it does not allow full animation with Zone 1 (0-35' in height). Within Zone 1, digital signs are permitted, however, they may not change images more frequently than once every hour.

Therefore, approval of the Sign Modification Request would require certain amendments to Tables 4 through 6 of the LASED Specific Plan to allow for the portion of the Proposed Sign within Vertical Sign Zone 1 to be animated. The Specific Plan already includes exceptions for certain signs along Figueroa Street to be animated within Vertical Sign Zone 1.<sup>1</sup> With approval of the Specific Plan amendments to Tables 4 through 6 requested in connection with the JW Marriott Hotel and Conference Center Expansion project (CPC-2018-6693-GPA-SP-SPP), the Proposed Sign would be fully consistent with the LASED Specific Plan.

The LASED Specific Plan does not limit luminous intensity for Electronic Message Display signs. DCP, however, recommended to CPC candela limits for the Proposed Sign, including a 600-candela limit in the nighttime, which the Applicant supported.

### CPC Action

In connection with related Case No. CPC-2018-6693-GPA-SP-SPP for the JW Hotel and Conference Center Expansion Project, DCP recommended (i) approval of amendments to Tables 4 through 6 of the LASED Specific Plan to allow full animation in Vertical Sign Zone 1 at the location of the Existing Sign to allow the portion of the sign being converted from vinyl to Electronic Message Display within Zone 1 to be fully animated; and (ii) recommended approval of the Sign Modification Request, including the 600-candela limit during the nighttime.

At the February 24, 2022, CPC hearing, certain Commissioners made generic comments about there being too much digital signage in the area, without acknowledging that the upper portion of the Proposed Sign above 35' in height is already permitted to have full animation and that this portion of the LASED Specific Plan along Figueroa Street and Olympic Boulevard permits and is intended to have full animated signage. Moreover, certain Commissioners also made comments that the Proposed Sign should have a nighttime illumination limitation of 300 candelas because that is the limit recommended by the CPC for the Citywide Sign Ordinance, even though the LASED Specific Plan

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<sup>1</sup> "An Electronic Message Display Sign, to be located upon a building or structure at the northwest corner of 11th Street and Figueroa Street, shall be permitted to be animated below the height of 35 feet as otherwise required, subject to the approval of the Director of Planning. An Electronic Message Display Sign, to be located upon a building or structure at the southeast corner of 12th Street and Figueroa Street, shall be permitted to be Animated below the height of 35 feet as otherwise required, subject to the approval of the Director of Planning."

contains no candela limit and the lowest limit imposed for any sign within the Specific Plan is 600 candelas, consistent with DCP's recommendation.

On April 5, 2022, the CPC issued its determination recommending approval of the amendments to the Specific Plan and the Sign Modification Request to allow the conversion of the Existing Sign to an Electronic Message Display. However, the CPC included Condition 9 and Condition 12 (i) limiting the Proposed Sign to an 8-second refresh rate, rather than allowing for full animation, as had been recommended by DCP; and (ii) limiting the Proposed Sign's nighttime luminous intensity to a maximum of 300 candelas, rather than imposing a 600-candela limitation, as had been recommended by DCP, as follows:

Condition 9: Animation. The sign shall be an animated Sign and shall be limited to a refresh rate of no more than once every eight seconds.

Condition 12: The electronic message display shall have a nighttime brightness of no greater than 300 candelas per square meter and a daytime brightness no greater than 5,000 candelas per square meter.

The last day to appeal the CPC's determination is April 25, 2022.

#### Points at Issue

- Imposition of 8-second refresh rate, rather than permitting full animation, as had been recommended by DCP.
- Nighttime luminous intensity limitation to 300 candelas, rather than 600 candelas, as had been recommended by DCP.

#### Reason for the Appeal

The Applicant is filing this Appeal to request that the City Council overturn the CPC Denial and instead adopt the DCP recommendation to the CPC with respect to the Sign Modification Request and modify Conditions 9 and 12, as follows:

Condition 9: Animation. The sign shall be an animated Sign ~~and shall be limited to a refresh rate of no more than once every eight seconds.~~

Condition 12: The electronic message display shall have a nighttime brightness of no greater than ~~300~~600 candelas per square meter and a daytime brightness no greater than 5,000 candelas per square meter.

#### Animation

The LASED Specific Plan allows full animation of Electronic Message Displays in Vertical Sign Zone 2 and, with approval of the amendments to the LASED Specific Plan noted

above as part of related Case No. CPC-2018-6693-GPA-SP-SPP, would allow full animation in Vertical Sign Zone 1 at the location of the Existing Sign.

Even without the requested Specific Plan amendments and the Modification Request, the LASED Specific Plan would permit the portion of the Proposed Sign within Vertical Sign Zone 2 to be fully animated. Condition 9 imposed by the CPC prohibiting full animation and requiring an 8-second refresh rate therefore, at a minimum, conflicts with the Specific Plan and exceeds the CPC's authority with respect to that portion of the Proposed Sign within Vertical Sign Zone 2. Moreover, with respect to the portion of the Proposed Sign within Vertical Sign Zone 1, the Specific Plan allows for Electronic Message Displays, but requires that they not change images more frequently than once per hour. Allowing full animation within Vertical Sign Zone 1 at this location, however, would be consistent with the Specific Plan's allowance of full animation at other signs along Figueroa Street within Vertical Sign Zone 1, as noted above, and would contribute to and be consistent with the activation and placemaking for LA Live along this portion of the Figueroa Corridor.

#### Candela Limit

The LASED Specific Plan does not limit luminous intensity for Electronic Message Displays. Other signs in the existing built environment in the vicinity of the Existing Sign have nighttime luminous intensities ranging from 600 candelas to unlimited. For example, digital signs at the Oceanwide Development at 1101 S. Flower Street (DIR-2008-429-SPP-SPPA-M1 and DIR-2015-1008-SPPA) within the Figueroa Central subarea of the LASED Specific Plan are not subject to a candela limit, while digital signs at the Circa development (DIR-2014-1795-SPP-SPPA) at 1200 S. Figueroa Street within the Figueroa South subarea of the LASED Specific Plan are subject to a 600-candela limit during the nighttime. Moreover, the digital sign approved for the Courtyard by Marriott (DIR-2011-2701-SPP) at 901 W. Olympic Boulevard also is subject to a 600-candela limit during the nighttime. In light of the surrounding environment, DCP recommended a nighttime 600 candela limit for the Proposed Sign.

DCP's recommendations to approve full animation and a 600-candela limit for the Proposed Sign are consistent with the purpose and intent of the Specific Plan's signage provisions, set forth in Section 16.C.1, which provides "[t]he intent of this Specific Plan is to create a vibrant and animated entertainment district, with dynamic and creative signage, including many signs that are not otherwise permitted by the LAMC." The Specific Plan has been successful in creating the most exciting and vibrant entertainment district in the City over the last 20 years. Arbitrarily prohibiting full animation for a sign that is within an area of other fully animated signs and arbitrarily limiting its nighttime brightness in a light competitive environment of other signs with no limit or higher limits is inconsistent with the Specific Plan's purposes.

Indeed, at the hearing officer hearing on January 19, 2022, and the CPC hearing on February 24, there were no public comments in opposition to the Sign Modification Request, and no written comments in opposition to the request were submitted into the record. Moreover, the CPC did not make findings regarding why limiting the proposed sign to an 8-second refresh rate and prohibiting full animation or a lower 300-candela nighttime limit would be necessary or appropriate to ensure consistency with the Specific

Plan or compatibility with the surrounding community or provide any evidence that could support such findings if they had been made.

### How the Appellant is Aggrieved by the Decision

The Applicant is aggrieved by, and appeals, conditions of approval in the Specific Plan Sign Compliance Modification, including, Condition No. 9, which limits the Proposed Sign to an 8-second refresh rate rather than allow full animation, and Condition No. 12, which limits luminous intensity to 300 candelas, rather than 600 candelas.

#### Animation

Even without the requested Specific Plan amendments and the Modification Request, the LASED Specific Plan would permit the portion of the Proposed Sign within Vertical Sign Zone 2 to be fully animated. Condition 9 imposed by the CPC prohibiting full animation and requiring an 8-second refresh rate therefore at a minimum conflicts with the Specific Plan and exceeds the CPC's authority with respect to that portion of the Proposed Sign within Vertical Sign Zone 2. Moreover, with respect to the portion of the Proposed Sign within Vertical Sign Zone 1, the Specific Plan allows for digital displays, but requires that they not change images more frequently than once per hour. Allowing full animation within Vertical Sign Zone 1 at this location, however, would be consistent with the Specific Plan's allowance of animation at other signs along Figueroa Street within Vertical Sign Zone 1, as noted above, and would contribute to and be consistent with the activation and placemaking for LA Live along this portion of the Figueroa Corridor.

Therefore, the Applicant is aggrieved because Condition 9 would limit the development rights for the Proposed Sign to less than those rights granted to other properties in the immediate vicinity and within the LASED Specific Plan area, and the CPC did not adopt any findings in support of how this restriction is consistent with the Specific Plan or necessary to ensure compatibility with the surrounding community, let alone any evidence in support of those findings. The Applicant is further aggrieved because, should the City Council approve the proposed amendments to the LASED Specific Plan, full animation would be permitted for the entirety of the Proposed Sign, which Condition No. 9 would not allow.

#### Candela Limit

The LASED Specific Plan does not limit luminous intensity for Electronic Message Displays. Other signs in the existing built environment in the vicinity of the Existing Sign have nighttime luminous intensities ranging from 600 candelas to unlimited. For example, digital signs at the Oceanwide Development at 1101 S. Flower Street (DIR-2008-429-SPP-SPPA-M1 and DIR-2015-1008-SPPA) within the Figueroa Central subarea of the LASED Specific Plan are not subject to a candela limit, while digital signs at the Circa development (DIR-2014-1795-SPP-SPPA) at 1200 S. Figueroa Street within the Figueroa South subarea of the LASED Specific Plan are subject to a 600-candela limit during the nighttime. Moreover, the digital sign approved for the Courtyard by Marriott (DIR-2011-2701-SPP) at 901 W. Olympic Boulevard also is subject to a 600-candela limit during the

nighttime. In light of the surrounding environment, DCP recommended a nighttime 600 candela limit for the Proposed Sign.

Therefore, the Applicant is aggrieved because the condition would limit the development rights for the Proposed Sign to less than those rights granted to other properties in the immediate vicinity and within the LASED Specific Plan area. The Applicant is further aggrieved because the LASED Specific Plan does not limit luminous intensity, which the condition would limit, and the CPC did not adopt any findings in support of how this restriction is consistent with the Specific Plan or necessary to ensure compatibility with the surrounding community, let alone any evidence in support of those findings.

#### CPC Erred and Abused Its Discretion

For the reasons stated above, the CPC erred and abused its discretion by conditioning the Proposed Sign to be limited to an 8-second refresh rate and requiring a lower 300-candela nighttime limit. With approval of the requested Specific Plan amendments, the Proposed Sign would be consistent with and comply with the LASED Specific Plan. In addition, the Specific Plan contains no candela limits for Electronic Message Display Signs and where such limits have been imposed on signs within the Specific Plan, they have been set at 600 candelas during the nighttime, consistent with the DCP recommendation. The Applicant therefore respectfully requests that the Planning and Land Use Committee of the City Council recommend approval of the appeal and modify Condition 9 and Condition 12, as set forth above.

#### Reservations

The Applicant reserves the right to provide additional information supporting this appeal prior to the final actions of the City Council or its Committees. The Applicant also reserves the right to withdraw this appeal, in the interest of obtaining approvals in a timely manner, if so desired.