

ORDINANCE NO. 25-_____

AN ORDINANCE OF THE CITY COUNCIL OF WEST HOLLYWOOD APPROVING A DEVELOPMENT AGREEMENT IN CONJUNCTION WITH THE NEW OFF-SITE ADVERTISING BILLBOARD AND SITE IMPROVEMENTS AT 9200 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.

The City Council of the City of West Hollywood does hereby ordain as follows:

SECTION 1. An application for Master Project (MP22-0019), including Development Agreement (DA22-0005), Zoning Map Amendment (ZMA22-0005), and Sign Permit (SP22-0020), was filed on June 24, 2022, by Jeff Seymour, of Seymour Consulting Group on behalf of Mani Brothers 9200 Sunset (DE), LLC for the installation of a billboard and site improvements located at 9200 Sunset Boulevard. The proposed billboard would constitute a new one-sided full motion billboard. As described in Chapter 3: Administrative Procedures, of the Sunset Boulevard Off-Site Signage Policy, this project billboard requires a Development Agreement. As such, a Zone Text Amendment is required to place the subject property within the Development Agreement (DA) Overlay Zone.

SECTION 2. The Sunset Arts & Advertising Subcommittee reviewed this proposal at its April 25, 2024 meeting. The Subcommittee was generally supportive and discussed: possible revision of the back of the billboard for design improvements, the consideration of the welcome sign into West Hollywood, and on-site tree replacement, landscaping, and plaza story elements. The Subcommittee comments were not altered by the revision of this board to a 1,500 square foot full motion billboard, as the only comment that pertained to the revised billboard structure itself was the revision of the back of the structure, which was revised after the Subcommittee meeting and before it returned to the full Planning Commission.

SECTION 3. On November 7, 2024, the Planning Commission properly reviewed and considered this matter at a noticed public hearing held in person at the Council Chambers, West Hollywood Public Library, 625 N. San Vicente Boulevard. Notice of the public hearing was posted on the site for a period of at least 28 days, beginning on October 17, 2024. Notices for the public hearing were mailed to surrounding property owners and occupants within a 500-foot radius of the site as well as to Neighborhood Watch groups on October 17, 2024. Additionally, a notice was advertised on the City's website and City's Channel 6. The staff report was made available on the City's website on October 31, 2024. The Planning Commission unanimously recommended approval (6 – 0, Commissioner Carvalho recused) of the project to the City Council, with a motion that included several changes to the text of the development agreement and a design revision to the back of the sign. The development agreement was revised to incorporate all recommended changes, and the project plans were revised to reflect the recommended design revision.

SECTION 4. On February 3, 2025, the City Council properly reviewed and considered this matter at a noticed public hearing held in person at the Council Chambers, West Hollywood Public Library. Notice of the public hearing was posted on the site for a period of at least 28 days, beginning on January 6, 2025. Notices for the public hearing were mailed

to surrounding property owners and occupants within a 500-foot radius of the site as well as to Neighborhood Watch groups by January 24, 2025. Additionally, a notice was advertised on the City's website and City's Channel 6. A notice was published in the newspaper by January 24, 2025. The staff report was made available on the City's website on January 27, 2025. At the City Council hearing on February 3, 2025, the Council did not adopt the ordinances and resolution approving this project but rather requested that the applicant return with a revised project for a full motion billboard rather than the internally illuminated static billboard that had been proposed.

SECTION 5. On November 6, 2025, the Planning Commission properly reviewed and considered this matter at a noticed public hearing held in person at the Council Chambers, West Hollywood Public Library, 625 N. San Vicente Boulevard. Notice of the public hearing was posted on the site for a period of at least 28 days, beginning on October 10, 2025. Notices for the public hearing were mailed to surrounding property owners and occupants within a 500-foot radius of the site as well as to Neighborhood Watch groups on October 27, 2025. Additionally, a notice was advertised on the City's website and City's Channel 6. The staff report was made available on the City's website on October 31, 2025. The Planning Commission reviewed the revised project, including a development agreement for a 1,500 square foot full motion billboard. The Planning Commission recommended approval with five yes votes, one no vote, and one recusal.

SECTION 4. On January 20, 2026, the City Council properly reviewed and considered this matter at a noticed public hearing held in person at the Council Chambers, West Hollywood Public Library. Notice of the public hearing was posted on the site for a period of at least 28 days, beginning on December 24, 2025. Notices for the public hearing were mailed to surrounding property owners and occupants within a 500-foot radius of the site as well as to Neighborhood Watch groups by January 10, 2026. Additionally, a notice was advertised on the City's website and City's Channel 6. A notice was published in the newspaper by January 10, 2026. The staff report was made available on the City's website on January 13, 2026.

SECTION 5. In accordance with the Sunset Boulevard Off-Site Signage Policy (the Policy), adopted on March 18, 2019, which modified the Sunset Specific Plan for off-site signage on Sunset Boulevard (Chapter 8 of the Sunset Specific Plan), the proposed billboard was permitted as a billboard application only after the proposal was screened for and demonstrated design excellence as determined by a screening and award process that began in November 2019 and concluded in June 2020. The proposal demonstrated a high level of creativity and advanced specific design excellence principles: design excellence (including innovation, cohesiveness, timelessness), innovation, compatibility with the context of the Sunset Strip, sustainability, economic development, and community benefit. With further direction from City Council as it relates to what is type of sign is appropriate for this site, the sign is even more in line with the Policy and the General Plan.

SECTION 6. The approval or conditional approval of a development agreement, zoning map amendment, and sign permit is a discretionary act for purposes of the California Environmental Quality Act (CEQA). Pursuant to noticing requirements set forth in the California Environmental Quality Act (CEQA) (Public Resources Code Section 21082.1), the

City prepared a Negative Declaration (ND), certified by the City Council on March 18, 2019, as adopted in City Council Resolution No. 19-5155. The ND analyzed the environmental impacts of the Sunset Boulevard Off-Site Signage Policy, which anticipated the replacement of existing billboards and construction of new billboards on various sites along Sunset Boulevard. The ND found no significant environmental impacts. Subsequently, and to ensure that the original analysis was sufficient to cover this application and that no new environmental impacts would occur as the result of new billboards, the City prepared an addendum to the original ND in April 2021 which addressed the 9200 Sunset billboard proposal. A viewshed analysis was also completed and reviewed to verify that no new view impacts will occur with the proposed billboard and façade remodel. The addendum concluded that no new environmental impacts will occur, and that no mitigation measures are required with the proposed billboard. There have been no substantial changes proposed which would require major revisions, no changes have occurred with respect to the circumstances under which the project is undertaken, there is no new information of substantial importance, and no previously reviewed impact areas have substantially changed. In addition, once the project was revised to be an alternative standards project due to sign face size, the City prepared a conformance analysis. The conformance analysis concluded that no new environmental impacts will occur, nor new mitigation measures required with this billboard conversion. The conformance analysis stated that the proposed project falls within one of the project types that has already been evaluated for environmental impacts in the Sunset Strip Off-Site Signage Policy IS/ND, a Policy that contains regulations that, by their very nature, avoid and minimize potential impacts related to construction and operation of billboard projects. The project is compliant (or will be required to demonstrate compliance) with the environmentally protective provisions of the Policy. The review concluded that the project would not result in new significant impacts, substantial increase in previously identified significant impacts, or the requirement for new mitigation measures. The conformance analysis did identify that the maximum nighttime candela of the sign would be limited to 200 candelas per meter square. With this, the project is compliant (or will be required to demonstrate compliance) with the environmentally protective provisions of the Policy. Therefore, no further environmental review is required for the project pursuant to Public Resources Code section 21166 and State CEQA Guidelines section 15162.

SECTION 7. The documents and materials associated with the Project and the Negative Declaration and addendum that constitute the record of proceedings on which these findings are based are located at West Hollywood City Hall, 8300 Santa Monica Boulevard, West Hollywood, CA 90069. The West Hollywood City Clerk is the Custodian of Record.

SECTION 8. In accordance with Section 3.B.1.a-c (Alternative Projects) of the Sunset Boulevard Off-Site Signage Policy (the Policy), the City Council of the City of West Hollywood hereby makes the following findings of fact for an alternative standards project allowing a full motion sign with additional sign face area. The proposed billboard is an alternative standards project as the sign is now a proposed 1,500 square foot full motion billboard exceeding the 1,000 square foot standard outlined in Chapter 4, Section C.3.a.II (Sign Types and Standards) of the Policy, and therefore must be approved as an alternative standards project:

1. *Meets the development agreement findings required in Section 19.66.030.E of the Zoning Code (required by Section 3.B.1.a of Policy).*

- a. The development agreement is in the best interests of the city, promoting the public interest and welfare in that a new full motion animation, off-site advertising billboard will provide greater visual interest and excitement to Sunset Boulevard, will provide for significant public benefit in terms of providing an annual public benefit payment due to the City, 17.5% of animated city content and arts programming per year and several other public benefits (19.66.030.E.1).
- b. The development agreement is consistent with all applicable provisions of the General Plan, any applicable specific plan, and this Zoning Ordinance. The Sunset Boulevard Off-Site Signage Policy, adopted on March 18, 2019, calls for and encourages new high-quality, innovative billboards, tall walls, and creative signage on Sunset Boulevard. This Policy replaces Part Two: Section 1, Subsection 8 of the 1996 Strike-Through Draft Sunset Boulevard Specific Plan, Billboards and Art Advertising. It outlines standards for all new billboards along Sunset Boulevard and this application meets all standards and requirements of this Policy. According to WHMC Section 19.14.040, the Development Agreement Overlay Zoning District can be combined with any zoning district established by WHMC Section 19.04.020 (Zoning Districts Established). The underlying zoning of Sunset Specific Plan (SSP) will remain, and all development standards will remain as described in the Specific Plan or under the provisions of the Development Agreement, as applicable. As described in this Ordinance, the subject Development Agreement, which allows the new full motion animation billboard with site improvements as an alternative project, is consistent with the General Plan in that Land Use Goal LU-16 calls for the City to maximize the iconic urban design value and visual creativity of signage in West Hollywood. The proposed billboard and new development authorized by the Sunset Boulevard Off-Site Signage Policy (the "Policy"), was required to demonstrate a high level of creativity and to achieve specific design excellence principles. The design principles of the Policy build on the existing creative energy of the Sunset Strip to provide for new and modified off-site signage that synthesizes advertising, urban design, architecture, public art, entertainment, and the latest in billboard technology. All proposals were reviewed with the goal of advancing the following principles: design excellence (including innovation, cohesiveness, timelessness), innovation, compatibility with the context of the Strip, sustainability, economic development, and community benefit. This proposed billboard and site improvements were granted this design excellence award because it met both the stated design principles and the vision and intent of the Policy. With further direction from City Council as it relates to what is type of sign is appropriate for this site, the sign is even more in line with the Policy and the General

Plan. The adoption of this Development Agreement supports the implementation of the Goals or Policies of the West Hollywood General Plan. The amendment to the Zoning Map and approval of the Development Agreement will help to implement the goals of the Sunset Boulevard Off-Site Signage Policy, which is focused on reinforcing the Sunset Strip as a world-renowned location for dynamic, large-scale, outdoor advertising (19.66.030.E.2).

- c. The development agreement does not adversely affect the comfort, health, peace, or welfare, or valuation of property, of persons residing or working in the vicinity of the proposed development. The proposed billboard will be incorporated into an area in front of an existing office building, and includes significant site improvements with a plaza, seating, landscaping and interpretative display regarding the history of billboards along the Sunset Strip. The project was thoroughly analyzed for any adverse impacts. As determined by the Negative Declaration, Negative Declaration addendum and conformance analysis prepared for the policy, project, and development scenario of billboard projects, the proposed billboard does not have any significant environmental impacts. With approval as an alternative project for a full motion sign with the additional sign face area, allowing 1,500 square feet of full motion animation advertising area, the proposed billboard meets the standards as set out in the Sunset Boulevard Off-Site Signage Policy ("Policy"). In order to ensure the comfort and peace of those residing near the billboard, the Sign Permit will require that the proposed billboard meet all of the lighting and operational standards in Chapter 5, Sections A-G of the Policy in terms of: 1) hours of operation for day and ambient lighting conditions for daytime, evening and after hours; 2) illuminance limited to 1.4 foot candles at any adjacent residentially zoned property line; 3) smooth transitions in sign luminance; 4) visual comfort and contrast control for motorists and other viewers; 5) renewable energy use; 6) on site sound permitted only during special events; 7) light monitoring report required at three year intervals; and 8) and any other lighting conditions as required (19.66.030.E.3.a).
- d. The development agreement does not endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or general welfare. All health and safety aspects of having a billboard at this location were analyzed in the negative declaration (ND) for the Policy, prior to its adoption. In addition to this ND, the overall project was considered in an addendum to this ND. In addition, the City prepared a conformance analysis of the increased full motion sign area to ensure it was consistent with the environmental findings. These environmental analyses concluded that no new environmental impacts will occur, nor that new mitigation measures required with this billboard (19.66.030.E.3.b).

- e. The development agreement is in compliance with the conditions, requirements, restrictions, and terms of Sections 19.66.040(A) (Mandatory contents) and 19.66.040(B) (Permissive contents), in that it meets the requirements of Government Code Section 65865.2 (Agreement Contents) which require the development agreement to specify the duration of the agreement, the permitted uses of the property, the density or intensity of use [where modified], the maximum height and size of proposed buildings [or structures]. In addition, the application does not involve the reservation or dedication of land for public purposes (19.66.030.E.4).
2. Meets the overall intent of the Design Principles of Section 2 of the Policy (see *Section 3.B.1.a of Policy*). The intent of the design principles is met and advanced in that the billboard shape, location, and vertical format are creative and innovative. The billboard complements the height of the existing building onsite, which is a 100-foot high office building. It will use the latest in billboard technology to display full motion animated images. The structure itself uses the high quality and durable materials in the steel “loop” of the frame of the structure. It will provide an innovative opportunity for City content and arts programming. The design is uncluttered and does not impact any of its commercial or residential neighbors. Its placement at the westernmost part of the Sunset Strip will mark a distinctive entry into the City. With the site improvements displaying the history of billboards on Sunset, the project builds on and respects the historical and cultural identity and energy of the Strip.
3. *Represents an exceptional design that furthers the vision of the Specific Plan (see Section 3.B.1.b of Policy)*. The billboard is in the shape of a large loop which references the curves of Sunset Boulevard, hence the name “Legacy Loop” for the project. No other billboard structure on the Strip is in this tall, vertical and curvilinear, or looped shape. The vision of the Policy was one of creativity, wherein the standard horizontal format of existing billboards on the Strip was given over to more innovative shapes and placements and heights. This billboard project furthers the vision of the Specific Plan by presenting a unique and exceptional billboard design and plaza site improvements which document the history of billboards along the Sunset Strip.
4. *Creates or includes an extraordinary benefit to the City (see Section 3.B.1.c of Policy)*. The project will be providing an extraordinary benefit payment as stipulated in the development agreement. In addition to the public benefits and visual enhancements to the area, the owner/operator shall provide an extraordinary public benefit in the amount of \$500,000 payable in equal \$50,000 amounts commencing in year one and through year ten as stipulated in the development agreement.

SECTION 9. In accordance with Section 3.A.1.a and b (Project Requirements/Development Agreements), and in addition to the requirements of Section 19.66 (Development Agreements) of the Zoning Ordinance, of the Sunset Boulevard Off-

Site Signage Policy the City Council of the City of West Hollywood hereby makes the following findings of fact regarding the subject Development Agreement Overlay (DA22-0005):

1. The proposed billboard is required to meet the requirement outlined in Section 3.E (1-6) (Public and Arts Programming) of Chapter 8 of the Sunset Specific Plan and this is stipulated in the language of Development Agreement (DA22-0005).
2. The proposed billboard and site improvements shall provide public benefits including an annual public benefit payment due to the City, an extraordinary benefit payment, 17.5% of full motion animated content for city and arts and programming, the creation of a pedestrian plaza, and several other public benefits. The details of how the proposed project meets this public benefit requirement are contained in the language of Development Agreement (DA22-0005), an attachment to this Resolution.

SECTION 10. As explained in the corresponding staff report and administrative record, the City Council finds that after receiving a concept award for a static billboard, it is reasonable for the applicant to revise its proposed billboard from static to full motion based on the following and on City Council feedback:

1. The desirability of the proposed sign, how it serves the City's interests, and the decision to approve a development agreement, are legislative decisions within the discretion of the City Council based on its police power and land use authority.
2. Neither the Sunset Specific Plan, the Policy, nor Municipal Code prevent the City Council from exercising its police power, land use authority and legislative discretion to determine that a proposed billboard site is uniquely appropriate for a full motion sign and that the City's land use, economic and development goals would be best served by a full motion sign at this location.
3. The process to obtain a concept award for a static and full motion billboard are not materially distinguishable and both are evaluated pursuant to the same general standards and process in the Policy.
4. The applicant here was required to go through the same approval processes to enter into a development agreement with the City as every other applicant that received a concept award for a full-motion billboard, and this sign received twice as many public hearings as other billboards (e.g. more public process).
5. Specific factors make this site uniquely appropriate for a full motion billboard and support the City Council directed revision here, including, without limitation:
 - a. The additional revenue that the City will obtain from a full-motion billboard will go further in supporting the billboard program and other City services and programs.

- b. The site improvements will support the billboard program by creating an educational experience for community members to help better understand the importance that billboards on the Sunset Strip have played in the City's history.
 - c. The billboard's location will not adversely impact residential uses and an additional full-motion sign will assist in contributing to the vibrancy of billboards on the Sunset Strip.
- 6. Revising the proposed application from a static to full-motion billboard is reasonable in light of the City Council's police power, land use authority and legislative discretion, and because the equivalent process is applicable to both types of billboards, and it is more consistent with the economic and development goals of the Policy and Sunset Specific Plan.

Exhibit A: Development Agreement