

COUNTY CLERK'S USE

CITY OF LOS ANGELES
OFFICE OF THE CITY CLERK
200 NORTH SPRING STREET, ROOM 395
LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION (REVISED)

(PRC Section 21152; CEQA Guidelines Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152(b) and CEQA Guidelines Section 15062. Pursuant to Public Resources Code Section 21167 (d), the posting of this notice starts a 35-day statute of limitations on court challenges to reliance on an exemption for the project. Failure to file this notice as provided above, results in the statute of limitations being extended to 180 days.

PARENT CASE NUMBER(S) / REQUESTED ENTITLEMENTS

CPC-2017-455-CA

LEAD CITY AGENCY

City of Los Angeles (Department of City Planning)

CASE NUMBER

ENV-2017-591-CE

PROJECT TITLE

Temporary Signs on Temporary Construction Walls and on Solid Wood Fences Surrounding Vacant Lots Ordinance

COUNCIL DISTRICT

All

PROJECT LOCATION (Street Address and Cross Streets and/or Attached Map)

Citywide

Map attached.

PROJECT DESCRIPTION

Additional page(s) attached

The Project is an ordinance amending the Los Angeles Municipal Code (LAMC) Sections 14.4.2, 14.4.3, 14.4.4, 14.4.17 and 98.0602, in accordance with directives provided in Council File No. 17-0893, to: (1) modify and further refine the scope and process of an existing program that currently permits temporary signs on temporary construction walls and on solid wood fences surrounding vacant lots, Citywide, in commercial or industrial zones, in exchange for cleaning and maintaining public areas to be free of graffiti, posters/ handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property, and strengthen the Department of Building and Safety's enforcement authority by implementing additional safeguards regarding permit expiration and revocation; and (2) expand the program to also permit temporary signs in RAS3 and RAS4 Zones, which are residential zones that allow commercial uses on the ground floor. No exceptions to exemptions apply under CEQA Guidelines, Section 15300.2.

NAME OF APPLICANT / OWNER:

CONTACT PERSON (If different from Applicant/Owner above)

Darby Whipple

(AREA CODE) TELEPHONE NUMBER

(213) 978-1475

EXT.

EXEMPT STATUS: (Check all boxes, and include all exemptions, that apply and provide relevant citations.)

STATE CEQA STATUTE & GUIDELINES

STATUTORY EXEMPTION(S)

Public Resources Code Section(s)

CATEGORICAL EXEMPTION(S) (State CEQA Guidelines Sec. 15301-15333 / Class 1-Class 33)

CEQA Guideline Section(s) / Class(es) 1, 4, 8 and 11 (State CEQA Guidelines)

OTHER BASIS FOR EXEMPTION (E.g., CEQA Guidelines Section 15061(b)(3) or (b)(4) or Section 15378(b))

JUSTIFICATION FOR PROJECT EXEMPTION:

Additional page(s) attached

See Attachment

None of the exceptions in CEQA Guidelines Section 15300.2 to the categorical exemption(s) apply to the Project.

The project is identified in one or more of the list of activities in the City of Los Angeles CEQA Guidelines as cited in the justification.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.
If different from the applicant, the identity of the person undertaking the project.

CITY STAFF USE ONLY:

CITY STAFF NAME AND SIGNATURE Darby Whipple		STAFF TITLE Planning Assistant
ENTITLEMENTS APPROVED		
FEE:	RECEIPT NO.	REC'D. BY (DCP DSC STAFF NAME)

DISTRIBUTION: County Clerk, Agency Record
Rev. 3-27-2019

ATTACHMENT TO NOTICE OF EXEMPTION (REVISED PROJECT DESCRIPTION)

ENV-2017-591-CE

The Project is an ordinance amending the Los Angeles Municipal Code (LAMC) Sections 14.4.2, 14.4.3, 14.4.4, 14.4.17 and 98.0602, in accordance with directives provided in Council File No. 17-0893, to: (1) modify and further refine the scope and process of an existing program that currently permits temporary signs on temporary construction walls and on solid wood fences surrounding vacant lots, Citywide, in commercial or industrial zones, in exchange for cleaning and maintaining public areas to be free of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property, and strengthen the Department of Building and Safety's enforcement authority by implementing additional safeguards regarding permit expiration and revocation; and (2) expand the program to also permit temporary signs in RAS3 and RAS4 Zones, which are residential zones that allow commercial uses on the ground floor. The Project was initiated by the Director of City Planning to provide modifications and additional guidance to the general public regarding the program's provisions.

Detailed Project Description

The existing temporary sign program, codified as LAMC Section 14.4.17 and established as part of the Department of Public Works Graffiti Abatement Program in 2007, provides a process for incentivizing graffiti removal by allowing temporary sign permits in exchange for the permit holder's maintenance of the subject property and surrounding areas. Permit holders may post temporary signs on required temporary construction walls for two years and protective walls around vacant lots for one year in exchange for aiding the City in abating graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property. As part of the program requirements, the permit holder agrees to monitor and maintain the area within a 750-foot radius, at minimum, and up to a 1500-foot radius around the site. Successfully maintained vacant lots are eligible for up to two sign permit renewals, whereas permit holders not maintaining sites appropriately may be restricted from participation for up to 12 months. Due to ambiguities in the regulations that have resulted in enforcement challenges, the purpose of the proposed Project is to amend the regulations to provide additional parameters that clarify when said temporary sign permits can be issued and the process for automatic permit expiration.

Additional modifications to the existing program include: (1) allowing temporary construction signs on lots with operating businesses with the location of temporary signage being limited to the area of the required temporary construction wall, as determined by Section 91.3306 of the LAMC, and requiring that construction commence within 90 days of when the temporary sign permit is issued, as well as remain continuously active, meaning not being idle for periods exceeding 90 days; (2) expanding the existing minimum clean-up radius from 500 to 750 feet; (3) requiring a placard indicating sign

permit holder contact information for public notification purposes; (4) implementing a periodic reporting system of types and location of debris removed to ensure sign permit holder compliance; (5) requiring that the signs be posted only on temporary construction walls if a portion of the wall is required by Section 91.3306 of the LAMC for an active construction site that was separately permitted under the procedures prescribed in the LAMC and Los Angeles Building Code; or on fences surrounding vacant lots that contain no structures or uses; (6) requiring that the temporary signs be constructed only of paper, vinyl, or similar material; and (7) instituting a penalty for revocations and expirations in the previous 12 months for renewal applications. The Project does not authorize sign structures, solid wood fences, construction walls, or any other new construction. The Project also seeks to expand the modified program to the RAS3 and RAS4 Zones, which are residential zones that allow commercial uses on the ground floor.

Class 1 Categorical Exemption for Existing Facilities

The Project meets the requirements of the Class 1 Categorical Exemption, pursuant to CEQA Guidelines, Section 15301. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use; Section 15301(g) of the exemption cites “new copy on existing on and off-premise signs” as one example of Class 1 projects.

With respect to the program that is currently available in commercial and industrial zones, the Project seeks to modify provisions of the existing program that currently allow for the installation of temporary signs on temporary construction walls and solid wood fences surrounding vacant lots, consistent with the parameters set forth above. The Project seeks to clarify the scope of the program to require that materials for the permitted temporary signs be limited to paper, vinyl, or other similar material. Moreover, signs may only be posted on temporary construction walls that are required by Section 91.3306 of the LAMC or on solid wood fences surrounding vacant lots. Temporary signs would be posted on support structures (i.e. temporary construction walls, solid wood fences) that are in place for other purposes, and no new structures are permitted to be erected to support the temporary signs.

Similarly, with respect to expanding the temporary sign program to RAS3 and RAS4 zones, this portion of the Project will result in only minor alterations to existing structures involving negligible or no expansion of use because the RAS3 and RAS4 Zones are generally more urban and are intended to accommodate mixed-use and residential projects by allowing commercial uses on the ground floor. Additionally, the RAS3 and RAS4 zones already allow for commercial signage. (LAMC Section 12.10.5.B.4. [Restrictions and Limitations - “. . . each tenant space may have one exterior wall sign or projecting sign, not exceeding 20 square feet in area, provided the sign does not extend more than two feet beyond the wall of the building, and does not project above the floor of the story immediately above the ground floor.”]) The signs allowed through the

expansion of the program would similarly be on the ground floor, and although potentially more than 20 square feet in area, would only be temporary.

Moreover, the expansion of the scope of the ordinance to the RAS3 and RAS4 Zones will result in only temporary signs on construction walls or fences in those zones. The use of temporary construction walls and fences which are the “addition of safety or health protection devices for use during construction of or in conjunction with existing structures . . . ,” as set forth in Class 1(f) is a standard practice. Since the Project does not authorize any structures, the temporary signs are limited to support structures that exist independently of the sign, and the signs are limited to paper, vinyl, or similar material, the Project is comparable to changing copy on existing on or off-premise signs and is categorically exempt under Class 1(g), specifically. The Project also is categorically exempt under Class 1, more generally, as it would result in only a minor alteration of private structures and involves the negligible expansion of the existing temporary sign program for the reasons stated.

Class 4 Categorical Exemption for Minor Alterations to Land

The Project also meets the requirements of the Class 4 Categorical Exemption, pursuant to CEQA Guidelines, Section 15304. Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. The Class 4 Categorical Exemptions also applies to “minor temporary use[s] of land having negligence or no permanent effects on the environment.”

The Project modifies a program that allows temporary signs on temporary construction walls and on solid wood fences surrounding vacant lots in exchange for the cleanup and maintenance of public property within a radius of at least 750 feet and up to 1500 feet of the temporary sign site. The Project seeks to clarify the scope of the program to require that materials for the permitted temporary signs be limited to paper, vinyl, or other similar material. A building permit for a temporary sign may be issued for an initial period of two years on temporary construction walls and one year on walls surrounding vacant lots. Signs authorized by the program would be posted on support structures required by the Department of Building and Safety and permitted separately for related construction; no new construction or removal of trees is authorized by this program.

The clarification of the provisions of the program, and its expansion into two additional zones amount to no more than minor alterations in the condition of land. In addition, while the Project expands the availability of a program currently only available in commercial or industrial zones to zones that are technically residential, the RAS3 and RAS4 Zones allow mixed-use with commercial uses on the ground floor. Additionally, the RAS zones currently allow signage in relation to ground floor commercial uses. (LAMC Section 12.10.5.B.4. [Restrictions and Limitations - “. . . each tenant space may have one exterior wall sign or projecting sign, not exceeding 20 square feet in area, provided the sign does not extend more than two feet beyond the wall of the building, and does not project above

the floor of the story immediately above the ground floor.”]) The provisions of the program would similarly permit signs on the ground floor and not allow signs that exceed the height or projection of those existing for the zone. The Project does not authorize sign structures, solid wood fences, construction walls, or any construction that would affect any trees or vegetation. The signs are by definition temporary and limited to paper, vinyl, or similar material. For the reasons stated, the Project qualifies as minor alteration in the condition of land and is, therefore, categorically exempt under Class 4.

Class 8 Categorical Exemption for Actions by Regulatory Agencies for Protection of the Environment

The Project also meets the requirements of the Class 8 Categorical Exemption, pursuant to CEQA Guidelines, Section 15308. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

The Project modifies provisions to allow for the installation of temporary signs limited to paper, vinyl, or other similar material on temporary construction walls and solid wood fences surrounding vacant lots. The program’s intent is to protect the integrity of the neighborhood and improve the aesthetics of the environment by allowing temporary signs on transitional properties, such as construction sites and vacant lots, in exchange for cleaning up, reporting and maintaining public property within a specified radius free of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds. A building permit for a temporary sign may be issued for an initial period of two years on temporary construction walls and one year on walls surrounding vacant lots. Permit holders are required to abate an area of at least 750 feet and up to 1500 feet around a site as determined by the Office of Community Beautification, who also requires monthly documentation of the type, location and amount of materials collected.

Similarly, with respect to expanding the temporary sign program to RAS3 and RAS4 zones, this portion of the Project will result in only minor alterations to existing structures involving negligible or no expansion of use because the RAS3 and RAS4 Zones are generally more urban and are intended to accommodate mixed-use and residential projects by allowing commercial uses on the ground floor. Additionally, the RAS3 and RAS4 zones already allow for commercial signage. (LAMC Section 12.10.5.B.4. [Restrictions and Limitations - “. . . each tenant space may have one exterior wall sign or projecting sign, not exceeding 20 square feet in area, provided the sign does not extend more than two feet beyond the wall of the building, and does not project above the floor of the story immediately above the ground floor.”]) The signs allowed through the expansion of the program would similarly be on the ground floor, and although potentially more than 20 square feet in area, would only be temporary.

Moreover, since the Project does not authorize any structures, the temporary signs are limited to posting on protection devices independently required by the LAMC that were

separately permitted or on solid wood fences surrounding vacant lots. As a result, temporary signs would be posted on support structures (i.e. temporary construction walls, solid wood fences) that are in place for other purposes, and no new structures are permitted to be erected to support the temporary signs. The use of temporary construction walls and fences is a standard practice in RAS3 and RAS4, and adding the provisions of the Project allows for additional monitoring of clean up and enforcement through monthly reporting requirements. By clarifying the program's provisions and allowing the program in two additional zones so those neighborhoods would also benefit from the program's cleanup requirements, the Project contributes to the restoration and maintenance of the environment and is, therefore, categorically exempt under Class 8.

Class 11 Categorical Exemptions for Accessory Structures

Class 11 applies to the construction or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including on-premise signs.

Though the Project pertains to temporary signage for off-site uses and activities, and therefore does not include on-premise signs, the Project nevertheless falls within the Class 11 categorical exemption because it allows for temporary signs on existing walls and fences, without increasing capacity or permitting the new construction of sign-related structures.

With respect to the program that is currently available in commercial and industrial zones, the Project seeks to modify provisions of the existing program that currently allow for the installation of temporary signs on temporary construction walls and solid wood fences surrounding vacant lots, consistent with the parameters set forth above. The project seeks to clarify the scope of the program to require that materials for the permitted temporary signs be limited to paper, vinyl, or other similar material. Moreover, signs may only be posted on construction walls that are required by Section 91.3306 of the LAMC or on solid wood fences surrounding vacant lots. Temporary signs would be posted on support structures (i.e. construction walls, solid wood fences) that are in place for other purposes, and no new structures are permitted to be erected to support the temporary signs.

Similarly, with respect to expanding the temporary sign program to RAS3 and RAS4 zones, this portion of the Project will result in only minor alterations to existing structures involving negligible or no expansion of use because the RAS3 and RAS4 Zones are generally more urban and are intended to accommodate mixed-use and residential projects by allowing commercial uses on the ground floor. Additionally, the RAS3 and RAS4 zones already allow for commercial signage. (LAMC Section 12.10.5.B.4. [Restrictions and Limitations - ". . . each tenant space may have one exterior wall sign or projecting sign, not exceeding 20 square feet in area, provided the sign does not extend more than two feet beyond the wall of the building, and does not project above the floor of the story immediately above the ground floor."]) The signs allowed through the

expansion of the program would similarly be on the ground floor, and although potentially more than 20 square feet in area, would only be temporary.

CEQA Guidelines Section 15300.2 Exceptions to the Exemptions Analysis

The Project does not meet any of the exceptions set forth in CEQA Guidelines Section 15300.2. These exceptions include: (a) Location, (b) Cumulative Impact, (c) Significant Effect; (d) Scenic Highways; (e) Hazardous Waste Sites; and (f) Historical Resources. The proposed Project does not fall within any of these circumstances. Moreover, the Project and proposed ordinance allow for temporary signs and therefore, by definition, will not result in any permanent, significant effects.

- (a) Location: The applicable zones (Commercial, Industrial, RAS3 and RAS4) are narrowly tailored in scope to include portions of the City that are urbanized and developed in dense, built-up environments. There is no evidence that the sites will be located in particularly sensitive environments.
- (b) Cumulative Impact: As noted above, implementation of the Project in the RAS3 and RAS4 zones would result in an incremental increase in the number of temporary signs on existing construction walls or fences in those zones. Therefore, there is no evidence that the Project will result in significant cumulative impacts.
- (c) Unusual Circumstances. There are no unusual circumstances that would cause the project to have a significant effect on the environment. As noted above, the proposed ordinance will not result in a reasonable possibility that the temporary signs will have a significant effect on the environment due to unusual circumstances. Temporary signs on temporary construction walls allowed under the Project in commercial and industrial areas and mixed use development in the City and surrounding communities are common in the City and surrounding cities.
- (d) The Scenic Highways, Hazardous Waste Sites, and Historical Resources exceptions are site-specific. There is no evidence that the allowance of temporary, above-ground signs on existing walls and fences would have a significant effect on the environment related to these exceptions.