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February 17, 2021

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

Dear Honorable Members:

TEMPORARY SIGNS ON TEMPORARY CONSTRUCTION WALLS AND FENCES SURROUNDING VACANT LOTS; CF 17-0893

On November 12, 2020, the Planning and Land Use Management Committee (PLUM) issued clarifying instructions for a proposed ordinance regarding temporary signs on temporary construction walls and on solid wood fences surrounding vacant lots. After discussion, the PLUM Committee instructed:

The City Attorney, in consultation with the Department of City Planning, the Department of Building and Safety, and the Department of Public Works' Office of Community Beautification to prepare and present the ordinance, and amend certain instructions contained in the March 3, 2020 PLUM Committee instructions that were previously uploaded to Council File No. 17-0893 with the following clarifying language:

1. Instruction 1(c)i.b (March 3, 2020 directives) - Allow LADBS to deny a sign permit if the site had a sign permit that was expired or revoked in the previous year at the time of submission of application.
2. Instruction 6a (March 3, 2020 directives) - If the required reports or documentation are not submitted to the Office of Community Beautification in a thorough and/or timely manner as determined by the City Attorney, the temporary sign permit shall be expired, and no renewals or new sign permits may be filed on the property for a period of one year.
3. Add the following language to Municipal Code Section 98.0602 (Expiration of Permits), and thereby cross reference Municipal Code Section 14.4.17 (Sign Regulations) as follows: *The time limit of validity of permits for temporary signs on temporary construction walls, or for temporary signs on a fence of solid wood or similar material surrounding a vacant lot, issued pursuant to the provisions of Section 14.4.17, shall be as specified in Subsection 14.4.17 C of the Los Angeles Municipal Code.*
4. Expand the Temporary Signs on Temporary Walls program to include the Residential Accessory Services (RAS) Zones.

5. Report back as to the limitations on the walls and the linear footage parameter as discussed by the PLUM Committee and to incorporate the additional linear spacing modification into the ordinance.

BACKGROUND

The current regulations regarding temporary signs were established as part of the Department of Public Works Graffiti Abatement Program in 2007 to provide an incentive for graffiti removal by allowing temporary signs in exchange for maintaining the subject property and public property within the surrounding area free of graffiti and trash. The proposed ordinance, which was recommended for approval by the City Planning Commission (CPC) on May 25, 2017, clarifies regulations pertaining to temporary signs located on temporary construction walls and on wood fences surrounding vacant lots to facilitate proper enforcement. On March 3, 2020, the PLUM Committee instructed the Department of City Planning (DCP), the Department of Building and Safety (DBS) and the Department of Public Works' Office of Community Beautification (OCB) in consultation with the City Attorney to prepare an ordinance with additional directives discussed at the meeting. Subsequently, on November 12, 2020, the PLUM Committee provided DCP, DBS, OCB and the City Attorney's Office additional instructions for the proposed ordinance, including direction to amend certain instructions contained in the previous March 3, 2020 PLUM Committee instructions.

SUMMARY OF CHANGES TO ORDINANCE

In sum, the following updates have been incorporated into the proposed ordinance regarding temporary signs on temporary construction walls and on solid wood fences surrounding vacant lots:

- LADBS may deny a building permit for a sign if the site had a building permit that was expired or revoked in the previous year.
- Building permits for a temporary sign shall be expired and no renewals or new sign permits may be filed on the property for a period of one year when required reports or documentation are not submitted to the Office of Community Beautification.
- LAMC Section 98.0602 is cross referenced with LAMC Section 14.4.17.
- The Temporary Signs program will include the Residential Accessory Services (RAS) Zones.
- A minimum 40 linear feet of temporary construction wall for a maximum 250 square feet of temporary signage is recommended at construction sites with operating businesses.

REPORT

ITEMS 1-4 – Summary of Action on Previous Instructions

While preparing the ordinance pursuant to the PLUM Committee's March 3, 2020 instructions, DCP and DBS requested additional clarification on certain provisions related to enforcement. Such clarification was provided at the November 12, 2020 PLUM Committee meeting, which is outlined below.

Items 1 & 2) The proposed ordinance initially contained differing timelines for denial of a building permit for a temporary sign depending on individual offenses. The change to a common one year disqualification period for both types of offenses allows for simplified and consistent compliance and enforcement.

Item 3) The initial instructions did not include needed coordination with the Building Code, which was requested by DBS. The change to include the necessary cross reference between the Zoning Code and Building Code helps solidify issuance and enforcement of building permits for temporary signs.

Item 4) The initial instructions were to expand the temporary signs program to the RAS zones in a follow-up ordinance, so as not to impact the timing of the proposed temporary signs ordinance. The Department has now completed the work required to include the RAS zones into the subject ordinance and there is no longer a need for the RAS zone expansion to be addressed in a subsequent action.

ITEM 5 – Report Back on Minimum Wall Area for Operating Businesses

The additional instruction to report back and include a minimum area for temporary signs at sites with operating businesses considers that without a useable area to mount signs, the City may unintentionally exclude qualifying parcels from the benefit of expanded graffiti abatement by participating advertisers. In response to the PLUM Committee's instructions, DCP and DBS met to determine the best way to implement consistent language into the ordinance. This effort included combining initial instructions to limit the location of temporary signage to the area of the required pedestrian barricade and expanded instructions for minimum sign area at sites with operating businesses. Initially, it was understood that DBS staff determined the length of required barriers on a site based on location and proximity to a public way during the plan check review process. However, further research determined that construction wall length is instead prescribed by the California State Building Code, as explained below.

Barrier and Pedestrian Walkway Requirement

The size of temporary construction walls on which temporary signs are placed as part of the graffiti abatement program outlined in Section 14.4.17 of the LAMC are determined at multiple phases of the construction process. The process of determining the need for temporary construction walls may occur prior to permit issuance or afterward during site inspections. Additionally, both DBS and the Department of Public Works (DPW) require temporary construction walls depending on the location of the walls and construction activity. DBS permits barriers when located on site, whereas DPW issues the permit for pedestrian protection placement when construction abuts or encroaches on the public way. LAMC Section 91.3306 notes that Table 3306.1 of the California State Building Code specifies when barriers and pedestrian walkways are required at a construction site.

LAMC 91.3306.1 Protection Required

Pedestrians shall be protected during construction, remodeling and demolition activities as required by this chapter and Table 3306.1. Signs shall be provided to direct pedestrian traffic.

TABLE 3306.1
PROTECTION OF PEDESTRIANS

HEIGHT OF CONSTRUCTION	DISTANCE FROM CONSTRUCTION TO LOT LINE	TYPE OF PROTECTION REQUIRED
8 feet or less	Less than 5 feet	Construction railings
	5 feet or more	None
	Less than 5 feet	Barrier and covered walkway
	5 feet or more, but not more than one-fourth the height of construction	Barrier and covered walkway
	5 feet or more, but between one-fourth and one-half the height of construction	Barrier
	5 feet or more, but exceeding one-half the height of construction	None

Furthermore, when a temporary construction wall is required the California State Building Code states:

CBC 3306.5 “Barriers shall be not less than 8 feet in height and shall be placed on the side of the walkway nearest the construction. Barriers shall extend the entire length of the construction site.”

Therefore, the length of temporary construction walls - when required by the City of Los Angeles pursuant to the California State Building Code - is determined by the length of the construction site, rather than a site specific review by DBS personnel. The site itself is the determining factor for the length of the required temporary construction wall.

Additionally, the proposed temporary sign ordinance includes parameters for temporary wall and sign placement at all sites, not only at sites with operating businesses. These Code provisions further direct the placement and size of temporary signs on temporary construction walls, as follows:

- Section 14.4.17 B. of the LAMC:
 - Any individual or grouping of temporary sign(s) is limited to a maximum 250 square feet.
 - Temporary signage is limited to eight square feet per linear feet of frontage.
- Section 14.4.17 D. of the LAMC:
 - Signs may only be placed to a maximum height of eight feet.

During public comment at the November 12, 2020 PLUM Committee meeting, the minimum sign area needed by an advertiser on a site with an operating business was referenced as using 40 linear feet of required temporary construction wall. This comment correlates with the maximum single or combined temporary sign area of 250 square feet that is allowed by Section 14.4.17 B. of the LAMC. Using the 250 square feet maximum as a basis for calculation, 40 linear feet of required temporary construction wall would allow a sign that runs 40 feet in length at 6.25 feet in height. Similarly, that same sign posted to the maximum height of eight feet pursuant to LAMC Section 14.4.17 D. would cover 31.25 feet of required temporary construction wall. While the PLUM Committee's instructions focused on the inclusion of a minimum wall length, DCP recommends the consideration of limitations on sign area as well. Regulations that focus on sign area versus wall length allows for more flexibility on the part of the applicant to choose varying sign dimensions and placement.

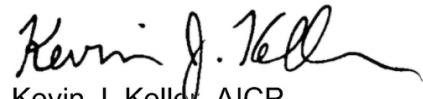
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Discussion at the November PLUM Committee meeting also included the topics of further incentivizing graffiti cleanup in neighborhoods and protecting neighborhoods from additional blight in the form of advertising. Although operating businesses are already required to maintain graffiti and debris at their sites, those under construction that choose to participate in the temporary sign program will be required both to maintain their specific site, as well as expand their graffiti abatement responsibilities into the neighborhood to a minimum of a 750-foot radius. Allowing a minimum length of construction wall at a site with an operating business helps create an incentive for applicants to participate in the graffiti abatement program and subsequently clean up surrounding neighborhoods. Furthermore, limiting signage to a fixed 250 square feet of temporary signage provides consistent measurements for monitoring and enforcement, as well as protecting the community from excessive impacts of additional advertising.

Please contact Bonnie Kim, 213-978-1330 or Darby Whipple, 213-978-1475 at the Department of City Planning with any questions regarding this report.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning


Kevin J. Keller, AICP
Executive Officer

VPB:KK:AV:HSC:BK:dw

Enclosures