

ORDINANCE NO. _____

An ordinance amending Sections 14.4.2, 14.4.3, 14.4.4, 14.4.17, and 98.0602 of the Los Angeles Municipal Code to clarify regulations pertaining to temporary signs on temporary construction walls and on solid fences surrounding vacant lots.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. The reference to Section 14.4.17 in the Table of Contents to Article 4.4 is amended to read as follows:

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

Sec. 2. Section 14.4.2 of the Los Angeles Municipal Code is amended to add the following definition in proper alphabetical order:

Nuisance, Public. Trash, debris, rubbish, weeds, graffiti, unpermitted posters/handbills, or illegal postings.

Sec. 3. The following definition in Section 14.4.2 of the Los Angeles Municipal Code is amended to read as follows:

Temporary Construction Wall. A temporary solid fence or barrier of wood or similar material that provides protection for pedestrians and is erected and maintained on the perimeter of a construction or demolition site.

Sec. 4. Subsection A of Section 14.4.3 of the Los Angeles Municipal Code is amended to read as follows:

A. **Scope.** All exterior signs and sign support structures shall conform to the requirements of this article and all other applicable provisions of this Code, except that the provisions of Subsections 14.4.4 E and G; 14.4.4 I; 14.4.5; 14.4.6; 14.4.12; 14.4.18; 91.6205.2; and 91.6216 of this Code shall not apply to the relocation of signs or sign support structures that existed on January 17, 1993, that were erected or are maintained by the Los Angeles Memorial Coliseum Commission (Commission) on property owned or controlled, in whole or in part, by the Commission. The regulations in this Article do not apply to signs located primarily within a public right-of-way.

Sec. 5. Subdivision 11 of Subsection B of Section 14.4.4 of the Los Angeles Municipal Code is amended to read as follows:

11. Are off-site signs, including off-site digital displays. This prohibition shall also apply to alterations, enlargements or conversions to digital displays of legally existing off-site signs with regard to the following exceptions:

EXCEPTIONS: This prohibition shall not apply to:

(a) alterations that conform to the provisions of Section 91.6216 and all other requirements of this Code; or

(b) off-site signs specifically permitted pursuant to a relocation agreement entered into pursuant to California Business and Professions Code Section 5412; or

(c) off-site signs, including off-site digital displays, that are specifically permitted pursuant to a legally adopted specific plan, supplemental use district or an approved development agreement; or

(d) non-digital off-site signs that are authorized by a valid building permit for a temporary sign on temporary construction walls or on fences of solid wood or similar material surrounding vacant lots pursuant to Section 14.4.17.

Sec. 6. Section 14.4.17 is amended in its entirety to read as follows:

SEC. 14.4.17. TEMPORARY SIGNS ON TEMPORARY CONSTRUCTION WALLS AND ON SOLID WOOD FENCES SURROUNDING VACANT LOTS

A. **Permit Required.** A valid building permit for a sign, issued by the Department of Building and Safety (LADBS) in accordance with Section 91.6201.2, shall be required to place and maintain a temporary sign on a temporary construction wall, as defined in Section 14.4.2 of this Code, or on a fence of solid wood or similar material surrounding a vacant lot.

For the purposes of Section 14.4.17 and pursuant to Section 91.3306 of the Los Angeles Municipal Code, Temporary Construction Walls are deemed required when the City determines construction work is more than 8 feet in height and within 5 feet from the lot line, or more than 8 feet in height and within a distance of half the height of the construction work from the lot line.

The Department of Building and Safety shall issue a building permit for a temporary sign, pursuant to this section, after verifying that the plans comply with all applicable code provisions and all permit clearances have been approved upon confirmation of the following, as applicable:

1. Initial Permit Application.

(a) If the temporary sign is to be placed on a temporary construction wall:

(1) There is a separate valid building permit issued by the Department of Building and Safety authorizing construction work on the lot(s);

(2) At least a portion of the temporary construction wall is required pursuant to Section 91.3306 of the Los Angeles Municipal Code;

(3) A previous building permit for a temporary sign was not issued in conjunction with the same building permit referenced in A.1 (a)(1) of this subsection;

(4) A previous building permit for a temporary sign on the site was not expired or revoked within the preceding 12 months pursuant to Paragraph 14.4.17 C.1(a) or Subdivision 14.4.17 G.4; and

(5) When a business is operating on the site, temporary signage must comply with the following:

(i) the location of temporary signage is limited to the portion of the temporary construction wall that is required pursuant to Section 91.3306 of the Los Angeles Municipal Code; and

(ii) a minimum 40 linear feet of required temporary construction wall, not exceeding the boundaries of the site, may be installed and used for temporary signage; and

(iii) no site may exceed a maximum of 250 square feet of temporary signage.

(b) If the temporary sign is to be placed on a fence surrounding a vacant lot:

(1) There are no buildings or uses of land on the lot.

(2) A previous building permit for a temporary sign was not expired or revoked within the preceding 12 months pursuant to Subdivision 14.4.17 G.4.

2. Subsequent Permit Application.

(a) If Department of Building and Safety records indicate that a building permit for a temporary sign on a fence of solid wood or similar material surrounding a vacant lot on the site was previously issued:

(1) The sign complies with Paragraph A.1(b) of Section 14.4.17 as applicable;

(2) A previous building permit for a temporary sign on the site was not expired or revoked within the preceding 12 months pursuant to Subdivision 14.4.17 G.4;

(3) No more than one initial building permit for a temporary sign and one subsequent building permit for a temporary sign, for a total of two years, have been issued at the same site; and

(4) The Director of the Office of Community Beautification reviews and consents to the subsequent building permit in a written statement and determines an abatement area pursuant to Subdivision 14.4.17 G.1.

The Office of Community Beautification's response for consent shall be provided within ten days of written request and based solely on its assessment as to whether a public nuisance exists indicated by the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property pursuant to the review described in Subsection 14.4.17 G.1.

B. Area. Notwithstanding the provisions of Subsection 14.4.16 B of this Code, signs placed on temporary construction walls, and/or solid wood fences surrounding vacant lots pursuant to the terms of this section shall not extend above the top of the wall or fence and shall comply with the following:

1. The combined sign area of temporary signs shall not exceed 8 square feet for each foot of street frontage.

2. Individual signs shall not exceed a sign area of 250 square feet.

3. Signs may be grouped to form a maximum sign area of 250 square feet.

4. Signs or groups of signs having an area of 250 square feet shall be separated from any other sign on the temporary construction walls and/or solid wood fences surrounding vacant lots by at least 10 feet measured horizontally.

C. Time Limit. Notwithstanding the provisions of Subsection 14.4.16 C of this article, a building permit for a temporary sign is time limited by the following:

1. A building permit for a temporary sign placed on a temporary construction wall shall remain valid for two years, or during the duration of the construction work, under a separate valid building permit, requiring a barrier, pursuant to Section 91.3306 of Los Angeles Municipal Code, whichever is less.

(a) If the construction work authorized by the separate building permit has not commenced by the 180th day following the permit issuance date, or the 90th day when an operating business exists on the site, or work has been suspended, discontinued or abandoned for a continuous period of 180 days, or 90 days when an operating business exists on the site, the building permit for the temporary sign permitted pursuant to Subsection 14.4.17 A shall be expired. If the separate building permit is revoked or expired, the building permit for the temporary sign shall be expired. Subsequent building permits for a temporary sign at the same site, issued in conjunction with the original separate construction permit, shall not be authorized.

2. A building permit for a temporary sign placed on a fence of solid wood or similar material surrounding a vacant lot shall remain valid for one year, or for as long as the lot remains vacant, whichever is less. Subsequent building permits for temporary signs on a fence of solid wood or similar material surrounding a vacant lot at the same site shall be issued under the terms of Subsection A of this Section, not to exceed two additional permits, for a total of three years.

D. Height. Signs may only be placed to a maximum height of 8 feet.

E. Location. Temporary signs placed on the exterior surfaces of any required temporary construction walls, and/or solid wood fences surrounding vacant lots are limited to lots located in a commercial, industrial or RAS zone.

F. Construction. Notwithstanding the provisions of Subsection 14.4.16 E of this Code, Temporary signs on Temporary Construction Walls or on fences of solid

wood or similar material surrounding vacant lots shall be made of paper, vinyl, or other similar material.

G. Special Requirements for Signs on Temporary Construction Walls, and/or Solid Wood Fences Surrounding Vacant Lots.

1. **Review by the Office of Community Beautification.** For the purposes of determining whether to consent to a subsequent building permit under this section, or at any time after the issuance of a building permit for a sign under this section, the Office of Community Beautification may investigate an area around the permitted site or lot to determine whether there exists a public nuisance due to the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds on public property within the abatement radius.

For a subsequent building permit for a sign, if the Office of Community Beautification cannot establish that a public nuisance exists because of the presence of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish and weeds on public property within a 750-foot abatement radius around the permitted site or lot, then the Office of Community Beautification shall expand the radius around the site or lot in 250-foot increments, up to a maximum abatement radius of 1,500 feet. If the Office of Community Beautification finds the existence of a public nuisance on public property within the expanded radius area beyond the original 750-foot radius, then it shall require the sign company or property owner to abate the public nuisance in the expanded radius area in accordance with Subdivision G.3, Nuisance Abatement, below.

2. **Notification and Reporting.** Upon issuance of a building permit for a sign and installation of any signs on temporary construction walls, and/or solid wood or similar material fences surrounding vacant lots, the sign company or property owner shall install an 18" x 24" placard in a conspicuous location on the wall or fence. The placard shall be made of a durable laminated paper, vinyl or other weather resistant material with contrasting black letters on white background at least 2 inches in height. The placard shall conspicuously display the following information that the City wishes to display in lettering at least 1 inch high:

a. **This is an Official Notice of the City of Los Angeles and shall not be defaced.**

b. Temporary Signs have been placed on this wall or fence pursuant to Los Angeles Municipal Code Section 14.4.17, "Temporary

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

- c. Building permit number: _____ and expiration date: _____
- d. Phone number of the Department of Public Works' Office of Community Beautification: _____
- e. Name and phone number of the sign operator's representative for public reporting of graffiti, posters/handbills and any other illegal postings, as well as trash, debris, rubbish, and weeds for removal within the required abatement radius: _____

Within ten days after the issuance of the building permit for a sign, the sign company or property owner shall provide written notification to the Office of Community Beautification and the Council District Office of the council district in which the construction site or vacant lot is located. The notification shall contain the name and address of the sign company or property owner and the property address where the signs will be placed. The notification to the Office of Community Beautification shall include a copy of the sign company's contract with the property owner to post signs at the specified location.

Permit holders shall report the amount, type, and location of clean-ups within the abatement area to the Office of Community Beautification every 30 days for the duration of the building permit for the sign. Reporting shall be thorough and include before and after photo documentation, City of Los Angeles MyLA311 App request confirmation and/or other documentation stating date and time of clean up, as well as receipts for where materials were disposed.

Any building permit for a sign issued pursuant to this section may be immediately expired by the Department of Building and Safety, provided that a written and signed notification of the sign company or property owner's failure to meet the notification and reporting requirements of this subdivision is sent to the Department of Building and Safety by the Director of the Office of Community Beautification. For all permits expired pursuant to this section, the Department of Building and Safety shall issue a notification to the permit holder upon expiration of the permit, including information about the appeals process.

3. Nuisance Abatement. It shall be the sign company and property owner's responsibility to clean and maintain free from graffiti public property and rights-of-way within an area consisting of a 750-foot radius or any expanded radius required by the Office of Community Beautification around the permitted site or lot. The property owner's representative shall patrol the abatement area

every 24 hours to search for and remove any graffiti within 24 hours of its discovery. The removal of graffiti shall include, but not be limited to, spray paint on walls, poles, and fences on public property. In addition, the property owner's representative shall also be responsible for removing any posters/handbills on light poles, utility poles, bus stops, and any other illegal postings on public property. At the time of graffiti removal, the property owner's representative shall also remove from public property any trash, debris, rubbish, and weeds, as well as report bulky items within the abatement area around the permitted site. The sign company and property owner shall comply with the administrative policies and procedures set by the Office of Community Beautification. The Office of Community Beautification shall enforce the provisions of this subsection.

4. **Permit Revocation.** Any building permit for a sign issued pursuant to this section may be revoked by the Department of Building and Safety for any of the following reasons, provided a written and signed notification of the sign company or property owner's failure to comply with Paragraphs (c), (d), (e), (f) or (g) of this subdivision is sent to the Department of Building and Safety by the Director of the Office of Community Beautification:

(a) Failure by the sign company or property owner to comply with the terms of the permit.

(b) Failure by the sign company or property owner to maintain the bond required in Section 91.6201.2.2 of the Los Angeles Municipal Code.

(c) Failure by the sign company or property owner to maintain the temporary construction wall and/or solid wood fences surrounding vacant lots free from graffiti.

(d) Failure by the sign company or property owner to eliminate graffiti within a 750-foot radius or any expanded radius required by the Office of Community Beautification of the temporary construction wall, and/or solid wood or similar material fences surrounding vacant lots within 24 hours of receiving notification of the presence of graffiti from the Office of Community Beautification or the City Council district office of the district in which the construction site or vacant lot is located.

(e) Failure by the sign company or property owner to remove posters/handbills placed on light poles, utility poles, bus stops and any other illegal postings on public property within a 750-foot radius or any expanded radius required by the Office of Community Beautification of the site, within 24 hours of receiving notification from the Office of Community

Beautification or the City Council district office of the district in which the construction site or vacant lot is located.

(f) Failure by the sign company or property owner, at the time of graffiti removal, to report bulky items and/or remove trash, debris, rubbish and weeds from public property within a 750-foot radius or any expanded radius required by the Office of Community Beautification of the permitted site.

(g) The Office of Community Beautification sends three or more notifications of failure to comply with paragraphs (c), (d), (e) or (f) of this subdivision to the sign company or property owner within a three-month period.

5. **Removal of Signs.** The sign company or property owner must remove the temporary signs authorized by this section by the date the sign permit becomes invalid due to its time limit or no later than the permit expiration or revocation date.

6. **Public Nuisance.** Any signs remaining on temporary construction walls, and/or solid wood or similar material fences surrounding vacant lots after the building permit has expired or is revoked are deemed to be a public nuisance that can be abated by utilizing the procedure contained in Section 91.8904, et seq., of the Code.

7. **Office of Community Beautification.** The Office of Community Beautification is hereby designated the authorized representative of the City for the purpose of enforcing and implementing the provisions of Section 91.8904.1.2 of the Los Angeles Municipal Code for compelling the removal of a sign which is a public nuisance under Subdivision 14.4.17 G.6.

Sec. 7. A new paragraph 6 is added to the Exception of Subsection (a), Section 98.0602 of the Los Angeles Municipal Code to read as follows:

6. 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.

Sec. 8. **INTERPRETATION.**

Whenever any ambiguity or uncertainty exists related to this ordinance or the application of this ordinance so that it is difficult to determine the precise application of

these provisions, the Director shall, upon application by an Owner, operator or lessee, issue written interpretations on the requirements of this ordinance consistent with the purpose and intent of this ordinance. A request for an interpretation shall be filed pursuant to Los Angeles Municipal Code Section 11.5.7.H (Interpretations of Specific Plans).

Sec. 9. SEVERABILITY.

If any provision of this ordinance or its application to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the invalidity shall not affect other provisions, clauses or applications of this ordinance, which can be implemented without the invalid provision, clause or application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

Sec. 10. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By *Kenneth T. Fong*
KENNETH T. FONG
Deputy City Attorney

Date June 8, 2021

File No. CF-17-0893

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted.

Vincent P. Bertoni
VINCENT P. BERTONI, AICP
Director of Planning

Date June 3, 2021

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____