

Communication from Public

Name: Barbara Broide

Date Submitted: 11/12/2020 06:23 AM

Council File No: 17-0893

Comments for Public Posting: We have monitored the progress of this measure since it was first considered by the City Planning Commission (CPC) in Aug. 2017. At that time, the CPC issued its desire to move the measure forward quickly to remedy loopholes and enforcement issues that existed (and continue to exist) in the City's temporary signs on temporary construction walls and on solid fences surrounding vacant lots. We were aware of the need to revise the City's policy and enforcement tools for some time as we have had numerous example of these so-called "temporary" walls in our community that were neither temporary or promptly or permanently removed when cited. Instead of being a measure that prevented blight in our community, these signs have been a blight and eyesore for years on end. They have presented outdoor advertisers with the opportunity to fill our sidewalks and streetscapes with eye level billboards at a time when a ban on new billboards exists across the City. They have allowed property owners to operate or rent out their premises for business uses while also raising income from temporary wall signs. Further abuses can be documented in those who file for an inconsequential construction permit (such as restriping a parking lot) and using that as a reason for having temporary construction signage for months and years (around a parking lot in active use). We made some very specific recommendations to the CPC as to ways to further strengthen the proposed measure; while those recommendations were received with interest, the CPC voiced the need to move forward with staff recommendations so as not to slow the adoption of much-needed program revisions. They indicated that additional refinements could be addressed at a future time. However, we now see that the PLUM Committee is acting to make very significant changes from the staff and CPC recommendations; this is both perplexing and troubling. Public comments received to date with the exception of a letter from an outdoor advertising lobbyist, have advocated for strengthening the measure and enforcement. Problems with temporary wall signs around existing businesses was noted as a problem. Those who attended the most recent PLUM hearing do not remember any significant discussion around the consideration of permitting temporary wall signs to be placed on businesses in operation. And yet, in a review of the audio recording of the meeting, it can be heard at the very end of the meeting that the

PLUM Committee actually instructed staff to pursue ALLOWING “temporary construction signs on lots with operating businesses with the following recommendations: a. Add clarifying language, which limits the location of temporary signage to the area of the required pedestrian barricade as determined by LADBS.” Such an instruction and permission is contrary to the purpose of temporary wall signage – which was meant to assure that lots and properties under construction would remain well maintained during construction. If there is an existing business in operation, there is a duty to maintain the property. The property is occupied and thus must be monitored and maintained. Further, the language that seeks to allow LADBS to determine the area of signage is very vague and would, we suspect, open the City up to appeals and potential legal challenges if opposed by a property owner and/or outdoor advertising firm. Are there defined consistent and defensible guidelines that would govern the placement of barricades that could be carried forward to the placement of temporary sign structures? We fear that given the litigious nature of this industry, that the City would be creating a possible opportunity for legal challenge that could undermine timely and ongoing enforcement of the measure. We support LADBS’s recommendations to strengthen enforcement related to permit denial for those sites that had an expired or revoked permit in the previous two years at the time of application submission. We would also suggest that the City add a provision that bars permit issuance to any location that has been cited for having unpermitted temporary wall signs posted for two years following citation for lack of permit (or operation on an expired permit). We suggest escalating fines for repeat offenders. We note the language in the ordinance that describes the actual materials that the signage on these temporary walls consist of. The language states: G. Special Requirements for Signs on Temporary Construction Walls, and/or Solid Wood Fences Surrounding Vacant Lots. Sec. 10. New Subsection F is added to Section 14.4.17 of the Los Angeles Municipal Code: F. Construction. 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. It should be made clear that the installation of lighted or digital displays on temporary wall signage is not permitted. (see photo - continued)

Westwood South of Santa Monica Blvd. Homeowners Association
P.O. Box 64213, Los Angeles, CA 90064
info@wssmhoa.org

November 12, 2020

LA City Council PLUM Committee
Honorable Chair Marqueece Harris-Dawson
Honorable Committee Members: Bob Blumenfield, Curren Price, Jr., Gilbert Cedillo
Los Angeles City Hall
Los Angeles, CA 90012
Via Email: clerk.plumcommittee@lacity.org, zina.cheng@lacity.org, Phyllis.nathanson@lacity.org

RE: Council File 17-0893 / Temporary Signs on Construction Walls Code Amendment – Support
Strengthening Measure, Oppose some recommendations and Request additional recommendations
PLUM Committee Agenda Item # 7 – November 12, 2020

Dear Chair Harris-Dawson and Fellow PLUM Committee Members:

We have monitored the progress of this measure since it was first considered by the City Planning Commission (CPC) in August of 2017. At that time, the CPC issued its desire to move the measure forward quickly to remedy loopholes and enforcement issues that existed (and continue to exist) in the City's temporary signs on temporary construction walls and on solid fences surrounding vacant lots.

However, we were aware of the need to revise the City's policy and enforcement tools for much longer than that as we have had numerous example of these so-called "temporary" walls in our community that were neither temporary or promptly or permanently removed when cited. Instead of being a measure that prevented blight in our community, these signs have been a blight and eyesore for years on end. They have presented outdoor advertisers with the opportunity to fill our sidewalks and streetscapes with eye level billboards at a time when a ban on new billboards exists across the City. They have allowed property owners to operate or rent out their premises for business uses while also raising income from temporary wall signs. Further abuses can be documented by those who file for an inconsequential construction permit (such as restriping a parking lot) and using that as a reason for hosting temporary construction wall signage for months and years (around a parking lot in active use).

We made some very specific recommendations to the CPC as to ways to further strengthen the proposed measure and while those recommendations were received by the CPC with interest, they voiced the need to move forward with the staff recommendations so as not to slow the process of adoption of much-needed program revisions. They indicated that additional refinements could be addressed at a future time.

However, we now see that the PLUM Committee is acting to make very significant changes from the staff recommendations and this is both perplexing and troubling to us. First of all, all public comments received to date with the exception of an early letter submitted by a lobbyist for an outdoor advertising

company, have advocated for strengthening the measure and enforcement. Problems with temporary wall signs around existing businesses was called out as a problem. Those who attended the most recent PLUM hearing do not remember any significant discussion around the consideration of permitting temporary wall signs to be placed on businesses in operation. And yet, in a review of the audio recording of the meeting, it can be heard at the very end of the meeting that the PLUM Committee actually instructed staff to pursue ALLOWING “temporary construction signs on lots with operating businesses with the following recommendations: a. Add clarifying language, which limits the location of temporary signage to the area of the required pedestrian barricade as determined by LADBS.”

Such an instruction and permission is contrary to the purpose of temporary wall signage – which was meant to assure that lots and properties under construction would remain well maintained during construction. If there is an existing business in operation, there is a duty to maintain the property. The property is occupied and thus must be monitored and maintained. Further, the language that seeks to allow LADBS to determine the area of signage is very vague and would, we suspect, open the City up to appeals and potential legal challenges if opposed by a property owner and/or outdoor advertising company. Are there defined consistent and defensible guidelines that would govern the placement of barricades that could be carried forward to the placement of temporary sign structures? We fear that given the litigious nature of this industry, that the City would be creating a possible opportunity for legal challenge that could undermine timely and ongoing enforcement of the measure.

We support LADBS’s recommendations to strengthen enforcement related to permit denial for those sites that had an expired or revoked permit in the previous two years at the time of application submission. We would also suggest that the City add a provision that bars permit issuance to any location that has been cited for having unpermitted temporary wall signs posted for two years following citation for lack of permit (or operation on an expired permit).

We note the language in the ordinance that describes the actual materials that the signage on these temporary walls consist of. The language states:

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

Sec. 10. New Subsection F is added to Section 14.4.17 of the Los Angeles Municipal Code:

F. Construction. 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.

It should be made clear that the installation of lighted or digital displays on temporary wall signage is not permitted. I submit photographs of an illuminated set of panels on the temporary wall signs located in West Los Angeles at Santa Monica Blvd. and Westgate Avenue. At that location at 10 pm, during an evening walk I heard from some distance the persistent drone of a motor or loud engine. It was not until I reached the illuminated billboard panels on the temporary wall signs noted above, that I realized that this noise was from the portable power generator behind the wall that was operating the lighted panels (which were NOT made of paper, vinyl or other similar material). The lighted panels were near residences on Westgate Avenue and were both a visual intrusion as well as a noisy repeated droning noise. Such signs should not be permitted. They are distracting and a dizzying blight.

Earlier recommendation made by our group and by CBBB/Scenic Los Angeles have been ignored. They include:

Location Restrictions: Permits for temporary signs on construction walls should not ever be issued on streets designated as Scenic Highways, Scenic Roadways (or any designated scenic right-of-ways). These roadways have special protections as defined in the City's General Plan.

The initial April 21st communication from the PLUM Committee Clerk to staff stated that temporary wall signs were not to be permitted in RAS zones. However, on June 15th, a revised communication from the PLUM Committee Clerk stated that CDP was to prepare and present an Ordinance that would expand the program to RAS zones. Those who attended and / or listened to the meeting did not remember a discussion seeking to expand that presence. In fact, our letter suggested that in areas where adjacent properties are all residential (which can be the case in RAS zones), temporary wall signage exposure be severely limited so that neighbors do not have to look out of their windows or walk out of their front door to walk into a land of billboards. Just as the City regulates murals in residential areas, so should temporary construction signage be limited when in proximity to residences.

Pedestrian/ Traffic Safety: We noted earlier that when a homeowner who lives on a corner has a hedge that reaches the sidewalk and that grows above the permitted height allowance, they are ordered to cut the hedge down so that it does not block motorists' views. Yet, there are many construction walls that have been erected on corners that reach the sidewalks and that block drivers' views. A corner setback should be required whenever possible (and especially on vacant lots where such design will not impede construction).

Timing: The recommended time limits state that a construction site temporary sign on a vacant lot shall not exceed two years and that a temporary sign on a construction site shall not exceed three years. Does that mean that a single property might be allowed to have a temporary wall enclosure first for two years followed by as many as three additional years? This seems entirely unreasonable. Which is it? Two or three years? Having to look at five years of sidewalk billboards is not a program that seeks to reduce blight. It is then a program that delivers blight into a community.

I should add that as these advertisements appear on private property, the content shown cannot be limited/restricted by the City. Those viewing the ads will see advertisements for movies (sometimes with violent images and/or weapons shown), junk food, alcoholic beverages. Is this what the City wishes to have our children viewing on their walks in neighborhoods across Los Angeles?

Security: We suggested a simple requirement for construction wall signs to make certain that the properties are not breeched while surrounded and to ensure that illegal activities are not taking place behind these walls. Just as for construction barricades, we request that the temporary wall signs be required to have window openings that allow outsiders to see "in." This will help to prevent uses inside the properties that are not allowed.

In closing: **There must be full disclosure of permit status posted on construction wall signs.** Such postings shall include the permit identification, the period permitted including expiration date. Also

included shall be the language that requires the clearing/cleaning requirements for the installation along with a number and contact name for complaints for failure to maintain clean premises. Complaints should also be reported to the Office of Community Beautification so that such information can be taken into account should a permit renewal be sought.

Thank you for your attention. It would be nice to know that our comments have at last been considered.... but should not slow down the process of approving action to strengthen the measure as originally proposed by staff.

Sincerely,

Barbara Broide
President

Cc: Paul Koretz, CD5
Daneil Skolnik, CD 5
Mike Bonin, CD 11
Len Nguyen, CD 11

SEE ATTACHED RECENT PHOTOS:

1) So called vacant lot (long time empty lot, no construction) Barrington and Santa Monica Blvd.



2) Illuminated temporary wall signs late at night: Santa Monica Blvd. and Westgate Ave:



3) Location of above wall signage: Westgate and SM Blvd:

