

**Westwood South of Santa Monica Blvd.
Homeowners Association**

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February 26, 2018

LA City Council PLUM Committee
Honorable Chair Councilmember Jose Huizar
Honorable Councilmembers: Marqueece Harris-Dawson,
Mitch Englander, Bob Blumenfield, Curren Price, Jr.
Los Angeles City Hall

Via Email: clerk.plumcommittee@lacity.org, zina.cheng@lacity.org

**RE: Council File 17-0893 / Temporary Signs on Construction Walls Code
Amendment -- Support and Additional Recommendations**

Dear Chair Huizar and Fellow PLUM Committee Members:

We are very pleased to see the recommendations from the Planning Dept. and City Planning Commission come before PLUM for action. We note the additional recommendations made by the Dept. of Building and Safety as provided in a Feb. 22nd letter to the Committee made to strengthen the enforcement of code and are supportive of those recommendations as well. It is particularly important to clearly preclude sign permits for operating businesses or sites other than major construction on genuinely vacant lots and to define an "active construction site." The recommendation to substitute a permit expiration process (rather than a revocation process) is consistent with the City's sign enforcement and will save the City staff time and reduce enforcement costs to the City. The added language pertaining to "removal of signs" is also very important.

This letter is not intended to delay the approval of the measures already before you but rather it is to request consideration of additional language and/or items to address additional concerns that have not yet been considered by the City. They are based upon experiences with temporary signage on construction walls in our council district and others. We hope you will seek the adoption of language to address the following:

Location Restrictions: Permits for temporary signs on construction walls should not be issued on streets designated as Scenic Roadways (or other scenic designated right-of-ways) as identified in the City's General Plan. These routes have special protections as defined in the City's General Plan. If permits for temporary signage on construction walls are issued, this would undermine the protections afforded to these specially designated roadways.

While temporary walls signage is permitted only on commercial and industrially zoned land, oftentimes that land is directly adjacent to or across from residential properties. In these cases, the residents could be faced with years of advertisements posted directly across from their homes, apartments or condos. There should be a ban on signage posted across from strictly residentially zoned land. (At the very least such signage should be limited to a small area at the end of the lot.) There should be no signage permitted on alleys facing residences. (Perhaps there should be no signage on any alleys.)

Prohibited Uses: As temporary signage on construction walls is permitted only where there is no operating business on site, and as many violations occur because the properties are being used for vehicle / equipment storage, or as parking lots, the code could specifically call out those uses by name as being among prohibited uses. Vehicle parking storage is a use which precludes construction activities from occurring. Such a use ought to result in a permit for temporary construction signage being denied or rescinded.

Community Safety: There is no current requirement to have small periodic openings / cut-outs along these walls. Such cut-outs/"windows" are essential to protect public safety and to enable effective inspection and monitoring of these sites. Some of these locations are essentially barricaded on all four sides and it would be nearly impossible to see inside the barricades. Barricaded lots could become locations for illegal or dangerous activity. It is essential that passersby and inspectors be able to readily view inside a lot.

Complaints/Compliance: The Office of Beautification is asked to issue a letter of support or denial when an applicant seeks to renew their permit for a temporary construction wall. That determination is based upon whether the permit holder has lived up to their responsibility of maintaining the property and removing adjacent graffiti. Yet, the public has absolutely no idea that there is a requirement to do so and that the wall permit holder is the responsible party. It is therefore important to create a posted template document that is placed on each side of a temporary construction wall with signage that notes the permit number, date the permit was issued and its expiration, the address for the permit, the requirements of the permit holder and the phone number of Office of Beautification that the public should call to report any suspected violations. This would then enable the Office of Beautification to log the information they need to deny a permit renewal should the permit holder fail to live up to its responsibilities.

Inspections: The City should consider the adoption of an inspection fee for this class of signage and the associated structures. While they are temporary signs, they should be inspected periodically for compliance and construction safety/stability. Complaint-based inspections are not effective. This program has grown significantly in the number of locations and warrants dedicated staff supported by an inspection fee.

Graffiti Removal: There are specific examples given as to the locations where a permit holder must maintain free from graffiti. While they are not all inclusive, we would

recommend that two additional specific locations be added: sidewalks and utility boxes. These are frequent targets of graffiti and have gone uncleaned at temporary wall sign locations in our area.

Penalties/ Fines: There are few incentives for compliance both for construction walls initially erected with permits and for those rogue walls that never had permits. On Lincoln Blvd. when temporary wall signs are cited for being erected without permits, they are removed and then put right back up after the sign inspector re-inspects. What kind of fines would serve as a deterrent to that type of behavior? Can a temporary wall company have their permits denied at a new location if they have violations at other locations? Can there be a penalty/fine structure that escalates fines for each subsequent violation (and have it be company-specific rather than location-specific)?

Walls with signs in violation that have had their permits revoked now can enter into what can be a lengthy appeals process. It is hoped that the DBS recommendation to treat these as expired permits will address some situations but not all. In some cases, we would imagine that revocation may be needed. When a permit is revoked, the applicants have the right to appeal to DBS, to the ZA, to the Area Planning Commission, to PLUM and to the City Council. If the revocation has been upheld, they can then seek remedy in court. All the while, the cited signage remains posted (even after the permits have expired). If the courts find in favor of the City's revocation, the sign company must then remove the signage. However, it has remained posted and accruing income for many months – illegally. What statues or mechanisms exist that could allow the City to assess a penalty for the sign's operation over all those months of appeals? There have been considerable "ill gotten gains" /earnings as a result of an unpermitted activity. Is it possible to attach to any those gains?

What tools does the City have to serve as a deterrent against appeals designed to drag out the eventual removal of illegal/unpermitted signage?

Traffic/pedestrian safety: When a homeowner who lives on a corner has a hedge at the property line that grows above permitted 3 foot 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 block driver views. Should there be a corner setback requirement to promote better visibility and safety for drivers, pedestrians and bicyclists? On some corners, the construction barricades make it difficult/impossible to see a pedestrian waiting to cross the street. (If construction layout requires corner barricades be 6 feet high without setbacks at the corner, then the setbacks could be required during PRE construction period.

Location: DBS has defined construction characteristics that would require construction walls. Would it be helpful to also include language that details the types of construction/construction permits that do not trigger the ability to seek temporary construction walls and their signage? These would be prohibited applications. A restaurant location in CD 11 has had temporary sign structures on site for many months

in conjunction with his permit to re-stripe their parking lot which is in use with the construction walls surrounding it.

Aesthetics: Where there are entire blocks barricaded, the repeating series of advertisement posters creates a true blight. This, at a time when we seek to improve the pedestrian experience on our streets.

Timing: Understanding that pre-construction activities can take many months, we are still inclined to ask why permits for temporary wall signage are issued as many as six months in advance of any construction activity on a property. Open space is often more preferable than construction walls with signage. Will the City hold applicants to a total of 2 years maximum (if permitting is renewed) whether there was pre-construction signage and/or whether or not construction continues on after the two year period? Will the revisions to the ordinance guarantee a community will not have to see the advertising wall signage beyond a one to two year maximum period? Is there clarity that defines when signage is required to be removed?

We urge the PLUM Committee to send to full Council the recommendations of the Planning Dept. and Dept. of Building and Safety as soon as possible. We hope you will support and/or request further review of our recommendations.

Thank you for your consideration.

Sincerely,



Barbara Broide
President

cc: Paul Koretz, Faisal Alserri, Len Nguyen, Yi Lu, Shawn Kuk