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February 22, 2018

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:

**RECOMMENDATIONS TO CLARIFY REGULATIONS REGARDING TEMPORARY
SIGNS ON TEMPORARY CONSTRUCTION WALLS AND ON SOLID WOOD FENCES
SURROUNDING VACANT LOTS (CF 17-0893)**

On August 2, 2017, the City Planning Commission recommended that the City Council adopt the proposed ordinance subject to review by the City Attorney as to form and legality. Working with the City Attorney and City Planning, the Department of Building and Safety (LADBS) is proposing the following technical revisions to the proposed ordinance solely for the purpose of enhancing clarity and simplifying enforcement. Accordingly, the Department recommends the following four modifications to the proposed ordinance.

1. Definition of "Active Construction Site"

The current proposed ordinance adds a definition requested by the Planning Commission for "Active Construction Site". This definition attempts to clarify provisions allowing temporary signs on temporary construction walls at sites undergoing construction. LADBS believes that as written, the definition creates a conflict between various code sections, and in addition, LADBS believes this definition is unnecessary.

The proposed ordinance already requires that a site eligible to have these temporary signs must have valid permits issued by LADBS for construction on the site, in addition to the permit for the temporary sign(s). LAMC 98.0602 already has provisions for the expiration of permits if the work is not started or the work is stopped. Any lapse of construction activity in excess of 6 months allows LADBS to expire those permits.

In addition, if there is lapse in site construction in excess of 6 months, this ordinance renders the permit for the temporary sign(s) invalid and that permit may be expired as well. Therefore, LADBS regards the definition to be unnecessary and recommends that the definition and its use be omitted from the proposed ordinance.

2. Substitute a Permit Expiration Process for the Proposed Revocation Process

This ordinance allows for a temporary sign to be placed on a site that is undergoing construction as long as there is no operating businesses on the site. The current proposed ordinance, further states that if at any time after the issuance of the temporary sign permit, a business becomes operative, the temporary sign permit may be revoked by LADBS. The revocation requirement presents some conflict with the existing code and can potentially delay enforcement by several months.

LAMC 98.0601(a) gives LADBS the authority to revoke permits granted in reliance on a false statement or misrepresentation or when a permit was granted in error or in violation of other provisions of the code. Neither of those conditions exist here. In these cases, when a business starts operating, the temporary sign is in violation of the terms of the permit and LADBS should be able to immediately start enforcement proceeding. If LADBS needs to first revoke the permit, no enforcement action can be taken.

Permit revocation is subject to due process and is therefore appealable. The appeal would be taken by LADBS but likely would have to be referred to the Director of Planning in accordance with LAMC 12.26K. This can be a lengthy, labor intensive process for both Departments that could delay enforcement by several months.

LADBS already effectively deals with permits that fall out of compliance and is able to write orders for the correction of the violation. Temporary sign permits should be no different. LADBS proposes that if a business starts operating while the temporary signs are installed, the sign permit should no longer be considered valid and the sign be removed. LADBS can then expire the sign permit and write orders seeking compliance. LADBS recommends that an expiration process be substituted for the revocation process.

3. Re-Issuance on new Temporary Sign Permits

The proposed ordinance allows LADBS to re-issue new permits with the approval of the Office of Beautification. The intent is, of course, that the new temporary signs covered by the new permits continue to comply with the original conditions stated in the ordinance that led to the issuance of the first temporary sign permit. This was not clearly stated on the current draft ordinance in Section 14.4.17.A. LADBS is recommending that clarifying language be added to state:

“and the site is still in compliance with the provisions specified in the first paragraph of this Subsection.”

4. Removal of Signs

Section 14.4.17.G.5. of the proposed ordinance states that temporary signs must be removed if they exceed the time limits stated in the ordinance. LADBS is recommending that clarifying language be added to state:

“or in the event that the temporary sign is no longer in compliance with the provisions of this Section.”

Should you have any questions regarding the Department’s recommendation, please contact me at (213) 252-3310.

Sincerely,



Frank Lara, Assistant Bureau Chief
Los Angeles Department of Building and Safety