

June 11, 2018

Los Angeles City Council
Planning and Land Use Management Committee
Los Angeles City Hall
200 N. Spring Street, Room 340
Los Angeles, CA 90012

Re: CPC-2017-455-CA/Temporary Signs on Construction Walls

Dear Chair Huizar and Honorable PLUM Committee Members,

Our firm represents General Barricade (GB). GB has maintained temporary walls and signs for national advertisers at construction sites and vacant lots since the enactment in 2007 of Los Angeles Municipal Code (LAMC) section 14.4.17. In consideration of the right to post advertising at these locations, GB removes graffiti, debris and trash on a daily basis from thousands of acres of public property, at no cost to taxpayers.

The temporary signage program created by section 14.4.17 has worked well for more than 10 years and should remain unchanged and enforced according to the law's plain language. The amendments presented to PLUM, after consideration by the Planning Commission, were prepared at the urging of a competitor, with the primary goal of preserving the competitor's threatened position in the marketplace and suppressing lawful competition.

If the PLUM Committee believes there is a need for amendments, they should be designed to maintain objective standards that ensure the effectiveness of the program and the accountability of all temporary barricade and sign owners. PLUM should reject amendments that would unnecessarily slash the program and the benefits it provides the City and its businesses. PLUM also should reject any amendments that open the door to inconsistent and arbitrary approval, restriction or denial of temporary sign permits by inspectors. Those difficulties that have arisen recently involve new and shifting policies that are applied unevenly.

A. **Nature of the Current Temporary Sign Program.** The temporary sign program created by LAMC section 14.4.17 has been highly successful, resulting in the clean up of thousands of acres in Los Angeles, all at no cost to taxpayers. The program complements the City's own graffiti abatement program, and it reduces the burden on the overstretched abatement teams working under increasingly costly contracts with the City. The section 14.4.17 program also generates funds that help defray remodel and construction costs for numerous small businesses and nonprofits and thereby incentivizes renovations of older buildings. Section 14.4.17 and related provisions of the LAMC are well drafted, already containing enforcement provisions that can readily be used by the City to prevent abuses of the program.

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Recently, a competitor that desires to limit the program largely to vacant lots and ground-up construction sites which the competitor controls – and where the competitor has maintained barricades many years – began urging City officials to deny temporary sign permits for barricades at building renovations, where businesses might be continuing to operate during construction. This new, restrictive interpretation of section 14.4.17 – created from whole cloth in late 2016 – is inconsistent with the language of the ordinance itself and is contrary to state law. Suddenly, lawful sign locations were lost or became ineligible for permits, with no basis under the LAMC and with no community benefit policy rationale.

Section 14.4.17 worked well for a decade under its plain terms, and should be enforced according to those terms.

B. Amendments to Strengthen Program Enforcement. While GB does not believe any revision of section 14.4.17 is required, if the City Council wishes to clarify the program’s enforcement mechanisms, the Council should adopt only those proposed amendments that directly address the perceived program abuses—*i.e.*, the erection of wholly unnecessary construction walls and unreasonable delays in the commencement of construction after sign permits are issued. Such amendments might include:

1. An explicit requirement that at least a portion of any temporary construction wall bearing signage be required under the LAMC; and
2. A provision explicitly providing that sign permits shall be expired if construction does not begin on the site within 180 days following issuance of the permit.

It must be noted that LAMC section 91.106.4.4.3 already allows DBS to revoke a permit where work has been suspended for 180 days or more.

C. The Code Itself Should Control the Program: The Council should reject any proposed language that empowers DBS to make discretionary determinations of when barricades bearing temporary signage are appropriate. Section 14.4.17 has clear criteria and requirements for signage that should not be altered. And LAMC section 91.106.2 allows for the erection of temporary barricades at construction sites without a separate permit. And obligating inspectors to determine the propriety of particular sign-bearing barricade locations would involve the exercise of discretion that runs afoul of the First Amendment and will ultimately destroy the entire program. The community will lose an innovative and successful, privately funded program that removes blight. Loss of the program, in turn, will hurt property owners, increase the number of unsightly construction sites and vacant lots, and increase the City’s burden of citywide graffiti abatement.

D. Additional Amendments to Hold Operators Accountable. If any amendment of section 14.4.17 is appropriate, the Council may wish to adopt other provisions that will hold all sign operators accountable for their clean-up obligations. For example, the Council could

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require detailed monthly reporting of clean-up activities by sign permit holders. Such reports will provide the City the data it needs – and currently lacks – to ensure that barricade and sign owners comply with their obligations. It also will allow the City to more objectively analyze the benefits of the program and, based thereon, suggest appropriate program enhancements.

The Council also could expand sign operators' graffiti removal and trash clean-up obligations to include public sidewalks and utility boxes in the abatement area, including at the sign site itself.

E. Unnecessary and Inappropriate Amendments. In contrast, the Council should NOT remove building renovations from the section 14.4.17 program. Slashing the program in this manner would be arbitrary and would deprive numerous businesses, nonprofits, and neighborhoods of the program's benefits. No evidence exists that all or even many such sites—which include, for example, office and shopping center remodels – are categorically abusive of the program. If barricades and signage at operating businesses do not meet the criteria set forth in section 14.4.17, permits can be denied or revoked under the current language of the law.

Contrary to the asserted rationale for this proposed restriction, operating businesses at construction sites do not have the same graffiti removal and neighborhood cleanup obligations as imposed by the program on temporary sign operators. At most, operating businesses must keep their own business sites clean. They are not incentivized, have no obligation, to clean up nearby public property, and certainly not all public property within a 500 foot radius (more than 18 acres of land, depending on the size of the permitted lot) as required of sign operators under the program. Banning signs at renovation sites will significantly and arbitrarily reduce the program's valuable clean-up and business support benefits for no good reason.

Thank you for your consideration of these comments.

Sincerely,



Philip R. Recht