

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

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|--|--------------------------------|--|
| CITY PLANNING CASE: | ENVIRONMENTAL DOCUMENT: | COUNCIL DISTRICT: |
| CPC-2017-455-CA | ENV-2017-591-CE | All |
| PROJECT ADDRESS: | | |
| Citywide | | |
| APPLICANT | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| City of Los Angeles | | |
| <input type="checkbox"/> New/Changed | | |
| APPLICANT'S REPRESENTATIVE | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| N/A | | |
| APPELLANT | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| N/A | | |
| APPELLANT'S REPRESENTATIVE | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| N/A | | |
| PLANNER CONTACT INFORMATION: | TELEPHONE NUMBER: | EMAIL ADDRESS: |
| Yi Lu | (213) 978-1287 | Yi.Lu@lacity.org |
| ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION | | |
| Code Amendment | | |

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

None

ATTACHMENTS:**REVISED:****ENVIRONMENTAL CLEARANCE:****REVISED:**

- ☒ Letter of Determination
- ☒ Findings of Fact
- ☒ Staff Recommendation Report
- ☐ Conditions of Approval
- ☒ Ordinance
- ☐ Zone Change Map
- ☐ GPA Resolution
- ☐ Land Use Map
- ☐ Exhibit A - Site Plan
- ☒ Mailing List
- ☐ Land Use
- ☐ Other _____

- ☐
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- ☒ Categorical Exemption
- ☐ Negative Declaration
- ☐ Mitigated Negative Declaration
- ☐ Environmental Impact Report
- ☐ Mitigation Monitoring Program
- ☐ Other _____

- ☐
- ☐
- ☐
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- ☐
- ☐

NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:☐ Yes☒ No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- ☒ City Planning Commission (CPC)
- ☐ Cultural Heritage Commission (CHC)
- ☐ Central Area Planning Commission
- ☐ East LA Area Planning Commission
- ☐ Harbor Area Planning Commission

- ☐ North Valley Area Planning Commission
- ☐ South LA Area Planning Commission
- ☐ South Valley Area Planning Commission
- ☐ West LA Area Planning Commission

| | |
|--|--------------------------|
| PLANNING COMMISSION HEARING DATE: | COMMISSION VOTE: |
| May 25, 2017 | 8 - 0 |
| LAST DAY TO APPEAL: | APPEALED: |
| N/A | N/A |
| TRANSMITTED BY: | TRANSMITTAL DATE: |
| James K. Williams | August 4, 2017 |



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: AUG 02 2017

Case No.: CPC-2017-455-CA

Council Districts: All

CEQA: ENV-2017-591-CE (Not a Project under CEQA)

Plan Areas: All

Project Site: Citywide

Applicant: City of Los Angeles
Representative: Yi Lu, City Planning Associate

At its meeting of **May 25, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the proposed ordinance:

Ordinance adding a preamble to Article 4.4 and amending Sections 14.4.2, 14.4.4 and 14.4.17 of the Los Angeles Municipal Code (LAMC) to clarify regulations regarding temporary signs on temporary construction walls and on solid wood fences surrounding vacant lots.

1. **Found** that the proposed ordinance is not a Project pursuant to CEQA Guidelines, and that if it were a project, it would be exempted under Categorical Exemption Class 8;
2. **Adopted** the staff report as the Commission report on the subject;
3. **Approved and recommended** that the City Council **adopt** the proposed ordinance subject to review by the City Attorney as to form and legality; and
4. **Adopted and recommended** that the City Council **adopt** the attached Findings.

The vote proceeded as follows:

Moved: Ambroz
Second: Millman
Ayes: Choe, Katz, Mitchell, Padilla-Campos, Perlman, Dake Wilson
Absent: Mack

Vote: 8 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: The decision of the Los Angeles City Planning Commission is final and not appealable.

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of

Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Ordinance, Findings

c: Tom Rothmann, Principal City Planner
Phyllis Nathanson, City Planner
Yi Lu, City Planning Associate

ORDINANCE NO. _____

An ordinance adding a preamble to Article 4.4 and amending Sections 14.4.2, 14.4.4 and 14.4.17 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. A paragraph is added at the beginning of Article 4.4 of the Los Angeles Municipal Code to read:

The regulations in this article do not apply to signs located primarily within a public right-of-way.

Sec. 2. The entry for Section 14.4.17 within the list of sections appearing at the beginning of Article 4.4 is amended to read:

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

Sec. 3. Section 14.4.2 is amended to add the following definition:

Active Construction Site. A site with construction work authorized by a valid building permit issued by the Department of Building and Safety that commenced within 180 days following the date the permit for the construction was issued and was not suspended, discontinued or abandoned for a continuous period of 180 days.

Sec. 4. The following definition in Section 14.4.2 is amended to read:

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

11. Are off-site signs, including off-site digital displays, except when off-site signs are specifically permitted pursuant to a relocation agreement entered into pursuant to California Business and Professions Code Section 5412. This prohibition shall also apply to alterations, enlargements or conversions to digital displays of legally

existing off-site signs, except for alterations that conform to the provisions of Section 91.6216 and all other requirements of this Code.

EXCEPTIONS: This prohibition shall not apply to 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 non-digital off-site signs that are authorized by a valid building permit for a Temporary Sign on Temporary Construction Walls at active construction sites or on fences of solid wood or similar material surrounding vacant lots pursuant to Section 14.4.17.

Sec. 6. The heading of Section 14.4.17 is amended to read:

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

Sec. 7. Subsection A of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

A. Permit Required. A valid building permit issued by the Department of Building and Safety (LADBS) 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. A permit for a Temporary Sign on a Temporary Construction Wall shall be issued only if 1) there is a separate valid permit from LADBS authorizing construction work on the lot or lots, 2) at least a portion of Temporary Construction Wall is required pursuant to Section 91.3306 of the Los Angeles Municipal Code, and 3) there is no operating business on the lot or lots on which the building undergoing authorized construction is situated. If, after the permit is issued, a business on the lot or lots, which was not operating at the time of permit issuance begins operating, the Department of Building and Safety may revoke the permit.

If Department of Building and Safety records indicate that a permit was previously issued for a Temporary Sign on the site pursuant to this Section, the Department may re-issue a new building permit only if the Director of the Office of Community Beautification consents to the new building permit in a written statement. The Office of Community Beautification's consent shall be based solely on its assessment as to whether a public nuisance exists based on 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 G of this Section.

Sec. 8. Subsection C of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

C. Time Limit. Notwithstanding the provisions of Section 14.4.16 C.1. and 2. of this Code, a building permit for a Temporary Sign placed on a Temporary Construction Wall shall remain valid for two years, or for as long as the construction work, under a separate valid permit, requiring a barrier pursuant to Section 91.3306 of Los Angeles Municipal Code, continues, whichever is less.

If the construction work authorized by the separate construction permit has not commenced by the 180th day following the permit issuance date, or work has been suspended, discontinued or abandoned for a continuous period of 180 days, the permit for the Temporary Sign shall be expired. If the separate construction permit is revoked, the permit for the Temporary Sign shall be revoked.

A building permit for a Temporary Sign on a fence of solid wood or similar material surrounding a vacant lot shall remain valid for one year.

Sec. 9. Subsection F of Section 14.4.17 of the Los Angeles Municipal Code is renumbered Subsection G:

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.

Sec. 11. Subdivision 1 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

1. **Review by the Office of Community Beautification.** At any time after the issuance of a building permit under this section and upon request of the Council district office of the Council district in which the site or lot is located, the Office of Community Beautification of the Department of Public Works (Office of Community Beautification) shall investigate an area consisting of a 500-foot radius around the permitted site or lot to determine whether there exists a public nuisance due to the presence of graffiti and/or posters/handbills on light poles, utility poles, bus stops, and any other illegal postings, as well as trash, debris, rubbish and weeds on public property.

If the Office of Community Beautification cannot establish that the area constitutes a public nuisance 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 500-foot 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 radius of 1500 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 500-foot radius, then it shall require the applicant to abate the public nuisance in the expanded radius area in accordance with Subdivision 3., below.

Sec. 12. Subdivision 3 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

3. **Nuisance Abatement.** It shall be the applicant's responsibility to clean and maintain free from graffiti public property and rights-of-way within an area consisting of a 500-foot radius or any expanded radius required by the Office of Community Beautification around the permitted site or lot. The applicant shall patrol the abatement area every 24 hours to search for graffiti 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 applicant 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 applicant shall also remove any trash, debris, rubbish, or weeds from the public sidewalks within the abatement area around the permitted site. The Office of Community Beautification shall enforce the provisions of this subsection. The applicant shall comply with the administrative policies and procedures set by the Office of Community Beautification.

Sec. 13. Subdivision 5 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

5. **Removal of Signs.** The applicant must remove the Temporary Signs authorized by this Section by the date the sign permit becomes invalid due to its time limit. If the building permit allowing a Temporary Sign on a Temporary Construction Wall, and/or a fence of solid wood or similar material surrounding a vacant lot expires or is revoked, a written notice of the revocation or expiration shall be sent to the applicant and /or property owner. The Temporary Sign must be removed within 10 days of the mailing date of the written notification.

Sec. 14. Paragraph (f) of Subdivision 4 of Subsection G of Section 14.4.17 of the Los Angeles Municipal Code is amended to read:

(f) Failure by the applicant, at the time of graffiti removal, to remove trash, debris, rubbish or weeds from the public sidewalks within the abatement area around the permitted site.

Sec. 15. The City Clerk shall certify....

Appendix B: Findings

LAND USE FINDINGS

In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent and provisions of the General Plan in that it supports the Citywide General Plan Framework's Liveable Neighborhoods subsection (under the Urban Form and Neighborhood Design Section), which provides that "all neighborhoods in the City deserve to have well designed buildings and a safe secure, and attractive public realm". The proposed ordinance also supports Goal 5A of the Citywide General Plan Framework by helping to further shape "a livable city for existing and future residents and one that is attractive to future investment"; and it is in line with objective 5.5, to "enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm". The ordinance substantially advances a legitimate public interest in that it engages the private sector to help clean public space and maintain it free of graffiti and trash through the Graffiti Removal Program, therefore it protects the integrity of the neighborhood and improve the aesthetics of the public space.

In accordance with Charter Section 558 (b)(2), the proposed ordinance will be in conformance with public necessity, convenience, general welfare and good zoning practice because the ordinance clarifies existing provisions in the Zoning Code pertaining to temporary signs on temporary construction walls, and on solid fences surrounding vacant lots. This clarification is necessary for the implementation of good zoning practice and to reduce misinterpretation of the Code provisions.

ENVIRONMENTAL FINDINGS

Pursuant to CEQA Guidelines, Sections 15060(c)(2) and 15378(a), it has been determined that the proposed ordinance is not considered a "Project" under CEQA because it does not have the potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

If the project is determined to be a "Project" under CEQA, it meets the requirements of the Class 8 Categorical Exemption pursuant to CEQA Guidelines, Section 15308. Class 8 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.