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December 7, 2017

Planning and Land Use Management Committee  
c/o Office of the City Clerk  
City Hall, Room 395  
Los Angeles, California, 90012

Dear Honorable Members:

**FUNDING FOR ADDITIONAL OSSPIP STAFF, AND CONCERNS WITH IMPLEMENTATION OF ADMINISTRATIVE CIVIL PENALTIES; CF 11-1705**

As directed by the Planning and Land Use Management (PLUM) Committee at its meeting of May 31, 2017 and further instructed by PLUM staff on November 14, 2017, the Department hereby submits this report back regarding the following items: 1) Funding for Additional OSSPIP Staff and 2) Concerns with Implementation of Civil Administrative Penalties.

**1. FUNDING FOR ADDITIONAL OSSPIP STAFF**

On May 30, 2017, the PLUM Committee instructed the Department of Building and Safety (LADBS) to report back on the following:

Report back with strategies on securing immediate funding for 2 additional inspection staff as part of the Off-Site sign Periodic Inspection Program (OSSPIP), independent of any expanded fee program that may be associated with the proposed Sign Ordinance.

A report from the Office of the City Administrative Officer (CAO) dated October 28, 2016, recommended authorizing two unfunded positions within LADBS to address work associated with implementing potential relocation agreements and enforcing sign regulations and amendments. The CAO suggested that the unfunded resolution authorities would be fully funded through existing fees.

LADBS supports the CAO's suggested method to secure the immediate funding and recognizes that the cost could be offset through the collection of Code Violation Inspection Fees and Non-Compliance Fees typically assessed on Orders to Comply cited on non-compliant properties. LADBS recommends that the Council, subject to the approval of the Mayor, authorize by resolution two Building Mechanical Inspector (Class Code 4251) positions within the LADBS to provide additional Off-Site Sign Periodic Inspection Program (OSSPIP) enforcement, as well as, assist in the implementation of any new sign ordinance.

## **2. CONCERNS WITH IMPLEMENTATION OF CIVIL ADMINISTRATIVE PENALTIES**

The currently proposed draft language states the following:

The assessment of the civil penalties established in this Section 14.4.26 shall replace any other administrative or judicial remedies established by this Code to address violations of the sign regulations.

Although LADBS supports the application of administrative civil penalties, we have serious concerns regarding some elements of the latest proposed draft language for Section 14.4.26, titled "Violations and Administrative Civil Penalties". If this language is passed as is, **LADBS' long-standing and successful community-based code enforcement procedures will be replaced by an automatic assessment of civil penalties on all on-site and offsite signs.**

The following concerns, if not remedied, will diminish Department efficiency and effectiveness in sign enforcement.

### **A. The proposed language creates an unnecessary adversarial relationship with on-site sign owners that may complicate and lengthen the compliance process.**

The proposed new language for Section 14.4.26 requires that civil administrative penalties be imposed for all sign violations, from the smallest on-site business sign to the largest off-site billboard. Presently, the vast majority of enforcement of sign violations is conducted on on-site signs. LADBS' current enforcement procedure of issuing Orders to Comply and assisting sign owners to remedy violations, has been extremely effective in resolving most of the cases. Whenever an on-site sign owner is resistant to the administrative enforcement process, the City Attorney has been very effective in obtaining compliance through a hearing process or subsequent criminal misdemeanor charges filed in court. LADBS contends that applying civil administrative penalties for enforcement of on-site sign violations is unnecessary and excessive.

### **B. Compliance timeline is too short for sign enforcement.**

The proposed provisions for the assessment of civil administrative penalties indicate that penalties will begin to accrue on the 16<sup>th</sup> day after the effective date shown on the Order to Comply. LADBS contends that this interval is too short for sign enforcement. This 16-day interval will replace LADBS' current enforcement procedure and timelines. LADBS' current process has been proven to provide effective results and reasonable "due process" where escalation of cases has resulted in litigation or criminal filings. LADBS recommends that the 16-day interval be lengthened to allow for LADBS' current enforcement timelines to be expended before the assessment of penalties.

### **C. Staff time and other costs related to collection of penalties will be overly burdensome.**

Based on many years of code enforcement experience, the Department warns that collection of these new penalties is likely to become a challenging undertaking. LADBS has experienced that a significant number of fee assessments have required enhanced collection efforts, including lien processing. Collection of penalties on the large number of on-site sign violations will become burdensome in terms of City staff time (LADBS and City Attorney) and the costs associated with collection activities.

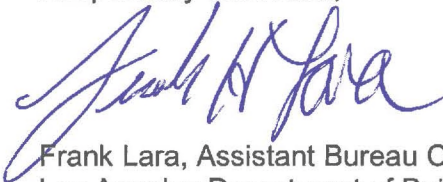
**D. Appeal provisions in Section 14.4.27 are logistically challenging and inconsistent with existing appeal procedures.**

Appeal provisions in Section 14.4.27 are likely to be viewed as a favorable action to many sign violators due the provision to temporarily stay the accrual of penalties. The significant number of appeals and a logistically challenging proposed procedure to process the appeals will place unreasonable demands on City staff. These proposed procedural provisions should be amended to parallel existing efficient administrative appeal provisions in the Municipal Code.

**RECOMMENDATION**

The Department recommends that the Committee instruct DCP, LADBS and the City Attorney to jointly report back with amended provisions for civil administrative penalties to be applied exclusively to off-site sign violations, and that the time interval preceding the commencement of penalties be amended to allow for LADBS to exhaust normal administrative enforcement procedure. Additionally, amend appeal provisions in Section 14.4.27 to be consistent with existing appeal procedures in the Municipal Code.

Respectfully submitted,



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