



SAN FRANCISCO PLANNING DEPARTMENT

October 10, 2007

Anthony M. Leones
Miller, Starr and Regalia
1331 North California Blvd.
Walnut Creek, California 94596

**RE: Request for Written Determination
General Advertising Sign Inventory Registration Fee**

Dear Mr. Leones:

This letter is in response to your request of January 4, 2007 for a written determination regarding the general advertising sign inventory processing fees.

Your letter takes issue with the assertion that the "\$560 per sign structure" fee should be assessed based on the number of **individual general advertising sign structures**. Pursuant to Planning Code Section 102.26, a "structure" is "anything constructed or erected which requires fixed location on the ground or attachment to something having fixed location on the ground."

Additionally, under Planning Code Section 602.19, general advertising signs with multiple faces are considered separate and distinct signs. To quote Section 602.19, "*Except in the case of general advertising signs, two or more faces shall be deemed to be a single sign if such faces are contiguous on the same plane, or are placed back to back to form a single structure and are at no point more than two feet from one another.*" (Emphasis added.) Thus, if the sign at issue is a general advertising sign, it is *not* deemed to be a single sign if it has two or more faces, regardless of placement and orientation. Accordingly, as used in Section 358, "sign structure" clearly indicates each individual general advertising sign.

The argument contained in your letter that my assertion is "textually incorrect" because Section 609 lists "sign face" and "sign structure" is erroneous. Section 609 is not pertinent to the matter at hand as it does not purport to define either "sign face" or "sign structure." Furthermore, Section 609 includes the terms "sign faces," "sign structure," "supporting framework" and "all other parts of the sign." None of these can be considered mutually exclusive terms with clearly delineated boundaries.

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Finally, under Section 604.2(f), the purpose of the inventory processing fee is “to compensate the Department for its costs in verifying that the signs identified in the inventory are lawfully existing; and, to obtain removal, through abatement actions or other Code enforcement activities of any signs included on the inventory that the Department determines to be existing illegally.” Such costs are based on the sign face, as each sign face entails separate research, measurements, photographs, and permit review.

If you have any questions regarding this letter, please call **Jonathan Purvis** of my staff at **(415) 558-6354**, or by e-mail at **jonathan.purvis@sfgov.org**.

If you believe that this determination represents an error in interpretation of the Planning Code or abuse of discretion by the Zoning Administrator, an appeal may be filed with the Board of Appeals within 15 days of the date of this letter. For information regarding the appeals process, please contact the Board of Appeals located at 1660 Mission Street, Room 3036, San Francisco, or call (415) 575-6880.

Sincerely,

Lawrence B. Badiner
Zoning Administrator

CC: Elaine Forbes, Finance Director – Planning Department
Jon Purvis, General Advertising Sign Program Coordinator – Planning Department
Judy Boyajian, City Attorney

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