

FILE NO. 060849

ORDINANCE NO.

1 [General Advertising Signs - Fees.]

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3 **Ordinance amending the Planning Code to add Section 358 to establish fees for**
4 **Planning Department processing and review of General Advertising Sign Inventories,**
5 **annual Inventory maintenance, Relocation Agreements, and in-lieu applications and to**
6 **provide for annual adjustment of said fees; amending Section 604.2 to cross reference**
7 **these fees; and adopting findings including environmental findings and findings of**
8 **consistency with the General Plan and the Priority Policies of Planning Code Section**
9 **101.1.**

10 Note: Additions are single-underline italics Times New Roman;
11 deletions are ~~strikethrough italics Times New Roman~~.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Findings.

16 (a) The Board of Supervisors finds that this ordinance will serve the public
17 convenience and welfare in that it provides for a mechanism to implement the intent of the
18 voters in enacting Proposition G and for the additional reasons set forth in Planning
19 Commission Resolution No. 17224 recommending approval of this Planning Code
20 amendment, which reasons are incorporated herein by this reference. A copy of said
21 resolution is on file with the Clerk of the Board of Supervisors in Board File No. 060849.

22 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
23 ordinance is consistent with the Priority Policies of Planning Code Section 101.1(b) and with
24 the City's General Plan and hereby adopts and incorporates herein by reference the findings
25 of the Planning Commission, as set forth in Commission Resolution No. 17224.

1 (c) The Planning Department has determined that the actions contemplated in this
2 Ordinance are in compliance with the California Environmental Quality Act (California Public
3 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
4 Board of Supervisors in File No. 060849 and is incorporated herein by reference.

5 Section 2. The San Francisco Planning Code is hereby amended by adding Section
6 358 to read as follows:

7 SEC. 358. GENERAL ADVERTISING SIGNS FEES.

8 (a) The fee for the relocation agreement application pursuant to Section 611 and
9 Administrative Code Section 2.21 shall be \$1,000.00 per individual relocation agreement application.

10 (b) The fee for the initial inventory processing pursuant to Section 604.2 shall be \$560.00 per
11 sign structure.

12 (c) The fee for an in-lieu application pursuant to Section 604.1 shall be \$320.00 per sign
13 structure.

14 (d) The fee for annual inventory maintenance pursuant to Section 604.2 shall be \$48.00.

15 (e) Fee Review and Adjustment. Beginning with fiscal year 2007-2008, the fees established in
16 this Section may be adjusted each year, without further action by the Board of Supervisors, to reflect
17 changes in the relevant Consumer Price Index, as determined by the Controller. No later than April
18 15th of each year, the Director shall submit the Department's current fees schedule to the Controller,
19 who shall apply the price index adjustment to produce a new fee schedule for the following year. No
20 later than May 15th of each year, the Controller shall file a report with the Board of Supervisors
21 reporting the new fee schedule and certifying that: (a) the fees produce sufficient revenue to support the
22 costs of providing the services for which the fee is charged and (b) the fees do not produce revenue that
23 exceeds the costs of providing the services for which each permit fee is charged. Notwithstanding the

1 procedures set forth in this Section, the Board of Supervisors, in its discretion, may modify the fees by
2 ordinance at any time.

3 Section 3. The San Francisco Planning Code is hereby amended by amending Section
4 604.2 to read as follows:

5 SEC. 604.2 GENERAL ADVERTISING SIGN INVENTORIES.

6 (a) Submission of Initial Sign Inventory. Within 60 days of the effective date of this
7 Section, any general advertising sign company that owns a general advertising sign located in
8 the City shall submit to the Department a current, accurate, and complete inventory of its
9 general advertising signs together with the inventory processing fee required by subsection (f)
10 below. Any general advertising company that commences ownership of one or more general
11 advertising signs located in the City after the effective date of this Section shall submit an
12 inventory together with the inventory processing fee within 60 days after its commences such
13 ownership whether or not the signs on the inventory have previously been reviewed by the
14 Department in its review of the inventory of a previous owner.

15 (b) All Signs to be Included in the Inventory; Inclusion Not Evidence of Legality.
16 The inventory shall identify all general advertising signs located within the City that the
17 general advertising company owns and/or operates under a lease, license or other agreement
18 whether or not those signs can be proved to be lawfully existing. Inclusion of a sign on the
19 inventory shall not be considered evidence that a sign is lawfully existing.

20 For purposes of this Section, a "general advertising sign company" shall mean an entity
21 that owns a general advertising sign structure, as distinguished from the person or entity that
22 owns the property on which the sign is located.

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1 (c) The initial sign inventory required by subsection (a) above shall include a site
2 map that shows the location of all signs identified in the inventory, and shall provide the
3 following information for each sign:

4 (1) the location of the sign by street address by block and lot, and by nearest
5 intersection;

6 (2) a photograph of the sign in its existing location on the lot, specifically identifying
7 the sign;

8 (3) the date of original erection or installation of the sign, if known;

9 (4) the permit number or in-lieu identifying number issued by the Department
10 pursuant to Section 604.1(c) of this Code;

11 (5) the approved and existing area, dimensions, height, and any other special
12 features of the sign such as illumination or movement;

13 (6) the type of sign, as defined in Section 602 of this Code;

14 (7) evidence that the sign has not been removed and still exists at the authorized
15 location, and that the sign company is the owner of the sign structure;

16 (8) permit number and, in the case of subsequent modifications of the sign,
17 including, but not limited to, illumination, permit application number or permit number;

18 (9) evidence that the sign still is in use for general advertising; and

19 (10) information, if known, whether the sign had a prior use as a non-general
20 advertising sign, including, but not limited to, a business sign or exempt sign, and the duration
21 of such prior use.

22 (d) Affidavit. The general advertising sign company shall submit with the inventory
23 an affidavit signed under penalty of perjury by a duly authorized officer or owner of the sign
24 company stating that:

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1 (1) the sign inventory and site map are current, accurate, and complete to the best
2 of his or her knowledge;

3 (2) the officer or owner believes, after the exercise of reasonable and prudent
4 inquiry, that all signs on the inventory have been erected or installed with an appropriate City
5 permit or have an in-lieu identifying number granted by the Director of Planning;

6 (3) the general advertising sign company is the owner of all sign structures listed on
7 the inventory.

8 (e) Inventory Update. Any general advertising sign company that has submitted an
9 initial sign inventory pursuant to subsection (a) above shall be responsible for keeping its
10 inventory updated by reporting in writing to the Department the sale or removal of any general
11 advertising sign identified in the inventory, the purchase of a sign from another sign company
12 or owner, or the relocation of a sign pursuant to a Relocation Agreement and conditional use
13 authorization. Such reporting to the Department shall be made within 30 days of the actual
14 sale, removal, purchase, or relocation of the sign. The fee charged to a sign company for an
15 update to its initial sign inventory shall be the fee per sign structure set forth in Section 358 of
16 this Code.

17 (f) Inventory Processing Fee. With the submission of the initial sign inventory
18 required by subsection (a) above, the general advertising sign company shall pay the
19 inventory processing fee set forth in Section 358 of this Code. After payment of this initial
20 inventory processing fee, the general advertising sign company shall annually pay an inventory
21 maintenance fee as set forth in Section 358. The Department shall use ~~this~~ the inventory processing
22 fee solely for the following purposes:

23 (1) to compensate the Department for its costs in verifying that the signs identified
24 in the corresponding inventory are lawfully existing;

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1 (2) to obtain removal, through abatement actions or other code enforcement
2 activities, of any signs included on the inventory that the Department determines to be existing
3 illegally.

4 (g) Departmental Notification of Failure to Submit Complete Inventories. The
5 Department shall notify in writing those sign companies that have not submitted or have
6 submitted incomplete sign inventories, or have not timely submitted an inventory update.

7 (1) Within 30 days of the date of notification provided under subsection (g), the sign
8 company shall submit a complete inventory with the inventory processing fee and a penalty of
9 \$580 per sign for those signs that were not identified or those improperly identified.

10 (2) If the sign company fails to submit the complete inventory with the processing
11 fee and full penalty amount provided in subsection (g)(1), then, within 60 days of the date of
12 notification provided under subsection (g), the penalty will increase to \$1,160 per sign for
13 those signs that were not identified or those improperly identified.

14 (3) Any penalties assessed pursuant to subsections (g)(1) and (2) above, are
15 appealable to the Board of Appeals.

16 (4) The Board of Appeals, in reviewing the appeal of the penalty assessed may
17 reduce the amount of the penalty if the Board of Appeals finds that the sign owner: (i) was not
18 properly notified or (ii) had previously submitted a sign inventory that included the signs for
19 which the penalty was assessed. The Board of Appeals also may reduce the amount of the
20 penalty if it finds that any action on the part of the Department resulted an improper
21 assessment of the penalty charge.

22 (5) If the sign company fails to submit the full penalty amount assessed pursuant to
23 subsections (g)(1) and (2) or as modified by the Board of Appeals pursuant to subsections
24 (g)(3) and (4), the Planning Department shall request the City's Treasurer/Tax Collector to
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1 pursue the outstanding penalties after 90 days of the date of notification provided under
2 subsection (g).

3 (6) All penalty revenues received shall be deposited in the Code Enforcement Fund.

4 (h) The Department shall submit to the Commission and the Board of Supervisors
5 an annual report that includes: (i) annual revenues from the inventory processing fee, annual
6 inventory maintenance fee, in-lieu application fee, and the relocation agreement application
7 fee, (ii) annual expenditures for the sign inventory program, and (iii) a progress report on the
8 number of general advertising signs verified in the sign inventory; in-lieu requests; and code
9 enforcement actions for general advertising signs processing, backlog, and abatement
10 actions.

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13 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

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15 By: _____
John D. Malamut
16 Deputy City Attorney

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