

SAN FRANCISCO

PLANNING COMMISSION

RESOLUTION NO. 17258

**ADOPTING CRITERIA FOR THE LEGALIZATION OF EXISTING SIGNS AS COMMISSION POLICY AND RECOMMENDING FURTHER TECHNICAL AMENDMENTS TO THE ORDINANCE CONTAINED IN BOARD FILE 052021 IN ORDER TO INCORPORATE REFERENCES TO THOSE CRITERIA AND TO MAKE OTHERS ADJUSTMENTS.**

WHEREAS, on December 13, 2005, Supervisor Peskin initiated legislation relating to general advertising sign relocation procedures and sign inventory requirements;

WHEREAS, at the April 6, 2006 hearing, sign company representatives presented concerns regarding a need for improved clarity on the process for determining the legality of general advertising signs, establishing 'grandfathered' signs, and other methods to simply related determinations. Given the complex nature of such proposals and the fact that these concerns had not yet been assessed by Department Staff, the Commission declined to act on such legality criteria without further deliberation and information; and

WHEREAS, the Planning Commission, at the duly noticed public hearing on April 6, 2006 concurred with the Staff recommended amendments with modifications and adopted Resolution Number 17224 to this effect; and

WHEREAS the Planning Commission expressed an intent to address legality criteria for existing general advertising signs as a policy matter to be considered at a future Planning Commission hearing; and

WHEREAS, the Planning Commission on June 1, 2006 and June 8, 2006 heard further public testimony on proposed legality criteria; now therefore be it

RESOLVED that the Commission hereby adopts criteria for the legalization of existing general advertising signs contained in Exhibit A of this Resolution as Commission Policy, and be it

FURTHER RESOLVED that the Commission recommends that the Board of Supervisors further amend the legislation contained in File 052021 by referring to the these criteria, and be it

FURTHER RESOLVED that the Commission recommends that the Board of Supervisors further amend the legislation contained in File 052021 by reducing the inventory fee from \$560 to \$320 per sign for those signs for which an in-lieu fee has already been paid, and be it

FURTHER RESOLVED THAT the Commission recommends that the Board of Supervisors consider future amendments to the Planning Code that would enable temporary physical extensions of general advertising signs to be allowed under a Temporary Use Permit process with potential requirement of a bond;

I hereby certify that the foregoing Resolution was ADOPTED by the Planning Commission on June 8, 2006

Linda Avery  
Commission Secretary

AYES: Alexander, Antonini, S. Lee, W. Lee

NOES: Bell

ABSENT: Hughes, Olague (Excused)

ADOPTED: June 8, 2006

**EXHIBIT A**

**CRITERIA FOR THE LEGALIZATION OF EXISTING GENERAL ADVERTISING SIGNS**

**I. Definitions**

1. "Legally permitted," "legally existing," and "lawfully existing" shall mean a sign that was lawfully erected prior to the effective date of Planning Code Section 611 pursuant to a permit duly issued by the City and County of San Francisco, or a sign that has an in-lieu identifying number granted by the Director of Planning pursuant to Planning Code Section 604.1(c), and which (1) is in compliance with all conditions of approval or (2) has been brought in to compliance with all original conditions of approval by permit.
2. In-Lieu Permit: An identifying number granted by the Director of Planning pursuant to Planning Code Section 604.1(c).

**II. Structural Safety Work**

Structural repairs should be allowed so long as they (1) are consistent with the authorized or legalized sign, and (2) do not increase the degree of non-conformity of the height or area of the sign with that authorized under approved permits or in-lieu permits. Installation of additional catwalks, only if needed for safety is permitted. If other safety improvements are required by the Department of Building Inspection and such work necessitates complete deconstruction of a sign, it can be replaced only if the replacement is consistent with area and height authorized in original or in-lieu permit specifications.

**III. In-Lieu Permit Requests**

The following evidence should be provided to the extent available and found to be adequate as a pre-condition for granting in-lieu permits.

1. Evidence that leases or other documents refer to a permit or that characteristics of the sign at the date of its installation would not have required a permit (e.g. painted wall signs).
2. Evidence that the sign met Building and Planning Code requirements in effect at the estimated date of installation. Requirements of the Building Code maybe used as evidence of the legality of the sign.
3. If there is evidence that the sign was expanded without permit after its original installation, the in-lieu permit should be granted for the original size or for a size\_within the allowable range of permitted modifications.
4. Evidence that building or building addition to which the sign is attached existed with benefit of a permit at the date of installation.
5. Coordination with Department of Building Inspection to assure correction under a building permit of any identified structural deficiencies prior to issuance of in lieu number

**IV. Legality of General Advertising Signs for Which No In-Lieu Request Has Been Filed**

The following evidence should be provided to the extent available and found to be adequate as a pre-condition for granting in-lieu permits.

1. Evidence of a building permit, job card, record of final inspection, or any other building or planning permit records on which sign is shown and consistency of sign with that permit or record or standards in effect at date of authorization. An issued permit, which was not finalized, is considered equivalent to a permit.
2. If there is evidence that the sign was expanded without permit after its original installation, the sign must be restored to the originally permitted size or to within the allowable range of permitted modifications.
3. Evidence that the building or building addition to which sign attached existed with benefit of permit at date of installation.
4. Evidence such as lease history or other documents that the sign has been in continuous operation since installation.
5. Coordination with Department of Building Inspection to assure correction under a building permit of any identified structural deficiencies prior to issuance of in lieu number

**V. Adjustments for Modifications Without Permit**

1. In the case in the case of signs originally permitted at a size of 10.5 feet to 25 feet, the deviation allowed may be up to 12 feet by 25 feet. In the case of signs originally permitted at 12.5 feet by 47 feet, the deviation allowed may be up to 14 feet by 48 feet. Modification must be established with a corrective permit.
2. Alterations in size due to removal of frames should be permitted.
3. Other sizes of sign which have been expanded or increased in height or illumination without permit should only be restored in accordance with specifications on the original issued permit.