



# SAN FRANCISCO PLANNING DEPARTMENT

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June 20, 2007

**Gerald M. Murphy**  
Luce, Forward, Hamilton & Scripps LLC  
121 Spear Street, Suite 200  
San Francisco, CA 94105

**RE: Request for Written Determination**  
**2498 Lombard Street, General Advertising Sign**  
**Assessor's Block/Lots: 0936/016**  
**Zoning: NC-3 (Moderate-Scale Neighborhood Commercial) District**

Dear Mr. Murphy:

This letter is in response to your request of April 20, 2007 for a written determination as to whether the general advertising sign at the above location is a lawfully existing sign, and if it is not, whether it can be legalized.

I find that the subject sign is a lawfully existing sign in that it was installed prior to the effective date of Proposition G with a duly issued permit. I also find that alterations to the sign to correct a violation of the Planning Code, or structural alterations required to reinforce the sign to meet seismic and other safety requirements of the Building Code, would be in conformity with the Planning Code provided the sign is not removed in the process.

You correctly state in your letter that under Planning Code Section 602.7, a general advertising sign is defined as a sign that was lawfully erected as of March 5, 2002, the effective date of Proposition G, pursuant to a permit duly issued by the City and County of San Francisco. The Department of Building Inspection issued Permit No. 472823 in 1981 to erect at the subject site a single-faced sign at a height of 36 feet, with a dimension of 16 feet by 48 feet, and with a clearance of 20 feet from the ground.

However, the sign is at a height of 43 feet rather than 36 feet, has a dimension of 14 feet by 48 feet, and has a clearance of 29 feet. The sign is also electrified for illumination and a catwalk was added below the sign face. When these alterations occurred is not relevant. Since a permit was issued to install the sign, the sign is lawful. Only non-permitted features of the sign are unlawful and in violation of the Planning Code.

Under Section 604(h) of the Planning Code, a lawfully existing sign may remain until the end of its normal life. Such a sign may not be replaced, altered, reconstructed, relocated, intensified or expanded in area except in conformity with the Code. Further, a general advertising sign that has been removed shall not be reinstalled, replaced, or reconstructed at the same location, as that would represent a new sign in violation of Section 611(a) of the Code.

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Therefore, all unlawful features of the sign may be corrected, but without removal of the sign. As long as the sign structure is not removed from the site, the sign can be restored to its lawful height and other features can be removed without changing the legal status of the sign.

**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](mailto: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: Judy Boyajian, City Attorney  
Lois Scott, Code Enforcement  
Rachna, Code Enforcement  
Jonathan Purvis, GA Sign Program  
Andrew Junius, Reuben & Junius  
First Interstate Bank of Calif. – c/o Conoco Phillips Co.

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