



PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER
(415) 558-6378

DIRECTOR'S OFFICE
PHONE: 558-6411

4TH FLOOR
FAX: 558-6426

ZONING ADMINISTRATOR
PHONE: 558-6350

5TH FLOOR
FAX: 558-6409

PLANNING INFORMATION
PHONE: 558-6377

MAJOR ENVIRONMENTAL
FAX: 558-5991

COMMISSION CALENDAR
INFO: 558-6422

INTERNET WEB SITE
WWW.SFGOV.ORG/PLANNING

EXECUTIVE SUMMARY for Hearing on June 1, 2006

- Project Name:** General Advertising Sign Relocation Procedure and Sign Inventory/Proposed Criteria for Legalization of General Advertising Signs
- Case Numbers:** 2006.0093T [Board File No. 052021] initiated by President Peskin on December 13, 2005
- Staff Contact:** Lois Scott, Senior Planner Code Enforcement / 415.558.6317
- Reviewed By:** Lawrence B. Badiner, Zoning Administrator / 415.558.6350
- For Hearing On:** June 1, 2006

Report Format

On April 6, 2006 the Commission reviewed and recommended amendments to Supervisor Aaron Peskin's legislation (File No. 05-2021) that provides a relocation procedure for general advertising signs, requires sign companies to submit inventories of signs, and provides funding through new fees charged to sign companies for the Planning Department to verify such inventories. At the hearing, concern for sign legalization criteria was expressed by sign companies and by Commission members. The Commission, on the recommendation of the Zoning Administrator, directed staff to develop such criteria and report back to the Commission. The intent was to allow concerned parties to present their points of view and for the Commission to help insure a consistent and equitable approach. This report contains recommended criteria as well as some proposed further technical amendments to the legislation.

Matters concerning signs and non-conforming uses come infrequently before the Planning Commission. The Planning Director or the Zoning Administrator handle most such matters administratively. In developing the criteria, the Department considered the public testimony, past practice of both the Departments of Building Inspection and Planning, and interpretation of the non-conforming use provisions of the Planning Code, as well as the evolving Planning Code sign regulations and related voter initiative prohibiting all new general advertising signs which made all the existing signs non conforming.

Background Information

The April 6 hearing elicited comments from the public, sign workers, civic organizations and sign companies. The sign workers' primary interest was ability to continue to work on signs and safety while doing so. Testimony by civic organizations and sign companies supported the inventory process.

A representative of major sign companies suggested concepts for grandfathering of existing signs, beyond what is now in the existing Article 6 language but building upon 2001 legislation. His rationale for extending the grandfathering involves (1) industry-wide changes in technology and sign construction techniques that tended to change sizes and heights of signs often accomplished without benefit of new permits and (2) the alleged incompleteness of Department of Building Inspection and Planning Department records related to signs.

Brief History of Sign Regulation in San Francisco

Regulation of advertising signs dates back to early zoning in San Francisco establishing industrial, commercial and residential districts. Industrial and commercial uses were restricted in the residential districts. The Department considered advertising signs to be a commercial use not allowed in "First Residential" or "Second Residential" districts. The 1957 Planning Code referred to advertising signs more generally, permitting them in all Commercial and Industrial Districts and in a more limited manner in Residential districts if in conjunction with a non conforming use or proximity to a Commercial or Industrial district.

In 1965, Article 6 was added to the Planning Code. Article 6 more specifically defined and regulated General Advertising signs. When Article 7, Neighborhood Commercial Districts was added in 1987, new General Advertising signs were further limited in height and size for many of the NC districts. General advertising signs could be no larger than 300 sq. ft or 24 ft in height. In a few of the NC districts, new general advertising signs were prohibited. Prior to adoption of both Article 6 and 7, the Department did billboard inventories.

In 2001, Supervisor Leno developed legislation that created a potentially stronger enforcement process for illegal signs and required posting of permit numbers on signs. Finally in 2002, a voter initiative was passed prohibiting all new General Advertising signs. The initiative was added in Section 611 of the Planning Code.

Non Conforming Use Provisions Related to General Advertising Signs

The 2002 initiative measure rendered all lawfully existing general advertising signs as non-conforming uses and/or structures. As such, Article 6 provisions as well as other code sections relating to non-conforming uses regulated them.

Article 6 of the Planning Code provides that "no sign, other than those signs exempted by Section 603, shall be erected, placed, replaced, reconstructed or relocated on any property, intensified in illumination or other aspect, expanded in area or any dimension, except in conformity with Sections 605 to 608.14 of this Code." The use of the word "reconstructed" seems to preclude deconstruction or complete disassembly of a general advertising sign unless the sign complies with provisions of the Code (605 to 608.14) in effect prior to Prop. G.

In terms of removal, Section 604 (h) states “A sign which is voluntarily destroyed or removed by its owner or which is required by law to be removed may be restored only in full conformity with the provisions of this Code...” The Zoning Administrator has been asked to rule on the question of timing of removal, e.g., does a temporary removal for legalization work such as down sizing or for structural repair also preclude replacement? The proposed criteria address this question.

Specific Planning Code provisions (Section 180-189) on non-conformity are primarily directed to buildings and uses within buildings rather than general advertising signs. Generally a non-complying structure that is razed or required by law to be razed can't be replaced except in full conformity with requirements of the Planning Code. (Section 188 (b)). Non-complying structures may be altered if there is no increase in non-conformity (Section 188 (a)). Where no enclosed building is involved, non-conforming uses can't be replaced if they have been discontinued for a period of six months (Section 183). General Advertising signs are external to enclosed buildings. The Section 183 standard is less strict than 604 (h). Generally, when there are two provisions pertaining to similar situations in the Code, the stricter standard is utilized.

In-Lieu Permit Number Applications

Planning Code Sections 604.1 and 610 were added to the Code in 2001 under Supervisor's Leno's sign legislation. These amendments did not achieve the originally intended financial sustainability for the Department's sign enforcement work. Planning Code 604.1 requires sign companies to post company name, permit number and approved dimensions of signs on the signs themselves. If no permit can be located, sign companies were able to apply for an **in lieu** permit number. The Planning Director may conclude that the sign was “likely legally authorized at the time it was installed” and can issue an identifying number **in lieu** of a permit number. No specific criteria for “likely legally authorized” were included.

In 2003, the Department notified sign companies of time limits to request in lieu permits. The Department required that any pending violations for any other general advertising signs controlled by each company be abated prior to issuance of **in lieu** permits for that company. The fee imposed at that time and the staff resources available were not adequate to undertake the necessary research on the submittals, many of which were minimal in content or to process the cases that could have abated the other pending violations. . There are 281 in lieu permit requests still pending.

PROPOSED CRITERIA

I. Structural Safety Work

Finding:

It is necessary that general advertising signs on roofs or on frameworks attached to buildings or freestanding on poles is structurally sound in order to insure safety for the public, the sign workers and neighboring properties, residents and businesses.

Proposed requirement:

For signs involving structures, add to specifications for the sign inventory in pending Planning Code 604 amendments a requirement for structural evaluation by an independent licensed structural engineer, reporting soundness, age, materials, or any evidence of structural alterations.

Proposed criteria:

Allow structural repairs consistent with the authorized or legalized sign that do not increase non-conformity of height or area of the sign. Installation of additional catwalks if needed for safety of sign workers should be 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 permit specifications.

II. In Lieu Permits Requests

Finding:

The Planning Department is required to process the 281 pending in lieu permit requests submitted pursuant to Planning Code 604.1. Adequate staffing resources are required to undertake the necessary research and to resolve pending complaints. The intent is to process these requests in conjunction with the comprehensive sign inventory. The submission of the requests entitles the sign companies to potential grandfathering, however other pending complaints must be resolved.

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

Recommendation Related to Fees:

In fairness to sign companies who already paid a portion of research costs, the inventory fee should be reduced for those signs with pending in lieu permit requests.

Criteria for granting an in-lieu permit:

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 sign met Building and Planning code requirements in effect at estimated date of installation. (We have assembled detailed chronological City Code sign requirements to facilitate such review.)
3. If there is evidence that the sign was expanded without permit after its original installation, the in lieu permit must be for the original size or within the allowable range of permitted modifications.

4. Evidence that building or building addition to which sign attached existed with benefit of permit at date of installation.
5. Structural safety analysis and correction of any structural deficiencies prior to issuance of in lieu number.

Another Approach:

Two of the sign companies have proposed a specialized agreement relating to in lieu permits. Such an agreement might contain these or similar conditions: (1) all signs found to installed pre 1965 would be determined to be legally existing with the features and conditions existing on the effective date of Article 6; (2) signs installed 1965 to 1985 would be reviewed; and (3) Signs without permits installed after 1985 would be removed. If such an agreement and the mechanism for its implementation were reached, then the Department's proposed stricter criteria would need to be modified. We believe the extensive grandfathering legalization criteria proposed by the companies are too liberal.

III. Legality of General Advertising Signs for Which No In-Lieu Request Filed

Findings:

Department of Building Inspection policy for structures erected without permits is to direct owners/applicants to file a new application. Such applications are normally referred to the Planning Department as part of the approval process. In the case of general advertising signs, the Department cannot approve permits for such signs retroactively because of the 2002 initiative barring new general advertising signs. While there may be some incompleteness of City records, this should not relieve sign companies from responsibility of custodianship of their permit records and records of predecessor companies they merged with or bought.

Because enactment of Article 6 was seen as a regulatory milestone for general advertising the original version of Leno's 2001 legislation referred to a Planning Department photographic survey of signs made prior to adoption of Article 6. This reference was amended out of the legislation in 2002 because the survey only related to freeway signs. There is also earlier Departmental survey and enforcement work related to signs in residential districts and along scenic streets. There has been discussion about automatic grandfathering signs installed prior to 1965 and the adoption of Article 6 and also about automatic grandfathering of signs installed prior to 1985. If the relocation legislation is adopted with the Commission's proposed amendment for annual evaluation, then there will be further opportunity to see if such concepts are appropriate in terms of the Department's working experience on determinations of legality.

Criteria:

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. Structural safety analysis and correction of any structural deficiencies.

IV. Sign Alterations Without Permit

Finding:

The Department of Building Inspection policy for a project constructed with a permit where there is later expansion of the project without benefit of permit is to direct owners/sponsors to file new permits to legalize such changes. Such permits are usually referred back to the Planning Department for review. Under Planning Code Article 6 as well as non-conforming use provisions, intensification or expansion of general advertising sign features such as area, height, number of faces, temporary extensions cannot be authorized. Therefore under the present Code, unless exceptions are created, the sign must get a permit to revert to what was originally authorized, but at the same time the sign cannot be totally removed. Code constraints are an obstacle to insuring safety of signs if structural work requires disassembly. Such constraints also would limit legalization where resizing would require temporary removal.

The sign industry has noted that changes in technology has prompted various modifications of signs and has proposed allowing a standard across the board 20% increase from originally permitted dimensions to accommodate such changes in technology. One such change is apparently standardized widths of computer-imprinted panels applied to sign faces. Sign with permits originally authorized for 10.5 ft by 25 ft have often expanded to 12 ft by 25 ft or 300 sq. ft. (a 20% increase). Sometimes this has involved removal of ornamental moldings and replacement of a frame. In those Neighborhood Commercial Districts where general advertising signs are permitted, the maximum size allowed is 300 sq. ft. The Planning staff has found that there have been many expansions without permits to this maximum size. However, 20% expansions without permit have not been common in relation to other standard sizes of general advertising signs -- 14 ft x 48 ft or 20 ft x 60 ft. in Neighborhood Commercial, Commercial and Industrial districts.

Recommendations:

For signs permitted at 10.5 ft by 25 ft, allow an expansion to 12 ft by 25 ft (300 sq. ft.) with issuance of corrective permit. Also allow adjustment related to removal of frames. For all other sign sizes, require restoration to what was originally authorized.

Criteria:

1. In the case in the case of signs originally permitted at 10.5 ft to 25 ft, the deviation allowed may be up to 20% not to exceed a total size of 300 sq. ft. Modification must be established with a corrective permit.
2. Alterations in size due to removal of frames shall be permitted.
3. Other sizes of sign expanded or increased in height without permit can only be restored to dimensions on the original issued permit.
4. A sign may be removed and replaced for legalization or to make the sign structurally safe.

Attachment:

Draft Motion with Exhibit A, Summary of Criteria and Technical Amendments

N:\CODE ENFORCEMENT\CRITERIA FOR LEGALIZATION OF GA SIGNS\Case Report on Criteria for June 1 2006
CPC.doc