

1 [General Advertising Signs – Relocation Agreements.]

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3 **Ordinance amending the San Francisco Administrative Code by adding Section 2.8 to**  
4 **establish a General Advertising Sign Relocation Procedure; amending the San**  
5 **Francisco Planning Code by amending Section 303 to establish criteria applicable to**  
6 **the Planning Commission’s approval of general advertising sign relocation sites;**  
7 **amending the San Francisco Planning Code by amending Section 1111.7 to prohibit the**  
8 **relocation of new general advertising signs to Historic Districts or Conservation**  
9 **Districts regulated by Article 11 unless it is an historic sign authorized by Planning**  
10 **Code Section 608.14; adopting findings.**

11 Note: Additions are *single-underline italics Times New Roman*;  
12 deletions are *strikethrough italics Times New Roman*.  
13 Board amendment additions are double underlined.  
14 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) In March 2002, the voters approved Proposition G, which amended the San  
17 Francisco Planning Code by adding Section 611 to prohibit the approval of new general  
18 advertising signs within the City as of March 5, 2002.

19 (b) Proposition G further authorized the Board of Supervisors, upon  
20 recommendation from a department designated by the Board, to enter into agreements with  
21 general advertising sign companies to provide for the relocation of existing legally permitted  
22 general advertising signs. (Planning Code Section 611(c)(1).) New location sites for lawfully  
23 existing general advertising signs must comply with the zoning in effect prior to adoption of  
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1 Proposition G, or as further restricted by the Board in future legislation, and must be approved  
2 through the conditional use procedure. (Section 611(c)(2).)

3 (c) This Board of Supervisors finds that this ordinance will serve the public,  
4 convenience and welfare in that it provides for a mechanism to implement the intent of the  
5 voters in enacting Proposition G.

6 Section 2. The San Francisco Administrative Code is hereby amended by adding  
7 Section 2.8, to read as follows:

8 SEC. 2.8. PROCEDURE FOR BOARD OF SUPERVISORS APPROVAL OF GENERAL  
9 ADVERTISING SIGN COMPANY RELOCATION AGREEMENTS.

10 Prior to applying for conditional use authorization under Section 303(h) of the Planning Code  
11 to relocate an existing general advertising sign, as defined by Section 602.7 of the Planning Code, to a  
12 new location within the City and County of San Francisco, as authorized by Section 611 of the  
13 Planning Code, the general advertising sign company shall first have entered into a Relocation  
14 Agreement with the Board of Supervisors pursuant to the procedure set forth below. For purposes of  
15 this Section 2.8, "relocate" shall mean the complete removal of a general advertising sign and  
16 structure or structures, if any, and the erection or placement of a general advertising sign and structure  
17 or structures, if any, at a different location.

18 (a) Application. The general advertising sign company shall initiate the Relocation  
19 Agreement procedure by filing an application with the Clerk of the Board of Supervisors on a form to  
20 be provided by the Clerk.

21 (b) Information to be Submitted. The following information must be submitted to the Clerk  
22 for review by the Board of Supervisors before the Board may enter into the Relocation Agreement:  
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1           (l) the current inventory of all general advertising signs within the City and County of San  
2 Francisco that are either owned by or operated by the general advertising sign company under a lease,  
3 license or other arrangement, as required by Section 604.2 of the Planning Code.

4           (2) verification by the Planning Department that all signs on the inventory have been  
5 registered with the Planning Department with the accompanying affidavit, as required by Section 604.2  
6 of the Planning Code, and that the annual fees required by Section 604.2 have been paid for all signs  
7 on the inventory;

8           (3) a list of all notices of violation issued against any sign on the inventory within the past  
9 three years; and

10           (4) a proposed Relocation Agreement.

11           (c) Approval of Relocation Agreement. The Relocation Agreement shall be a  
12 comprehensive agreement covering all of the signs owned or operated in the City and County of San  
13 Francisco by the sign company, and shall be operative for a specific period of time to be not less than  
14 one year and not more than three years. The Agreement shall be in the format of and contain the  
15 provisions of a model agreement developed by the City Attorney, or shall be otherwise acceptable to  
16 the City Attorney, and shall contain a provision requiring that the sign company give notice to the  
17 property owner prior to filing an application with the Planning Department to relocate a sign. The  
18 Board may not enter into a Relocation Agreement unless the general advertising sign company is in  
19 compliance with all requirements of Article 6 of the Planning Code for all of its signs.

20           Section 3. The San Francisco Planning Code is hereby amended by amending Section  
21 303, to read as follows:

22           SEC. 303. CONDITIONAL USES.

1 (a) General. The City Planning Commission shall hear and make determinations  
2 regarding applications for the authorization of conditional uses in the specific situations in  
3 which such authorization is provided for elsewhere in this Code. The procedures for  
4 conditional uses shall be as specified in this Section and in Sections 306 through 306.6,  
5 except that Planned Unit Developments shall in addition be subject to Section 304, medical  
6 institutions and post-secondary educational institutions shall in addition be subject to the  
7 institutional master plan requirements of Section 304.5, and conditional use and Planned Unit  
8 Development applications filed pursuant to Article 7, or otherwise required by this Code for  
9 uses or features in Neighborhood Commercial Districts, and conditional use applications  
10 within South of Market Districts, shall be subject to the provisions set forth in Sections 316  
11 through 316.8 of this Code, in lieu of those provided for in Sections 306.2 and 306.3 of this  
12 Code, with respect to scheduling and notice of hearings, and in addition to those provided for  
13 in Sections 306.4 and 306.5 of this Code, with respect to conduct of hearings and  
14 reconsideration.  
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16 (b) Initiation. A conditional use action may be initiated by application of the owner,  
17 or authorized agent for the owner, of the property for which the conditional use is sought.  
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19 (c) Determination. After its hearing on the application, or upon the recommendation  
20 of the Director of Planning if the application is filed pursuant to Sections 316 through 316.8 of  
21 this Code and no hearing is required, the City Planning Commission shall approve the  
22 application and authorize a conditional use if the facts presented are such to establish:  
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1 (1) That the proposed use or feature, at the size and intensity contemplated and at  
2 the proposed location, will provide a development that is necessary or desirable for, and  
3 compatible with, the neighborhood or the community

4 (A) In Neighborhood Commercial Districts, if the proposed use is to be located at a  
5 location in which the square footage exceeds the limitations found in Planning Code §  
6 121.2(a) or 121.2(b), the following shall be considered:

7 (i) The intensity of activity in the district is not such that allowing the larger use will  
8 be likely to foreclose the location of other needed neighborhood-servicing uses in the area;  
9 and  
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11 (ii) The proposed use will serve the neighborhood, in whole or in significant part,  
12 and the nature of the use requires a larger size in order to function; and

13 (iii) The building in which the use is to be located is designed in discrete elements  
14 which respect the scale of development in the district; and

15 (2) That such use or feature as proposed will not be detrimental to the health,  
16 safety, convenience or general welfare of persons residing or working in the vicinity, or  
17 injurious to property, improvements or potential development in the vicinity, with respect to  
18 aspects including but not limited to the following:

19 (A) The nature of the proposed site, including its size and shape, and the proposed  
20 size, shape and arrangement of structures;

21 (B) The accessibility and traffic patterns for persons and vehicles, the type and  
22 volume of such traffic, and the adequacy of proposed off-street parking and loading;  
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1 (C) The safeguards afforded to prevent noxious or offensive emissions such as  
2 noise, glare, dust and odor;

3 (D) Treatment given, as appropriate, to such aspects as landscaping, screening,  
4 open spaces, parking and loading areas, service areas, lighting and signs; and

5 (3) That such use or feature as proposed will comply with the applicable provisions  
6 of this Code and will not adversely affect the Master Plan; and

7 (4) With respect to applications filed pursuant to Article 7 of this Code, that such use  
8 or feature as proposed will provide development that is in conformity with the stated purpose  
9 of the applicable Neighborhood Commercial District, as set forth in zoning control category .1  
10 of Sections 710 through 729 of this Code; and

11 (5)(A) With respect to applications filed pursuant to Article 7, Section 703.2(a), zoning  
12 categories .46, .47, and .48, in addition to the criteria set forth above in Section 303(c)(1—4),  
13 that such use or feature will:

14 (i) Not be located within 1,000 feet of another such use, if the proposed use or  
15 feature is included in zoning category .47, as defined by Section 790.36 of this Code; and/or

16 (ii) Not be open between two a.m. and six a.m.; and

17 (iii) Not use electronic amplification between midnight and six a.m.; and

18 (iv) Be adequately soundproofed or insulated for noise and operated so that  
19 incidental noise shall not be audible beyond the premises or in other sections of the building  
20 and fixed-source equipment noise shall not exceed the decibel levels specified in the San  
21 Francisco Noise Control Ordinance.  
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1 (B) Notwithstanding the above, the City Planning Commission may authorize a  
2 conditional use which does not satisfy the criteria set forth in (5)(A)(ii) and/or (5)(A)(iii) above,  
3 if facts presented are such to establish that the use will be operated in such a way as to  
4 minimize disruption to residences in and around the district with respect to noise and crowd  
5 control.

6 (6) With respect to applications for live/work units in RH and RM Districts filed  
7 pursuant to Section 209.9(f) or 209.9(h) of this Code, that:

8 (A) Each live/work unit is within a building envelope in existence on the effective  
9 date of Ordinance No. 412-88 (effective October 10, 1988) and also within a portion of the  
10 building which lawfully contains at the time of application a nonconforming, nonresidential use;

11 (B) There shall be no more than one live/work unit for each 1,000 gross square feet  
12 of floor area devoted to live/work units within the subject structure; and

13 (C) The project sponsor will provide any off-street parking, in addition to that  
14 otherwise required by this Code, needed to satisfy the reasonably anticipated auto usage by  
15 residents of and visitors to the project.  
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17 Such action of the City Planning Commission, in either approving or disapproving the  
18 application, shall be final except upon the filing of a valid appeal to the Board of Supervisors  
19 as provided in Section 308.1. The action of the Planning Commission approving a conditional  
20 use does not take effect until the appeal period is over or while the approval is under appeal.  
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22 (d) Conditions.

23 (A) If the Commission approves a new location for a general advertising sign pursuant to  
24 Section 2.8 of the San Francisco Administrative Code and Section 303(h) of this Code that is within  
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1 660 feet of a right-of-way under the jurisdiction of the California Department of Transportation, the  
2 Commission shall impose as a condition of approval a requirement that no building permit or other  
3 approval to erect a sign at the new location may be issued or granted by the City without evidence that  
4 the California Department of Transportation has either issued a permit for that location or determined  
5 that a permit is not required under the California Outdoor Advertising Act (Business & Professions  
6 Code, Section 5200 et seq.).

7 (B) When considering an application for a conditional use as provided herein with  
8 respect to applications for development of "dwellings" as defined in Chapter 87 of the San  
9 Francisco Administrative Code, the Commission shall comply with that Chapter which  
10 requires, among other things, that the Commission not base any decision regarding the  
11 development of "dwellings" in which "protected class" members are likely to reside on  
12 information which may be discriminatory to any member of a "protected class" (as all such  
13 terms are defined in Chapter 87 of the San Francisco Administrative Code).

14 (C) In addition, when authorizing a conditional use as provided herein, the City  
15 Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional  
16 conditions, beyond those specified in this Code, as are in its opinion necessary to secure the  
17 objectives of the Code. Once any portion of the conditional use authorization is utilized, all  
18 such conditions pertaining to such authorization shall become immediately operative. The  
19 violation of any condition so imposed shall constitute a violation of this Code and may  
20 constitute grounds for revocation of the conditional use authorization. Such conditions may  
21 include time limits for exercise of the conditional use authorization; otherwise, any exercise of  
22 such authorization must commence within a reasonable time.  
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1 (e) Modification of Conditions. Authorization of a change in any condition previously  
2 imposed in the authorization of a conditional use shall be subject to the same procedures as a  
3 new conditional use. Such procedures shall also apply to applications for modification or  
4 waiver of conditions set forth in prior stipulations and covenants relative thereto continued in  
5 effect by the provisions of Section 174 of this Code.

6 (f) Conditional Use Abatement. The Planning Commission may consider the  
7 possible revocation of a conditional use or the possible modification of or placement of  
8 additional conditions on a conditional use when the Planning Commission determines, based  
9 upon substantial evidence, that the conditional use is not in compliance with a condition of  
10 approval, is in violation of law if the violation is within the subject matter jurisdiction of the  
11 Planning Commission or operates in such a manner as to create hazardous, noxious or  
12 offensive conditions enumerated in Section 202(c) if the violation is within the subject matter  
13 jurisdiction of the Planning Commission and these circumstances have not been abated  
14 through administrative action of the Director, the Zoning Administrator or other City authority.  
15 Such consideration shall be the subject of a public hearing before the Planning Commission  
16 but no fee shall be required of the applicant or the subject conditional use operator.

17 (1) The Director of Planning or the Planning Commission may seek a public hearing  
18 on conditional use abatement when the Director or Commission has substantial evidence of a  
19 violation of conditions of approval, a violation of law, or operation which creates hazardous,  
20 noxious or offensive conditions enumerated in Section 202(c).

21 (2) The notice for the public hearing on a conditional use abatement shall be subject  
22 to the notification procedure as described in Sections 306.3 and 306.8 except that notice to  
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1 the property owner and the operator of the subject establishment or use shall be mailed by  
2 regular and certified mail.

3 (3) In considering a conditional use revocation, the Commission shall consider  
4 substantial evidence of how any required condition has been violated or not implemented or  
5 how the conditional use is in violation of the law if the violation is within the subject matter  
6 jurisdiction of the Planning Commission or operates in such a manner as to create hazardous,  
7 noxious or offensive conditions enumerated in Section 202(c) if the violation is within the  
8 subject matter jurisdiction of the Planning Commission. As an alternative to revocation, the  
9 Commission may consider how the use can be required to meet the law or the conditions of  
10 approval, how the hazardous, noxious or offensive conditions can be abated, or how the  
11 criteria of Section 303(c) can be met by modifying existing conditions or by adding new  
12 conditions which could remedy a violation.

14 (4) Appeals. A decision by the Planning Commission to revoke a conditional use, to  
15 modify conditions or to place additional conditions on a conditional use or a decision by the  
16 Planning Commission refusing to revoke or amend a conditional use, may be appealed to the  
17 Board of Supervisors within 30 days after the date of action by the Planning Commission  
18 pursuant to the provisions of Section 308.1(b) The Board of Supervisors may disapprove the  
19 action of the Planning Commission in an abatement matter by the same vote necessary to  
20 overturn the Commission's approval or denial of a conditional use. The Planning  
21 Commission's action on a conditional use abatement issue shall take effect when the appeal  
22 period is over or, upon appeal, when there is final action on the appeal.  
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1 (5) Reconsideration. The decision by the Planning Commission with regards to a  
2 conditional use abatement issue or by the Board of Supervisors on appeal shall be final and  
3 not subject to reconsideration within a period of one year from the effective date of final action  
4 upon the earlier abatement proceeding, unless the Director of Planning determines that:

5 (A) There is substantial new evidence of a new conditional use abatement issue that  
6 is significantly different than the issue previously considered by the Planning Commission; or  
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8 (B) There is substantial new evidence about the same conditional use abatement  
9 issue considered in the earlier abatement proceeding, this new evidence was not or could not  
10 be reasonably available at the time of the earlier abatement proceeding, and that new  
11 evidence indicates that the Commission's decision in the earlier proceeding ha not been  
12 implemented within a reasonable time or raises significant new issues not previously  
13 considered by the Planning Commission. The decision of the Director of Planning regarding  
14 the sufficiency and adequacy of evidence to allow the reconsideration of a conditional use  
15 abatement issue within a period of one year from the effective date of final action on the  
16 earlier abatement proceeding shall be final.  
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18 (g) Hotels and Motels.

19 (1) With respect to applications for development of tourist hotels and motels, the  
20 Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and  
21 (d) above:

22 (A) The impact of the employees of the hotel or motel on the demand in the City for  
23 housing, public transit, childcare, and other social services. To the extent relevant, the  
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1 Commission shall also consider the seasonal and part-time nature of employment in the hotel  
2 or motel;

3 (B) The measures that will be taken by the project sponsor to employ residents of  
4 San Francisco in order to minimize increased demand for regional transportation; and

5 (C) The market demand for a hotel or motel of the type proposed.

6 (2) Notwithstanding the provisions of Sub-sections (f)(1) above, the Planning  
7 Commission shall not consider the impact of the employees of a proposed hotel or motel  
8 project on the demand in the City for housing where:  
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10 (A) The proposed project would be located on property under the jurisdiction of the  
11 San Francisco Port Commission; and

12 (B) The sponsor of the proposed project has been granted exclusive rights to  
13 propose the project by the San Francisco Port Commission prior to June 1, 1991.

14 (3) Notwithstanding the provisions of Subsection (f)(1) above, with respect to the  
15 conversion of residential units to tourist hotel or motel use pursuant to an application filed on  
16 or before June 1, 1990 under the provisions of Chapter 41 of the San Francisco  
17 Administrative Code, the Planning Commission shall not consider the criteria contained in  
18 Subsection (f)(1) above; provided, however, that the Planning Commission shall consider the  
19 criteria contained in Subsection (f)(1)(B) at a separate public hearing if the applicant applies  
20 for a permit for new construction or alteration where the cost of such construction or alteration  
21 exceeds \$100,000. Furthermore, no change in classification from principal permitted use to  
22 conditional use in Section 216(b)(i) of this Code shall apply to hotels or motels that have filed  
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1 applications on or before June 1, 1990 to convert residential units to tourist units pursuant to  
2 Chapter 41 of the San Francisco Administrative Code.

3 (h) Approval of Relocation of Existing General Advertising Signs under Section 611.

4 (1) Each general advertising sign proposed for relocation shall be the subject of a separate  
5 conditional use application.. Before the Planning Commission may consider an application for a  
6 conditional use to relocate an existing general advertising sign under Section 611 of this Code, the  
7 applicant sign company must:

8 (A) Have a current Relocation Agreement approved by the Board of Supervisors under  
9 Section 2.8 of the San Francisco Administrative Code that covers the sign proposed to be relocated;

10 (B) Demonstrate to the satisfaction of the Director of Planning that the sign proposed to be  
11 relocated was lawfully in existence prior to March 5, 2002 under a valid City permit and, if applicable,  
12 a State permit.

13 (C) Provide evidence satisfactory to the Director of Planning that the sign company notified  
14 the owner of the property where the current sign is located prior to filing the application for a  
15 conditional use that an application to relocate the sign would be filed.

16 (2) In addition to applicable criteria set forth in Subsections (c) and (d) above, the Planning  
17 Commission shall consider the following factors in determining whether to approve or disapprove a  
18 proposed relocation.

19 (A) The factors set forth in this Subsection (A) shall weigh in favor of the Commission's  
20 approval of the proposed relocation:

21 (i) The sign in its current location is not in conformity with existing regulations.  
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1           (ii) The sign proposed for relocation is on a City list, if any, of priority signs preferred for  
2 relocation;

3           (iii) The current location is adjacent to or visible from property under the jurisdiction of the  
4 San Francisco Port Commission, the San Francisco Unified School District, or the San Francisco  
5 Recreation and Park Commission.

6           (iv) The current location is adjacent to or visible from an Historic District or conservation  
7 district designated in Article 10 or Article 11 of the Planning Code.

8           (v) The current location is adjacent to or visible from a zoning district where general  
9 advertising signs are prohibited.

10           (vi) The current location is adjacent to or visible from a designated view corridor

11           (B) The factors set forth in this Subsection (B) shall weigh against the Commission's  
12 approval of the proposed relocation:

13           (i) The sign proposed for relocation is or will be obstructed or partially obstructed from  
14 public view by another structure;

15           (ii) The sign proposed for relocation is or will be required to be removed due to loss of the  
16 lease for the sign or demolition of the building.

17           (iii) The proposed relocation site is adjacent to or visible from property under the  
18 jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District, or San  
19 Francisco Recreation and Park Commission.

20           (iv) The proposed relocation site is adjacent to or visible from an Historic District or  
21 conservation district designated in Article 10 or Article 11 of the Planning Code.

1           (v) The proposed relocation site is adjacent to or visible from a zoning district where  
2 general advertising signs are prohibited.

3           (vi) The proposed relocation site is adjacent to or visible from a designated view corridor

4           (vii) There is significant neighborhood opposition to the proposed relocation site.

5           (3) In no event may the Commission approve a relocation where:

6           (A) The sign in its current location has been erected or modified without benefit of permit,  
7 or the proposed relocation site is not a lawfully permitted location under Planning Code Section  
8 611(c)(2), or the sign in its new location would exceed the dimensions or increase the intensity of the  
9 sign at its former location; or

10           (B) A replacement sign has been installed, or the owner of the property has filed an  
11 application to install, a replacement sign at the current location.

12           Section 4. The San Francisco Planning Code is hereby amended by amending Article  
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14 11, Section 1111.7, to read as follows:

15           SEC. 1111.7. PERMITS FOR SIGNS.

16           (a) Installation of a new general advertising sign is prohibited in an Historic Districts or  
17 Conservation District regulated by this Article 11 unless it is an historic sign authorized by Section  
18 608.14 of this Code

19           ~~(b)(a)~~ Wherever a permit for a sign is required pursuant to Article 6 of this Code, an  
20 application for such permit shall be governed by the provisions of this Section in addition to  
21 those of Article 6.  
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23           ~~(c)(b)~~ Apart from and in addition to any grounds for approval or disapproval of the  
24 application under Article 6, an application involving a permit for a business sign, ~~or general~~  
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1 ~~advertising sign,~~ identifying sign, or nameplate to be located on a Significant or Contributory  
2 Building or any building in a Conservation District may be disapproved, or approved subject to  
3 conditions if the proposed location, materials, means of illumination or method or replacement  
4 of attachment would adversely affect the special architectural, historical or aesthetic  
5 significance of the building or the Conservation District. No application shall be denied on the  
6 basis of the content of the sign.

7           (d)(e) The Director of Planning shall make the determination required pursuant to  
8 Subsection (b). Any permit applicant may appeal the determination of the Director of Planning  
9 to the City Planning Commission by filing a notice of appeal with the Secretary of the  
10 Commission within 10 days of the determination. The City Planning Commission shall hear  
11 the appeal and make its determination within 30 days of the filing of the notice of appeal.

12 APPROVED AS TO FORM:

13 DENNIS J. HERRERA, City Attorney

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17 By: \_\_\_\_\_  
18 JUDITH A. BOYAJIAN  
19 Deputy City Attorney  
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