

1 [General Advertising Sign Relocation Agreement.]

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3 **Resolution authorizing Clear Channel Outdoor Inc. to seek conditional use**
4 **authorization from the Planning Department to erect two, two-sided general advertising**
5 **relocation signs measuring up to 14 feet wide by 48 feet high, and to install a non-**
6 **illuminated “flipper box” at the general advertising sign located at 274 Brannan Street,**
7 **in exchange for the elimination of the “message center” from the general advertising**
8 **sign located at 274 Brannan Street and the removal of nine “8-sheet” general**
9 **advertising signs in the City.**

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11 WHEREAS, Planning Code Section 602.7 defines a “General Advertising Sign” as “A
12 sign legally erected prior to the effective date of Section 611 of this Code, which directs
13 attention to a business, commodity, industry or other activity which is sold, offered or
14 conducted elsewhere than on the premises upon which the sign is located, or to which it is
15 affixed, and which is sold, offered or conducted on such premises only incidentally if at all;”
16 and

17 WHEREAS, A general advertising sign has been operating legally at 274 Brannan
18 Street in the City since approximately 1945; and

19 WHEREAS, For approximately 30 years, the general advertising sign at 274 Brannan
20 Street was larger than it is today and advertised Admiral Appliances by using a large,
21 simulated fireworks display with a number of multicolored, flashing and blinking, skyrocketing
22 neon lights; and

23 WHEREAS, The particular Admiral Appliances display was discontinued some time
24 during the 1970’s; and

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1 WHEREAS, In 1987, the operator of the general advertising sign at 274 Brannan Street
2 installed an electronic “message center” pursuant to validly issued permits from the City and
3 from the State of California; and

4 WHEREAS, Since the 1990’s the general advertising sign at 274 Brannan Street has
5 been used to advertise the California State Lottery (“Lotto Sign”); and

6 WHEREAS, Through its many decades at its prominent location visible from the
7 Central Freeway, the Lotto Sign has become one of the most valued advertising locations in
8 the State of California; and

9 WHEREAS, During the 1990’s and into the present decade, more residents came to
10 occupy property near the Lotto Sign, as the neighborhood shifted from industrial and
11 commercial use to more residential use; and

12 WHEREAS, During the 1990’s and into the present decade, some residents of property
13 near the Lotto Sign complained to the City that the lights emitted by the message center
14 disturbed them during nighttime hours; and

15 WHEREAS, After a duly noticed public hearing on October 2, 1996, the San Francisco
16 Building Inspection Commission, sitting as the San Francisco Abatement Appeals Board,
17 determined that a 1987 sign permit for the Lotto Sign was validly issued and properly relied on
18 by the owner, now Clear Channel Outdoor, Inc. (“Clear Channel”); and

19 WHEREAS, On February 12, 1997, Clear Channel, reached agreement with a number
20 of the larger residential properties nearby to limit the hours and conditions of operation of the
21 Lotto Sign message center; and

1 WHEREAS, In recent months, City officials have received new complaints from some
2 residents occupying property located near the Lotto Sign; and

3 WHEREAS, The Lotto Sign predates by many decades the presence in the area of
4 residents and is a legal nonconforming use under Planning Code Sections 604(h) and 609.4;
5 and

6 WHEREAS, Section 5412 of the California Business and Professions Code bars the
7 City from compelling the removal of any advertising display that was lawfully erected
8 anywhere within the State of California, without payment of just compensation; and

9 WHEREAS, The area around 274 Brannan Street continues to add residential
10 development; and

11 WHEREAS, The City and Clear Channel wish to ensure that conflict between the
12 general advertising use at 274 Brannan Street and burgeoning residential uses in the area is
13 minimized; and

14 WHEREAS, Section 5412 of the California Business and Professions Code provides
15 that advertising displays may be relocated by mutual agreement between the display owner
16 and the local government; and

17 WHEREAS, Section 5412 of the California Business and Professions Code provides
18 that the term “relocation” as used in that section includes removal of a display and
19 construction of a new display to substitute for the display removed; and

20 WHEREAS, On March 5, 2002, the City’s voters adopted Proposition G, which added
21 Section 611 and amended Section 602.7 of the City’s Planning Code to prohibit all new
22 general advertising signs, and to provide for sign relocation agreements; and

1 WHEREAS, Under Planning Code Section 611(c)(1), the Board of Supervisors are not
2 precluded from entering into agreements with general advertising sign companies to authorize
3 general advertising sign companies to seek conditional use authorization from the Planning
4 Department to permit the relocation of existing legally permitted general advertising signs; and

5 WHEREAS, The City and Clear Channel have reached an agreement to authorize
6 Clear Channel to seek conditional use authorization from the Planning Department for the
7 installation of a non-illuminated “flipper box” on the Lotto Sign, and the installation of two, two-
8 sided general advertising relocation sign measuring up to 14 feet wide by 48 feet wide in
9 exchange for the removal of the message center on the Lotto Sign and the removal of nine (9)
10 “8-sheet” general advertising signs in the City whose locations are identified herein
11 (collectively, “Relocation”); and

12 WHEREAS, Clear Channel waives any right it may have to just compensation for the
13 removal of the message center at 274 Brannan Street and the nine (9) specified “8-sheet”
14 general advertising signs; now, therefore, be it

15 RESOLVED, That Clear Channel may seek conditional use authorization from the
16 Planning Department for the Relocation pursuant to Section 611(c)(1) of the Planning Code;
17 and be it

18 FURTHER RESOLVED, That the general advertising relocation permit application for
19 the Lotto Sign shall be for a non-illuminated “flipper box,” measuring seven (7) feet by 41 feet,
20 on its face, including the frame, at a location 300 feet east of Second Street and visible from
21 the Central Freeway, with the right to seek a future relocation agreement to relocate the
22 “flipper box” to other locations; and be it

1 FURTHER RESOLVED, That the general advertising relocation permit applications for
2 the two, two sided general advertising relocation signs shall be for indirectly illuminated, two-
3 sided signs, measuring up to 14 feet wide by 48 feet high, on each face; and, be it

4 FURTHER RESOLVED, That Clear Channel must agree as a condition to the issuance
5 of any general advertising relocation sign permits for the Relocation, that: (i) Clear Channel
6 must remove and relinquish any and all permits for and/or legal rights to use the existing
7 message center on the Lotto Sign, and (ii) Clear Channel must remove and relinquish any and
8 all permits for and/or legal rights to use the existing nine (9) "8-sheet," general advertising
9 signs at the following locations: 900 Tennessee Street, Permit No. 8005493 (western face);
10 5134/5136 Third Street, Permit No. 7907020; 5898 Mission Street, Permit No. 8006187; 5898
11 Mission Street, Permit No. 8006186; 3240 Third Street, Permit No. 97210 (left-hand sheet);
12 3240 Third Street, Permit No. 97210 (right-hand sheet); 1551 Ocean Street, Permit No.
13 7907744; and 4601 Mission Street, Permit No. 8908694 (both faces); and be it

14
15 FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the Clerk of
16 the Board of Supervisors to execute a relocation agreement with Clear Channel, in
17 accordance with the terms and conditions described in this resolution, and approved as to
18 form by the City Attorney.
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