



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: March 9, 2012
TO: Honorable Members of the Land Use Committee
FROM: John Rahaim - Director, Planning Department
RE: BoS File Number 120141 – General Advertising Sign at 1650 Mission Street

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Thank you for the opportunity to comment on this matter with respect to potential planning and land use issues. As you are aware, the general advertising sign in question¹ ("Sign") is located on the northeast wall of the City-owned property at 1650 Mission Street. It is a non-illuminated painted wall sign of 28 feet in height by 99 feet in length that rises to a height of 60 feet above grade.

Background of the Sign

Following approval by the Planning Department and Department of Building Inspection, Permit Number 9901089 was issued on January 19, 1999 to install the Sign. At that time, the subject property was included in the Heavy Commercial (C-M) Zoning District, which generally allowed such signs without any restrictions excepting a maximum height limit of 60 feet². In March 2002, Proposition G³, became effective, through which new general advertising signs were prohibited throughout the City. Proposition G also established a process through which existing, legal general advertising signs could be relocated. In 2006, the relocation process was clarified to reflect that signs could generally be relocated to locations only where they would have been permitted prior to the onset of Proposition G⁴.

In 2008, the subject property was reclassified to NCT-3 (Moderate Scale Neighborhood Commercial Transit) Zoning District⁵. The NCT-3 District permits a relocated general advertising sign at a maximum size of 300 square feet and a maximum height of 24 feet above grade⁶. The subject sign is larger than this, but is legally nonconforming since it predated these zoning changes. It therefore may remain indefinitely. If it were proposed today as a new sign relocation, or if Proposition G had not passed in 2002, it could only be approved if it were to be reduced both in height and area. This is characteristic of many general advertising signs in the City.

Legal Issues

With the exception of signs located on certain historic properties⁷, applications for signs are nondiscretionary⁸; if a permit application for a sign complies with the Planning Code the Planning Department is bound to approve it. Similarly, if it does not comply, the Planning Department has no choice but to disapprove it. This circumstance is largely a result of First Amendment concerns – our regulations may only address the time, place, and manner of a sign and may not limit content. As such, there are no clear standards or mechanisms through which the "land use implications" of the Sign, as discussed earlier by the Board, could be reviewed by the Planning Department.

In this matter, the function of the Planning Department is purely regulatory. Therefore, the decision of whether or not to display advertising on the subject property is up to the property owner; in this case, the Board of Supervisors under the guidance of the Director of Real Estate.

Policy Considerations

2002's Proposition G, which, while expressing a clear sentiment against the proliferation of new signs, is silent with respect to existing signs and whether or not their numbers should be reduced.

In 2007, voters passed Proposition K, which set City policy to not allow any increase in the number of general advertising signs on street furniture. It too, was silent as to the disposition of existing signage.

In 2009, voters passed Proposition I, which made Proposition K's policy statement into law. Proposition I, like its predecessors, contained no clear guidance as to how the City should treat existing legal signs.

Policy 4.14 of the General Plan's Urban Design Element contains general language with respect to signs and suggests that signs can be "distracting and cluttering elements." The policy also states that "signs have an important place in an urban environment, but they should be controlled in their size and location." This policy could be viewed alternately as suggesting the removal or reduction of certain *existing* signs or as suggesting closer regulation of *new* signage. Regardless of how this particular policy is viewed, and as with any other provision of the General Plan, it should be viewed on balance with other complimentary and competing policies.

We are happy to discuss these issues further with you. Please do not hesitate to contact Daniel Sider of our staff at (415) 558-6697 or dan.sider@sfgov.org if you would like additional information.

cc: Honorable Supervisor Christina Olague, District 5

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¹ As set forth in Planning Code §602.7, a sign that directs attention to a tenant or other activity that is *not* located in the building to which it is attached is considered a general advertising sign. Such a sign is distinct from a business sign, which, under Planning Code §602.3 directs attention to a given tenant of the building to which it is attached.

² Planning Code §607(g)(1)

³ Proposition G was codified as Planning Code §611.

⁴ Ordinance Number 140-06

⁵ This reclassification was part of the larger Market and Octavia Community Planning Process.

⁶ Planning Code §607.1(e)(2)

⁷ Planning Code §604(a) allows discretion only in reviewing applications for signs to be located on City Landmarks, in a Historic District or in a Downtown Conservation District.

⁸ Planning Code §604(a)