



SAN FRANCISCO PLANNING DEPARTMENT

July 31, 2007

Stan Hicks
146 Cambridge Avenue
San Leandro, CA 94577

RE: Request for Written Determination
1400-1428 Market Street, General Advertising Sign
Assessor's Block/Lots: 0835/001
Zoning: C-3-G (Downtown General Commercial) District and within the Market Street
Special Sign District.

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Dear Mr. Hicks:

This letter is in response to your request of July 17, 2007 for a written determination regarding the use of the above site for general advertising. The subject site is the east-facing building wall at the corner of Market, Polk and Fell Streets.

Section 611 of the Planning Code prohibits all new general advertising signs within the City as of March 5, 2002. Existing legal signs may be relocated under certain circumstances with approval by the Board of Supervisors. All legal general advertising signs are effectively nonconforming uses. Under Section 183, whenever a nonconforming use that does not involve an enclosed building has been discontinued for a period of six months, or whenever there is otherwise evident a clear intent on the part of the owner to abandon a non-conforming use, such use shall not after being so changed, discontinued or abandoned be reestablished.

I find the site is not in use as general advertising and cannot be used for general advertising. I reach this determination based on the following facts:

1. The site presently has no general advertising copy (see photos dated July 27, 2007).
2. There is no imprint at the site identifying the name of the sign company, the permit number or the permitted sign dimensions, as required under Planning Code Section 604.1.
3. There is no record of a request made by the sign owner for an in lieu permit number for the sign.
4. The sign has not been submitted in an inventory by the owner of the sign, as required under Section 602.2.
5. A complaint was made to the Planning Department on August 2, 2000 indicating that a general advertising sign had been installed illegally at this site. The case was closed on

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February 21, 2002 with a statement from the enforcement planner that the sign had been removed (see Planning Enforcement Tracking Log).

6. There is no record of a permit to reinstall a general advertising sign at the site on or after February 21, 2002.
7. Section 608.8, establishing the Market Street Special Sign District, has prohibited all new general advertising at the site since January 17, 1970.

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.

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: Lois Scott, Code Enforcement
Jonathan Purvis, General Advertising Sign Program

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