



# PLANNING DEPARTMENT

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February 9, 2005

Gerald M. Murphy, Esq.  
JACOBS, SPOTSWOOD, CASPER & MURPHY, LLP  
425 California Street, 17<sup>th</sup> Floor  
San Francisco, CA 94104-2101

Re: **Effect of the Adoption of the 1965 Planning Code and the 1965 Freeway Photo Inventory on General Advertising signs that were not Legally Erected as of that time.**

Dear Mr. Murphy:

This letter will respond to your inquiry concerning the impact of the adoption of Article 6 into the 1965 Planning Code and the 1965 freeway photo inventory on general advertising signs that were not lawfully erected or code compliant at that time. Specifically, were general advertising signs not then in compliance with all applicable codes grandfathered and/or otherwise conferred legal non-conforming status by virtue of the adoption of the Planning Code and/or the 1965 freeway photo inventory?

I understand applicable Planning Code Sections and City policy concerning general advertising signs in existence in 1965 that were not lawfully erected or were otherwise non-conforming at the time of the enactment of the Planning Code. I also understand the purpose and basis for the 1965 freeway photo inventory of general advertising signs and considered its impact on general advertising signs that were not lawfully erected or Code compliant as of the 1965 adoption of Article 6 into the Planning Code. I conclude that:

- Signs and billboards installed or altered without required permits or otherwise in violation of existing codes have never been “grandfathered” or given legal non-conforming status by virtue of any ordinance or regulation governing general advertising signs.
- The adoption in 1965 of Article 6 of the Planning Code, known as the “Sign Ordinance”, did not legalize signs that were not lawfully erected as of its effective date.
- The 1965 Planning Photo Survey was performed as a means of documenting the inventory of existing signs at that time. It was performed to comply with then current

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Federal law creating the unified National Highway Beautification system. Accordingly, it only includes signs on or near defined highways or freeways, as under State Outdoor Advertising Act, and the amortization program related thereto. Thus, it did not include all of the signs in San Francisco at that time. One purpose was to identify those signs that would be subject to an amortization program. It was not meant to confer “grandfathered” or “legal nonconforming” status to any unlawfully existing sign at that time or any later time.

- Currently, as a result of Prop. G, all general advertising signs legally erected and/or altered as of the effective date of Prop. G, March 5, 2002, are now non-conforming uses.

If you have any questions about this determination, please contact Kenneth Chin at (415) 575-6897.

If anyone has substantial reason to believe that there was an error in interpretation of the provisions of the Planning Code, or abuse of discretion on the part of the Zoning Administrator, an appeal may be filed with the Board of Appeals (1660 Mission Street, Room 3036 telephone: 575-6880) within fifteen (15) days of the date of this letter.

Sincerely,

Lawrence B. Badiner  
Zoning Administrator