

Fw: Rescission of Request for LOD for 160 King Street
Julian Banales to: Evamarie Atijera

07/22/2010 11:47 AM

fyi

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city and county of san francisco planning department
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"It is time that we regain our humanity..."

----- Forwarded by Julian Banales/CTYPLN/SFGOV on 07/22/2010 11:47 AM -----



"Abrams, Jim"
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>
07/22/2010 11:33 AM

To diego.sanchez@sfgov.org
cc yvonne.ko@sfgov.org, julian.banales@sfgov.org
Subject Rescission of Request for LOD for 160 King Street

Hi Diego,

Please cancel our request for the Letter of Determination for **160 King Street**. If any of the application fee has not been spent on time and materials, we would very much appreciate a refund of the fee payment.

Thanks,

Jim

Jim M. Abrams

Gibson, Dunn & Crutcher

555 Mission Street Suite 3000

San Francisco CA, 94105

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June 2, 2010

Client: G 99999-00004

VIA HAND DELIVERY

RECEIVED

JUN 1 / 2010

CITY & COUNTY OF S.F.
PLANNING DEPARTMENT

Kelley Amdur
Interim Zoning Administrator
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Request for Determination Regarding Legal Non-Complying Sign at 160 King Street

Dear Ms. Amdur:

This is a request for a determination that the former “DLA Piper” sign located on the façade of 160 King Street is a legal non-conforming use and non-complying structure, and that Planning Code Section 604 permits the name of the tenant on the sign to be updated from “DLA Piper” to “Greenberg Traurig” without a change in height of the sign.

The “DLA Piper” sign was legally permitted and met the zoning regulations in effect at the time the permit was reviewed by the Planning Department in 2006. The “DLA Piper” sign became a legal non-conforming and non-complying sign as a result of the Eastern Neighborhoods re-zoning, which imposed a 24 foot height limit for business signs in the Mixed Use Office district, in which the Building is located. Planning Code § 607.2(f)(3)(B).

Planning Code section 604(h) permits legal non-conforming and non-complying signs to remain until the end of their “normal life.” We contend that the “DLA Piper” sign remains a legal non-conforming and non-complying sign because it has not reached the end of its normal life. In fact, it was installed just three years ago. Furthermore, updating the tenant name on a sign – in this case from “DLA Piper” to “Greenberg Traurig” – is not sufficient by itself to cause the normal life of the sign to end. While Section 604(h) provides that a legal, non-complying sign may not be “replaced, altered, reconstructed, relocated, intensified or expanded” except in conformity with the Code, this provision is predicated on the sign having reached the end of its normal life. A “replacement” of a sign would occur if a sign were on a building for a significant amount of time, was nearing the end of its normal life, and the owner then wanted to change the appearance, character, or quality of the sign. This is an entirely different situation from when the tenant name on a relatively new sign is simply updated to reflect a new tenant.

Of course, in order to update a tenant name on a sign, there will be a brief period of time when a sign is taken down for the purpose of updating the sign with the name of the new tenant. In this case, the “DLA Piper” sign was taken down for the purpose of updating

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the sign with the name “Greenberg Traurig,” the new tenant. This fact, however, did not cause the sign to lose its non-conforming and non-complying status. There is no evidence of intent on the part of the Building owner or tenant to abandon the “DLA Piper” sign as is required for abandonment under Planning Code section 183. The Building owner and tenant intended and expected that the updated sign would have been in place months ago, but they have been delayed by the Planning Department review process. Likewise, Section 604(h), which states that non-conforming and non-complying status is lost if a sign is “voluntarily destroyed or removed” is inapplicable when a sign is updated with the name of a new tenant, which, again, necessarily requires that the sign be taken down for a minimal amount of time. Such a sign has not been “destroyed or removed” but is instead being updated.

As a matter of policy, it is not in the City’s interest to treat tenant name updates to legal non-conforming and non-complying signs the same as the voluntary destruction of such signs. Landlords and tenants often negotiate signage rights as part of commercial leases, and if a tenant name on a sign cannot be updated without altogether relocation the sign, significant additional complexity and cost is added to the leasing process.

This is particularly true if, as is the case with many buildings in the City, where other signs exist on the building. The inability to replace one sign at the same height as other existing signs on the building will result in an unsightly building. In this case, 160 King Street has two other legally permitted signs at the same height as the DLA Piper sign. Therefore, if the DLA Piper sign cannot be updated to reflect the new tenant at the same height, a new sign will be located on an entirely different portion of the façade as the other existing signs. A building façade with signs at vastly different heights will appear cluttered and designed with a lack of care.

Thank you for your time and consideration. Please call me at (415)-393-8370 if you have any questions about this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Abrams", with a long horizontal line extending to the right.

Jim Abrams

JMA/dme