



SAN FRANCISCO PLANNING DEPARTMENT

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| <input type="checkbox"/> Affordable Housing (Sec. 415) | <input type="checkbox"/> First Source Hiring (Admin. Code) |
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Planning Commission Motion No. 18547

HEARING DATE: FEBRUARY 23, 2012

Date: February 23, 2012
Case No.: **2011.1145C**
Project Address: **601 TOMPKINS AVENUE**
Zoning: RH-1 (Residential House, Single-Family)
Bernal Heights Special Use District
40-X Height and Bulk District
Block/Lot: 5701/017 and 018
Project Sponsor: Brenda Cruz Keith
1965 Market Street
San Francisco, CA 94103
Staff Contact: Kimberly Durandet (415) 575-6816
kimberly.durandet@sfgov.org

ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO SECTIONS 303 AND 608.14 OF THE PLANNING CODE TO ALLOW THE RESTORATION OF A 7'6" x 15'4" NON-ILLUMINATED VINTAGE "COCA-COLA" SIGN ON THE WEST WALL OF THE SUBJECT BUILDING WITHIN THE RH-1 (RESIDENTIAL HOUSE, SINGLE-FAMILY), BERNAL HEIGHTS SPECIAL USE DISTRICT, AND A 40-X HEIGHT AND BULK DISTRICT.

PREAMBLE

On October 13, 2011 Brenda Cruz Keith (hereinafter "Project Sponsor") filed an application with the Planning Department (hereinafter "Department") for Conditional Use Authorization under Planning Code Section(s) 303 and 608.14 to allow the restoration of a 7'6" x 15'4" non-illuminated vintage "Coca-Cola" sign on the west wall of the subject building within the RH-1 (Residential House, Single-Family), Bernal Heights Special Use District, and a 40-X Height and Bulk District.

On February 23, 2012 the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Application No. 2011.1145C.

The Project is exempt from the California Environmental Quality Act ("CEQA") as a Class 1 Categorical Exemption.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use requested in Application No. 2011.1145 C, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The project is located on two adjacent lots on the northwest corner of Tompkins Avenue and Banks Street. The property includes a two-story building that was previously a dwelling unit over a Limited Commercial Use. The commercial store on the ground floor was converted to a dwelling unit in 1993. The subject property has approximately 70 feet of frontage on Tompkins Avenue and 60 feet of frontage on Banks Street.
3. **Surrounding Properties and Neighborhood.** The adjacent properties to the north consist of residential buildings. The property across Tompkins Street to the south is a public school building for Paul Revere Elementary School. The adjacent properties to the east consist of residential buildings. The property across Banks Street to the west is also a public school building for Paul Revere Elementary School. The surrounding area is residentially zoned with neighborhood commercial zoning districts beginning three blocks to the northwest on Cortland Avenue and two blocks to the east on Alemany Boulevard.
4. **Project Description.** The Project Sponsor requests Conditional Use Authorization pursuant to Planning Code Sections 303 and 608.14 to allow the restoration of a vintage sign within the RH-1 (Residential House, Single-Family), Bernal Heights Special Use District, and a 40-X Height and Bulk District.
5. **Past History and Actions.** On January 14, 2011 the Planning Department received a complaint that a General Advertising Sign was located on the subject property. Staff performed a site visit on January 20, 2011 and confirmed that a sign that advertised Coca Cola was painted on the side of a residential building. A Notice of Violation was issued to the property owner on January 25, 2011, who responded by filing a permit to remove the sign and abate the violation. In response to the property owner and neighbor

concerns regarding the removal of a “vintage sign,” Supervisor Campos introduced legislation amending the Planning Code to allow “vintage signs” to be restored, reconstructed, maintained and technologically improved via Conditional Use Authorization. The matter was brought before the Planning Commission on June 2, 2011 which recommended that the Board of Supervisors adopt the proposed Ordinance with modifications. The Ordinance was amended and passed by the Board of Supervisors on July 26, 2011 and approved by the Mayor on August 1, 2011.

6. **Public Comment.** The Department received one letter of support from a neighbor and no opposition.
7. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:
 - A. **Conditional Use Authorization.** Planning Code Section 608.14(a) states that Conditional Use Authorization may be sought to restore and maintain a vintage sign that: (a) the vintage sign to be restored, reconstructed or technologically improved depicts a use, person, place, thing, cultural icon or other valued character or characteristics of the City or a City neighborhood that, at the time of the vintage sign authorization, is at least 40 years old; (b) at least 50 percent of the area of the sign remains legible, (c) the sign does not visually obstruct or significantly impair or detract from, by glare or any other means, a City landmark or public vista; (d) the sign is not larger than the sign that existed prior to the vintage sign authorization and does not appear to be more visually prominent than the sign that existed prior to the vintage sign authorization; and (e) the sign is maintained in good condition, repair and working order.
 - B. **Vintage Signs.** Planning Code Section 608.14(b) requires: (1) the sign proposed for vintage sign authorization is at least 40 years old; and (2) the sign is a cultural artifact that depicts a particular residential, business, cultural, economic, recreational, or other valued resource of the past that contributes to the visual identity and character of a City neighborhood or the City as a whole.

In approximately 1991 the current property owner removed siding that had been added to the building sometime around 1949 (BPA #114256) to 1956 (BPA #182277). Upon removing the siding the property owner discovered the subject vintage sign (see attached photo) which depicts an ad for Coca-Cola. The sign upon discovery was more than 50 percent legible, there is no visual impact to City landmarks or public vistas, the restored sign is not larger than the original, and the property owner and neighbors have been maintaining the restored sign since its discovery. The sign background is red upon which yellow print “DRINK” is above white lettering of the “Coca-Cola” logo, and in the upper left corner a brown silhouette depicts a female drinking from a bottle image on a yellow circle background. According to Coca-Cola archivist, “The girl in the image is referred to in ‘Coke Lore’ as Silhouette Girl. She was used from 1939 until around 1950. She is significant in dating items as she was one of the few characters that was used during the time we transitioned our ‘Trademark Registered’

statement from the tail of the C in 'Coca' to being placed under the words 'Coca-Cola.' This transition occurred between 1941 and 1942. The first thing I noticed with the sign was the mark was under the words so it had to be later than 1942." ¹ The evidence is clear that the sign is more than 40 years old. This cultural artifact contributes to the visual identity and character of the neighborhood by linking the community to another time in the neighborhood's history when the building contained a grocery store.

8. **Planning Code Section 303** establishes criteria for the Planning Commission to consider in review of applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The restoration and maintenance of the vintage sign is desirable and compatible with the neighborhood and offers the community an opportunity to recollect and/or commemorate a different time in the neighborhoods past.

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

- i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The height and bulk of the existing building will remain the same and approving the vintage sign will not alter the existing structure.

- ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

Traffic will not be affected by the proposed vintage sign.

- iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

The vintage sign will have none of the above effects on the neighborhood.

¹ Lisa Hix, [San Fran Fizzes Over 'Ghost' Coca-Cola Sign.](http://www.collectorsweekly.com/articles/san-fran-fizzes-over-ghost-coca-cola-sign/) (Collector Weekly, March 2, 2011).
<http://www.collectorsweekly.com/articles/san-fran-fizzes-over-ghost-coca-cola-sign/>

- iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

The vintage sign has no impact on landscaping, screening, open space, parking and loading and service areas. It is appropriate to be restored at this location because it was a corner grocery store for most of the building's history and the sign is non-illuminated.

- C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The proposed vintage sign complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

- D. That the use as proposed would provide development that is in conformity with the purpose of the applicable Neighborhood Commercial District.

The proposed vintage sign is not located in a Neighborhood Commercial District.

- 9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 2

CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.4:

Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Allowing this vintage sign to be restored and maintained contributes to the visual character of this neighborhood. The proposed vintage sign will help promote the preservation of features within this neighborhood that provide continuity with past development.

- 10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project does comply with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

The proposed vintage sign will not have an impact on neighborhood serving retail uses and will not impact opportunities for resident employment in and ownership of neighborhood-serving retail.

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The proposed vintage sign will contribute to preserving the neighborhood character while having no impact cultural and economic diversity of this neighborhood. The proposed vintage sign will not impact existing housing.

- C. That the City's supply of affordable housing be preserved and enhanced,

The City's affordable housing supply is not affected by this proposal.

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

The vintage sign will create no new traffic in the neighborhood.

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The proposed vintage sign will not displace any service or industry establishment or adversely affect industrial or service sector uses or related employment opportunities.

- F. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The applicant proposes no alterations that impact the structural and seismic safety of the existing building. This proposal will have no effect on the property's ability to withstand an earthquake.

- G. That landmarks and historic buildings be preserved.

A landmark or historic building does not occupy the site.

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

The proposed vintage sign has no impact on open spaces.

The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

11. The Commission hereby finds that approval of the Conditional Use authorization would promote the health, safety and welfare of the City.

DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Application No. 2011.1145 C** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated November 28, 2011, and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion No. 18547. The effective date of this Motion shall be the date of this Motion if not appealed (After the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on February 23, 2012.

Linda D. Avery
Commission Secretary

AYES: Commissioners Sugaya, Fong, Antonini, Borden, Moore, Miguel, and Wu

NAYES: None

ABSENT: None

ADOPTED: February 23, 2012

EXHIBIT A

AUTHORIZATION

This authorization is for a conditional use pursuant to Planning Code Sections 303 and 608.14, to allow the restoration of a 7'6" x 15'4" non-illuminated vintage "Coca-Cola" sign on the west wall of 601 Tompkins Avenue, Block 5701, Lots 017 and 018, within the RH-1 (Residential House, Single-Family), Bernal Heights Special Use District, and a 40-X Height and Bulk District; in general conformance with plans, dated November 28, 2011, and stamped "EXHIBIT B" included in the docket for Case No. 2011.1145C and subject to conditions of approval reviewed and approved by the Commission on **February 23, 2012** under Motion No. **18547**. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on **February 23, 2012** under Motion No. **18547**.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The Conditions of Approval under the 'Exhibit A' of this Planning Commission Motion No. **18547** shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.

Conditions of approval, Compliance, Monitoring, and Reporting

1. **Validity and Expiration.** The authorization and right vested by virtue of this action is valid for three years from the effective date of the Motion. A building permit from the Department of Building Inspection to construct the project and/or commence the approved use must be issued as this Conditional Use authorization is only an approval of the proposed project and conveys no independent right to construct the project or to commence the approved use. The Planning Commission may, in a public hearing, consider the revocation of the approvals granted if a site or building permit has not been obtained within three (3) years of the date of the Motion approving the Project. Once a site or building permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. The Commission may also consider revoking the approvals if a permit for the Project has been issued but is allowed to expire and more than three (3) years have passed since the Motion was approved.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

2. **Extension.** This authorization may be extended at the discretion of the Zoning Administrator only where failure to issue a permit by the Department of Building Inspection to perform said tenant improvements is caused by a delay by a local, State or Federal agency or by any appeal of the issuance of such permit(s).

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3. **Change of Copy.** Any change of copy from the vintage-copy authorized by the Planning Commission or any enlargement or alteration shall be considered an abandonment of the vintage sign authorization and the sign shall then be considered a new sign subject to all the provisions of Article 6. The addition of a frame to a painted wall sign shall not be considered an enlargement or alteration.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

4. **Removal of Vintage Sign.** Once designated as a vintage sign under this Section, the sign may not be removed without Conditional Use authorization of the Planning Commission.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

5. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may

also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

6. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org