

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 6/12/2023)

[Building, Planning Codes - Existing Awning Amnesty Program]

Ordinance amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings and signs that do not comply with the Planning Code; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code Section 302.

Existing Law

Section 3105 of the Building Code regulates the installation of awnings as ancillary structures requiring a building permit and compliance with specific fastening standards and strength specifications. Building permits for installing or modifying awnings require review by the Planning Department for compliance with Planning Code Section 136.1 and various zoning controls in use districts across the City.

Amendments to Current Law

The Proposed Legislation would establish an amnesty program for existing awnings that were installed without a building permit or for which there is no specific building permit regarding the existing awning in the City's records. The Planning Code provisions in the legislation would also provide amnesty for existing signs from certain Planning Code requirements. Awnings and signs affixed to historic buildings subject to Article 11 of the Planning Code are not eligible for the amnesty program. The amnesty program would waive enforcement, application, and inspection fees under both the Planning and Building Codes for applicants that apply for a permit to legalize an existing awning during the program's duration. The amnesty program would also streamline the application process, as compared to standard building permits for new construction, by only requiring submission of information necessary to confirm the existing structure complies with the Building and Planning Codes or, if necessary, to document the degree of noncompliance nonconformity with the Planning Code. For an existing awning or sign that does not comply with the Planning Code, the amnesty program would grant them legal nonconforming status and document the degree of nonconformity such that any future modifications, repairs, or replacement of the awnings or sign shall not increase the nonconformity of the awning or sign.

The amnesty program would not waive compliance with any substantive building standards, nor does it allow any new work or construction to repair, remove, or replace a noncompliant awning. If an awning does not meet applicable Building Code provisions, the property owner must pull a standard building permit to perform any corrective work or to remove or replace the awning. The plan review, inspection and any enforcement fees would be waived for these permits to perform corrective work on, remove, or replace an existing awning. Where an owner is required by the Department of Building Inspection to pull a permit to repair or replace an existing awning or a business sign, the amnesty program would allow the owner to transfer legal nonconforming status under the Planning Code to the repaired or replaced awning or sign, provided that the degree of nonconformity of the repaired or replaced awning or sign would not exceed that of the original as determined by the Director of Planning or Zoning Administrator.

The amnesty program would automatically terminate, unless extended by the Board of Supervisors, on June 1st, 2024.

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