

1 [Building, Planning Codes - Existing Awning, Sign, and Gate Amnesty Program; Design
2 Standards for Gates, Railings, and Grillwork]

3 **Ordinance amending the Building and Planning Codes to extend the Awning Amnesty**
4 **Program to apply to existing unpermitted Signs and Gates; amending the Planning**
5 **Code to remove design standards for gates, railings, and grillwork on ground floor**
6 **street frontages of non-historic buildings in Neighborhood Commercial, Residential-**
7 **Commercial, Commercial, and Mixed-Use Districts; affirming the Planning**
8 **Department’s determination under the California Environmental Quality Act; making**
9 **findings of consistency with the General Plan, and the eight priority policies of**
10 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**
11 **and welfare pursuant to Planning Code, Section 302.**

12 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
13 **Additions to Codes** are in *single-underline italics Times New Roman font*.
14 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
15 **Board amendment additions** are in double-underlined Arial font.
16 **Board amendment deletions** are in ~~strikethrough Arial font~~.
17 **Asterisks (* * * *)** indicate the omission of unchanged Code
18 subsections or parts of tables.

19 Be it ordained by the People of the City and County of San Francisco:

20 Section 1. Environmental and General Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 250539 and is incorporated herein by reference. The Board affirms
25 this determination.

1 (b) On June 26, 2025, the Planning Commission, in Resolution No. 21760, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 250539, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code
7 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
8 in Planning Commission Resolution No. 21760, and the Board incorporates such reasons
9 herein by reference. A copy of said resolution is on file with the Clerk of the Board of
10 Supervisors in File No. 250539.

11 (d) On June 18, 2025, at a duly noticed public hearing, the Building Inspection
12 Commission considered this ordinance in accordance with Charter Section 4.121 and Building
13 Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection
14 Commission regarding the Commission’s recommendation is on file with the Clerk of the
15 Board of Supervisors in File No. 250539.

16 (e) No local findings are required under California Health and Safety Code Section
17 17958.7 because the amendments to the Building Code contained in this ordinance do not
18 regulate materials or manner of construction or repair, and instead relate in their entirety to
19 administrative procedures for implementing the Code, which are expressly excluded from the
20 definition of a “building standard” by California Health and Safety Code Section 18909(c).

21
22 Section 2. Chapter 1A of the Building Code is hereby amended by revising Sections
23 106A.5, and 106A.5.1 through 106A.5.4, to read as follows:

24 **106A.5 Awning, Sign, and Gate Amnesty Program.** The Department shall implement
25 the amnesty program outlined in this Section 106A.5 to incentivize and expedite the

1 legalization of Awnings, Signs, and Gates as defined below ~~and regulated in Section 1703 of the~~
2 ~~Building Code~~, that were physically existing on and installed without a building permit, or for
3 which the Department has no record of a building permit on file, as of August 20, 2023. All
4 property owners that have existing Awnings, Signs, and/or Gates that were installed on or before
5 August 20, 2023 without a building permit on file are eligible for the amnesty program, including
6 property owners with active Notices of Violation for installing or having an Awning, Sign, or
7 Gate without a building permit.

8 **SCOPE OF PROGRAM:** The amnesty program in this Section 106A.5 applies to Awnings,
9 Signs, and Gate as follows:

10 All Awnings, as that term is defined in Section 202 of this Code;

11 Signs, as that term is defined in Section 202 of this Code, that are non-illuminated, under 250 pounds,
12 and 25 square feet or less; and

13 Gates, including security grilles, that are located in B, S, and M occupancies, and are designed to
14 provide security for commercial uses during non-business hours. Vehicular gates, as defined by section
15 202 of this Code, are not eligible for the amnesty program.

16 **106A.5.1 Certification of Existing Installation: No New Construction, Repairs, or**
17 **Corrective Work.** The amnesty program shall provide a streamlined process to verify that an
18 existing Awning, Sign, or Gate complies with applicable provisions of the Building Code as well
19 as Planning Code Section 187.3, and will result in a building permit authorizing the existing
20 Awning, Sign, or Gate. The amnesty program shall not authorize new construction or corrective
21 work to bring an existing Awning, Sign, or Gate into compliance. Any alterations, modifications,
22 or construction required to bring the Awning, Sign, or Gate into compliance with the Building
23 Code will require a standard building permit and is not subject to the provisions of this Section
24 106A.5, except that the fees for any such permit required to repair or replace an Awning that the
25

1 Department determined was not in compliance with the Building Code shall be waived pursuant to
2 Section 106A.5.2.

3 **106A.5.2 Waiving of Fees.** Notwithstanding any other provisions of the Building Code,
4 the Department shall continue until July 1, 2025 to waive all fees for applications eligible for
5 the amnesty program and for any permits required to repair or replace an Awning that the
6 Department determined was not in compliance with the Building Code, including the
7 application fee for plan review, permit issuance fee for inspections, and any enforcement fees,
8 including inspection fees required under Section 107A.5 for work without a permit.

9 **106A.5.3 Streamlined Application Process.** The Department shall develop a
10 streamlined application process to facilitate and expedite review of Awning, Sign, or Gate
11 permits during the amnesty program. The application shall require only information essential
12 to determining whether an existing Awning, Sign, or Gate complies with the applicable Building
13 and Planning Code provisions, including the Planning Code’s amnesty program in Planning
14 Code Section 187.3.

15 **106A.5.4 No Relaxation of Building Standards.** The amnesty program governs the
16 certification of existing Awnings’, Signs’, or Gates’ compliance with applicable Building Code
17 provisions. Any Awning, Sign, or Gate that is not in compliance with the Building Code will
18 require a separate building permit to repair, replace, or remove the Awning, Sign, or Gate.

19
20 Section 3. Articles 1.2 and 1.7 of the Planning Code are hereby amended by revising
21 Sections 145.1 and 187.3, to read as follows:

22 **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,**
23 **RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

24 * * * *

1 (c) **Controls.** The following requirements shall generally apply, except for those
2 controls listed in subsections (c)(1) Above Grade Parking Setback and (c)(4) Ground Floor
3 Ceiling Height, which only apply to a “development lot” as defined above and except as
4 specified in subsection (d).

5 In NC-S Districts, the applicable frontage shall be the primary facade(s) that contains
6 customer entrances to commercial spaces.

7 * * * *

8 (7) **Gates, Railings, and Grillwork for Historic Buildings.** Except as specified
9 in subsection (d), any ~~gates, decorative~~ railings, or grillwork, other than wire mesh, with street
10 frontage at the ground level, which is placed in front of or behind ground floor windows, shall be at
11 least ~~75~~20% open to perpendicular view. ~~Rolling or sliding security gates shall consist of open~~
12 ~~grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are~~
13 ~~closed, and to permit light to pass through mostly unobstructed. To ensure sufficient visibility for fire~~
14 ~~safety, gates that are less than 75% open to perpendicular views shall include a transparent viewing~~
15 ~~window or grill at least 10 inches in height, which shall be located at least 50-60 inches above the~~
16 ~~nearest abutting sidewalk.~~ Gates, when both open and folded or rolled, shall be recessed within,
17 or laid flush with, the building facade. Gates and gate mechanisms shall be consistent with
18 any objective design standards that may be adopted by the Planning Commission.

19 (d) **Exceptions for Historic Buildings.**

20 ~~—(1) **Exceptions for Historic Buildings.**~~ Specific street frontage requirements in this
21 Section 145.1 may be modified or waived by the Planning ~~Commission~~Director for structures
22 designated as landmarks, significant or contributory buildings within a historic district, or
23 buildings of merit when the Historic Preservation Commission advises that complying with
24 specific street frontage requirements would adversely affect the landmark, significant,
25

1 contributory, or meritorious character of the structure, or that modification or waiver would
2 enhance the economic feasibility of preservation of the landmark or structure.

3 ~~(2) Exception to Gates, Railings, and Grillwork Requirements for Cannabis Retail.~~

4 ~~——(A) A Cannabis Retail use, as defined in Section 890.125 or Section 102, as applicable, is~~
5 ~~exempt from the requirements of Section 145.1(c)(7) as provided herein, and may install gates, railings,~~
6 ~~or grillwork that are less than 20% open to perpendicular view, including features that are fully~~
7 ~~opaque, provided that such gates, railings, or grillwork are deployed only when the Cannabis Retail~~
8 ~~use is not open to the public for business.~~

9 ~~——(B) A Cannabis Retail use that has installed any gates, railings, or grillwork pursuant to~~
10 ~~subsection (d)(2)(A) shall remove such gates, railings, or grillwork within the earliest of the following:~~

11 ~~——(i) 90 days after its Cannabis Business Permit issued pursuant to Article 16 of the~~
12 ~~Police Code is revoked or otherwise rendered invalid;~~

13 ~~——(ii) 90 days after the Cannabis Retail use ceases regular operation at the premises; or~~

14 ~~——(iii) 90 days after the Cannabis Retail use is abandoned or discontinued pursuant to~~
15 ~~either Section 178 or Section 183.~~

16 ~~——(C) Any building permit application to install gates, railings, or grillwork pursuant to~~
17 ~~subsection (d)(2)(A) shall include a statement acknowledging the requirements of subsection (d)(2)(B).~~

18 ~~——(D) Subsections (d)(2)(A) and (C) shall expire by operation of law three years after the~~
19 ~~effective date of the ordinance in Board File No. 220971 enacting this subsection (d)(2). In the event a~~
20 ~~Cannabis Retail use does not procure a building permit pursuant to subsection (d)(2)(A) prior to the~~
21 ~~expiration of subsection (d)(2)(A), the business shall comply with, and not be exempt from, the~~
22 ~~requirements of Section 145.1(c)(7). Subsection (d)(2)(B) shall continue to apply after the expiration of~~
23 ~~subsections (d)(2)(A) and (C).~~

24 ~~——(E) To deter vandalism of surfaces visible from public sidewalks, any Cannabis Retail~~
25 ~~use that maintains gates, railings, or grillwork that do not qualify for the exception in subsection~~

1 ~~(d)(3)(A), and which are less than 20% open to perpendicular view, shall install a mural on the surface~~
2 ~~of the gate visible from the public sidewalk. The mural required under this subsection (d)(2)(E) shall~~
3 ~~not be a Sign as defined in Article 6 of this Code.~~

4 ~~(3) **Exception for Existing Gates, Railings, or Grillwork.**~~

5 ~~——(A) Any Non-Residential use that has not been discontinued or abandoned as of the~~
6 ~~effective date of the ordinance enacting this subsection (d)(3) and that has gates, railings, or grillwork~~
7 ~~that are less than 20% open to perpendicular view, including features that are fully opaque, will be~~
8 ~~deemed in compliance with the requirements of Section 145.1(e)(7), provided that such gates, railings,~~
9 ~~or grillwork existed and were occupied by the use prior to September 06, 2022, and are deployed only~~
10 ~~when a business is not open to the public. This subsection (d)(3) does not otherwise exempt a use from~~
11 ~~any required building permit.~~

12 ~~(B) Existing gates, railings, and grillwork permitted pursuant to this subsection (d)(3)~~
13 ~~shall be treated as noncomplying structures subject to the restrictions on intensification, expansion,~~
14 ~~and relocation under Section 188(a), and may undergo ordinary maintenance and minor repairs as~~
15 ~~described in Section 181(b). Cannabis Retail use with gates that qualify as noncomplying structures~~
16 ~~under this subsection (d)(3) shall not be subject to the requirement for murals under subsection~~
17 ~~(d)(2)(E).~~

18 ~~——(C) Any Non-Residential use that seeks to be exempt from the requirements of Section~~
19 ~~145.1(e)(7) shall procure a building permit within three years of the date of mailed notice to establish~~
20 ~~any existing gates, railings, or grillwork as a noncomplying structure pursuant to this subsection (d)(3).~~
21 ~~In the event a Non-Residential use does not procure a building permit pursuant to this subsection (d)(3)~~
22 ~~prior to the expiration of three years from the date of mailed notice, the business shall be subject to~~
23 ~~finest pursuant to Section 176 of this Code until a building permit establishing the existence of the gate~~
24 ~~prior to September 06, 2022, as specified in subsection (d)(3)(A), is procured. Any Non-Residential use~~
25 ~~with existing gates, railings, or grillwork that satisfy the criteria set forth in subsection (d)(3)(A) shall~~

1 ~~continue to be exempt from the requirements of Section 145.1(e)(7), but will be fined monetary~~
2 ~~penalties for failing to obtain a building permit as required in this subsection (d)(3)(C).~~

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4 **SEC. 187.3. PRE-EXISTING AWNINGS, GATES, AND SIGNS; AMNESTY.**

5 (a) **Intent.** The purpose of this Section 187.3 is to recognize the impacts of the
6 COVID-19 pandemic on small businesses, to acknowledge the contribution of those
7 businesses' Awnings, Gates, and Signs, as defined in Sections 102 and 602 of this Code,
8 ~~respectively~~, to the diverse character of the City's commercial corridors, and to establish a ~~time-~~
9 ~~limited~~ program whereby certain existing Awnings, Gates, and Signs that have been erected,
10 installed, or maintained without required permits may be allowed to remain.

11 (b) **Controls.** Notwithstanding any other provision of this Code, an Awning, Gate, or
12 Business Sign physically existing on or serving a non-Residential business on August 20,
13 2023 may be considered an existing noncomplying structure and/or nonconforming use
14 governed by this Article 1.7 so long as the Sign, Gate, or Awning is not affixed to a building
15 designated as significant or contributory under Article 11 of this Code. In addition to the
16 foregoing, Awnings, Gates, or Signs that have been required by the Department of Building
17 Inspection on or after January 1, 2023 to be replaced or altered, may be replaced or altered
18 consistent with such requirement and subsequently considered noncomplying structures
19 and/or nonconforming uses subject to this Section 187.3 so long as such replacement or
20 alteration does not increase the degree of nonconformity or noncompliance with other
21 Sections of this Code. All Signs must comply with the illumination provisions of Article 6 of this
22 Code.

23 (c) **Procedures.** The Planning Director ~~or Zoning Administrator~~ or their designee~~(s)~~
24 shall determine the degree of nonconformity or noncompliance for each Awning, Gate, or Sign
25 that is granted amnesty under this Section 187.3. Determinations of nonconformity and/or

1 noncompliance shall be based on (i) historical photographs to be provided by the applicant
2 and/or which are publicly available; (ii) current photographs provided by the applicant,
3 including photographs showing the Awning's points of attachment to the building; and (iii)
4 drawings provided by the applicant which need not be prepared by a state licensed contractor
5 or architect, or registered engineer so long as those drawings depict the width, depth, height,
6 projection, elevation, and other key characteristics of the Signs, Gates, or Awnings in question.
7 Such determination shall be memorialized either on a Building Permit, Sign Permit, or other
8 form developed by the Planning Department or other City agency.

9 (d) **Fees.** Notwithstanding any other provision of this Code or the Administrative
10 Code, no fee shall be charged by the Planning Department for a determination under this
11 Section 187.3 and/or for review of Building Permit Applications, Sign Permit Applications, or
12 other approvals which relate exclusively to the implementation of this Section, including any
13 enforcement fees under Section 350(g)(1) of this Code, as long as the application is submitted
14 before July 1, 2025.

15
16 Section 4. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

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5 APPROVED AS TO FORM:
6 DAVID CHIU, City Attorney

7 By: /s/ Robb Kapla
8 ROBB KAPLA
9 Deputy City Attorney

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