

BOARD of SUPERVISORS



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MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 20, 2022

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, September 20, 2022

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, September 20, 2022. This item was acted upon at the Committee Meeting on Monday, September 19, 2022, at 1:30 p.m., by the votes indicated.

Item No. 29 **File No. 220643**

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; amending Sheet SS01 of the Zoning Map to show the Tenderloin Neon Special Sign District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code Section, 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

RECOMMENDED AS A COMMITTEE REPORT

Vote:

Supervisor Myrna Melgar - Aye
Supervisor Dean Preston - Aye
Supervisor Aaron Peskin - Aye

cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney

1 [Planning Code - Tenderloin Neon Special Sign District]

2

3 **Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign**
4 **District within the North of Market Residential Special Use District; enacting zoning**
5 **controls for neon signs within the Special Sign District; amending Sheet SS01 of the**
6 **Zoning Map to show the Tenderloin Neon Special Sign District; affirming the Planning**
7 **Department’s determination under the California Environmental Quality Act; and**
8 **making findings of consistency with the General Plan, and the eight priority policies of**
9 **Planning Code Section, 101.1, and public necessity, convenience, and welfare findings**
10 **pursuant to Planning Code, Section 302.**

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

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

19 Section 1. Environmental and Planning Code Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. 220643 and is incorporated herein by reference. The Board affirms
24 this determination.

25 (b) On August 25, 2022, the Planning Commission, in Resolution No. 211262, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
3 Board of Supervisors in File No. 220643, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
5 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
6 Planning Commission Resolution No. 211262.

7
8 Section 2. The Planning Code is hereby amended by revising Sections 249.5, 602,
9 and 608, to read as follows:

10 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

11 (a) **General.** A special use district entitled the "North of Market Residential Special
12 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
13 Sectional Map No. SU01 of the Zoning Map of the City and County of San Francisco, is
14 hereby established for the purposes set forth below.

15 (b) **Purposes.** In order to protect and enhance important housing resources in an
16 area near downtown, conserve and upgrade existing low and moderate income housing stock,
17 preserve buildings of architectural and historic importance and preserve the existing scale of
18 development, maintain sunlight in public spaces, encourage new infill housing at a compatible
19 density, limit the development of tourist hotels and other commercial uses that could
20 adversely impact the residential nature of the area, *and* limit the number of commercial
21 establishments which are not intended primarily for customers who are residents of the area,
22 and support neighborhood vitality and character, the following controls are imposed in the North
23 of Market Residential Special Use District.

1 (c) **Controls.** The following zoning controls are applicable in the North of Market
2 Residential Special Use District. Certain controls are set forth in other Sections of this Code
3 and are referenced herein.

4 * * * *

5 (11) Tenderloin Neon Special Sign District.

6 (A) There shall be a special sign district known as the “Tenderloin Neon Special
7 Sign District,” with the same boundaries as the North of Market Residential Special Use District, as
8 such boundaries may be amended from time to time.

9 (B) Within the Tenderloin Neon Special Sign District, Neon Business or
10 Identifying Signs are permitted, provided that they meet the requirements below. Terms defined in
11 Article 6 and used herein shall have the meanings specified in Article 6.

12 (i) Where a Business or Identifying Sign is permitted pursuant to Article
13 6, such Business or Identifying Sign may be, but is not required to be, a Neon Sign.

14 (ii) A Neon Business Sign shall not exceed 24 square feet in area,
15 except as specified herein.

16 (iii) (ii) For a Residential Hotel, a Neon Business Identifying Sign must
17 satisfy either of the following dimensional requirements:

18 a. a Sign that is not a blade sign projecting Sign shall not
19 exceed 40 square feet in area; or

20 b. the dimensions of a blade projecting Sign shall not exceed
21 25 feet in height and 5 feet in width.

22 (iv) (iii) A Neon Business Sign may not have any physically moving
23 parts.

24 (v) (iv) A Neon Business Sign may not include flashing or blinking
25 features, except that such Signs may include animated features.

1 * * * *

2 (b) **Signs in Special Use Districts.** The following Special Use Districts have sign
3 controls specific to the district:

4 * * * *

5 *(3) Sec. 249.5. North of Market Residential Special Use District.*

6 Section 3. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheet SS01 of
7 the Zoning Map of the City and County of San Francisco is hereby amended, as follows:

<u>Description of Property</u>	<u>Sign District Hereby Approved</u>
<p>10 <u>All real property within the boundaries of the</u> 11 <u>North of Market Residential Special Use</u> 12 <u>District, as shown on Sectional Map No.</u> 13 <u>SU01 of the Zoning Map of the City and</u> 14 <u>County of San Francisco, as such</u> 15 <u>boundaries may be amended from time to</u> 16 <u>time</u></p>	<p><u>Tenderloin Neon Special Sign District</u></p>

17
18 Section 34. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of the ordinance.

22
23 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Planning

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the “Note” that appears under
3 the official title of the ordinance.

4

5

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

8 By: /s/ Giulia Gualco-Nelson
9 GIULIA GUALCO-NELSON
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 9/12/2022)

[Planning Code - Tenderloin Neon Special Sign District]

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; amending Sheet SS01 of the Zoning Map to show the Tenderloin Neon Special Sign District; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

Existing Law

Currently, signs in the North of Market Special Use District, created by Planning Code Section 249.5, are subject to the zoning controls for Residential-Commercial (RC) Districts in Planning Code Sec. 607.1.

Section 607.1(b) states, “No Sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all Signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.”

In addition, Section 607.1(f)(2), which regulates Business Signs in RC Districts, requires, in relevant part, that

- the total Area of all Window Signs shall not exceed one-third the area of the window on or in which the Signs are located, and that such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated;
- the Area of all Wall Signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached, or 100 square feet for each street frontage, whichever is less, and the Height of any Wall Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated; and
- Projecting Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be Directly Illuminated.

Amendments to Current Law

This ordinance would amend Sections 249.5 and 608 of the Planning Code to create the Tenderloin Neon Special Sign District, which would have the same boundaries as the North of Market Special Use District. Within the Tenderloin Neon Special Sign District, Neon Business and Identifying Signs would be permitted. For a Residential Hotel, a Neon Identifying Sign could either be a non-projecting sign not exceeding 40 square feet in area, or a projecting Sign not exceeding 25 feet in height and 5 feet in width. A Neon Sign could not have any physically moving parts and could not include flashing or blinking features, except that such Signs could include animated features. Neon Signs would be subject to any design standards adopted by the Planning Commission. Nonconforming Neon Signs may be physically detached from the building for any required off-site repairs and maintenance, except that such maintenance and repairs shall not include replacement, alteration, reconstruction, relocation, intensification, or expansion of the Neon Sign.

This ordinance would also amend Section 602 of the Planning Code to define a Neon Sign as a Sign that is illuminated through the use of noble gas in a vacuum-sealed glass tube.

In addition, this ordinance would amend Sheet SS01 of the Zoning Map to add the Tenderloin Neon Special Sign District.

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June 1, 2022

File No. 220643

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On May 24, 2022, Supervisor Preston submitted the following legislation:

File No. 220643

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect [physical change in the environment.

08/02/2022 A handwritten signature in cursive script, appearing to read "Joy Navarrete".



August 25, 2022

Ms. Angela Calvillo, Clerk
Honorable Supervisor Preston
Board of Supervisors
City and County of San Francisco
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2022-005505PCA:
Tenderloin Neon Special Sign District
Board File No. 220643

Planning Commission Recommendation: Approval with Modifications

Dear Ms. Calvillo and Supervisor Preston,

On August 25, 2022, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider an Ordinance introduced by Supervisor Preston that would create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District and enact zoning controls for neon signs within the Special Sign District. At the hearing, the Planning Commission recommended approval with modifications.

The Commission's proposed modifications were as follows:

1. Strike Neon Sign provisions that are more restrictive than existing sign regulations.
2. Allow legal, noncomplying Neon Signs to be physically removed from the building for maintenance purposes and returned to the property.
3. Amend the proposed Code language to change "blade signs" to "Projecting Signs".
4. For Residential Hotels, clarify that: 1) these signs are considered Identifying Signs and 2) the Projecting

Sign dimensions are for the sign itself.

5. Rename the "Design Guidelines" to "Design Standards".

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) and 15378 because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Digitally signed by Daniel
A. Sider
Date: 2022.08.25 16:28:22
-07'00'

Daniel A. Sider, AICP
Chief of Staff

cc: Giulia Gualco-Nelson, Deputy City Attorney
Kyle Smeallie, Aide to Supervisor Preston
Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution
Planning Department Executive Summary



PLANNING COMMISSION RESOLUTION NO. 21162

HEARING DATE: AUGUST 25, 2022

Project Name: Tenderloin Neon Special Sign District
Case Number: 2022-005505PCA [Board File No. 220643]
Initiated by: Supervisor Preston / Introduced May 24, 2022
Staff Contact: Veronica Flores, Legislative Affairs
veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CREATE THE TENDERLOIN NEON SPECIAL SIGN DISTRICT WITHIN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT; ENACTING ZONING CONTROLS FOR NEON SIGNS WITHIN THE SPECIAL SIGN DISTRICT; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION, 101.1, AND PUBLIC NECESSITY, CONVENIENCE, AND WELFARE FINDINGS PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on May 24, 2022 Supervisor Preston introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 220643, which would amend the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; and enacting zoning controls for neon signs within the Special Sign District;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on August 25, 2022; and,

WHEREAS, the proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment; and

WHEREAS, the Planning 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 Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendations are as follows:

1. Strike Neon Sign provisions that are more restrictive than the existing sign regulations.
2. Allow legal, noncomplying Neon Signs to be physically removed from the building and returned to the property in its existing conditions.
3. Amend the proposed code language to change "blade signs" to "Projecting Signs".
4. For Residential Hotels, clarify that: 1) these signs are considered Identifying Signs and 2) the Projecting Sign dimensions are for the sign itself.
5. Rename the "Design Guidelines" to "Design Standards".

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:

The proposed Ordinance will protect and enhance the Tenderloin neighborhood's heritage of Neon Signs.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.5

Emphasize the special nature of each district through distinctive landscaping and other features.

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.

Policy 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

ARTS ELEMENT

OBJECTIVE VI-2

INCREASE OPPORTUNITIES FOR PUBLIC ART THROUGHOUT THE CITY.

Policy VI-2.2

Protect, maintain and preserve existing art work in the City Collection and art required by ordinance.

The proposed Ordinance promotes the Urban Design Element's goal of preserving features within the Tenderloin that would enhance the neighborhood identity. The proposed Ordinance contributes to the visual character of the Tenderloin by preserving historic Neon Signs, highlighting one of the distinctive features that makes the Tenderloin unique. Additionally, the proposed Ordinance also supports the Art Element goal of preserving existing artwork. Under the proposed Ordinance, Neon Signs can be removed from the building, refurbished at an off-site location, and returned to the property – a process that is not currently allowed today due to existing sign restrictions. The forthcoming Design Guidelines for Neon Signs in the Tenderloin will support the Urban Design Element's policy in enhancing original features when remodeling older buildings. Further, the proposed Tenderloin Neon Special Sign District would allow existing Neon Signs to be altered and welcome new Neon Signs as well.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code and Zoning Map are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would have a positive effect on the Tenderloin neighborhood character. Once enacted, the proposed Ordinance would embrace and encourage the Neon Sign heritage within the Tenderloin.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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 Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings. Proposed Neon Signs located on historical landmarks and buildings would still need to go through the appropriate preservation review.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 25, 2022.



Jonas P Ionin Digitally signed by Jonas P Ionin
DN: cn=Jonas P Ionin, o=2022.08.25 16:13:51 -0700

Jonas P. Ionin
Commission Secretary

AYES: Ruiz, Diamond, Imperial, Koppel, Moore

NOES: None

ABSENT: Fung, Tanner

ADOPTED: August 25, 2022

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EXECUTIVE SUMMARY PLANNING CODE TEXT AND ZONING MAP AMENDMENT

HEARING DATE: AUGUST 25, 2022

90-Day Deadline: August 30, 2022

Project Name: Tenderloin Neon Special Sign District
Case Number: 2022-005505PCA [Board File No. 220643]
Initiated by: Supervisor Preston / Introduced May 24, 2022
Staff Contact: Veronica Flores, Legislative Affairs
 veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
 aaron.starr@sfgov.org, 628-652-7533

Recommendation: Approval with Modification

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District and enact zoning controls for neon signs within the Special Sign District.

The Way It Is Now:

1. Neon is considered a Directly Illuminated Sign¹, but is not separately defined in the Planning Code.
2. The North of Market Special Use District (SUD) is zoned RC-4. Neon Business Signs are permitted in the RC Zoning Districts as Window or Wall Signs. They are also permitted as a Projecting Sign but may only be illuminated during business hours. Projecting Signs in RC Districts are limited to 24 square feet, the height of which may not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the sign is attached, whichever is lowest. Identifying Signs² are limited to 20 square feet in area.

¹ **Directly Illuminated Sign.** A Sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such Sign, including but not limited to neon and exposed lamp signs.

² **Identifying Sign.** A sign that serves to tell only the name, address, and lawful use of the premises upon which the Sign is located, or to which it is affixed.

The Way It Would Be:

1. “Neon Sign” would be defined as follows: *A Sign that is illuminated through the use of noble gas in a vacuum-sealed glass tube.*
2. The Tenderloin Neon Special Sign District (SSD) would be established following the North of Market Residential SUD boundaries. (See Exhibit D for proposed SSD boundaries.) Neon Signs would be permitted in the SSD as follows:
 - a. Neon Business Signs up to 24 square feet in size
 - b. Identifying Signs for Residential Hotels:
 - i. Projecting signs up to 25 feet tall and 5 feet wide
 - ii. All other non-projecting signs up to 40 square feet
 - c. All Neon Business Signs shall not have any moving physical parts or flashing or blinking features.
 - d. All Neon Business Signs shall be subject to Design Guidelines adopted by the Planning Commission. (See Exhibit E for draft outline of Design Guidelines.)

Anticipated Amendments

The proposed Ordinance does not currently include a corresponding Zoning Map Amendment to match the proposed Planning Code Amendment establishing the Tenderloin Neon SSD; however, staff included the map amendment in the required notice so that a map amendment could be made. Supervisor Preston intends to introduce a substitute ordinance which would include such Zoning Map Amendment. A preview of these amendments is included in Exhibit C with changes highlighted in yellow.

Background

The Tenderloin Community Action Plan is a neighborhood-driven collaboration between residents, community organizations, businesses, and City agencies. It is still in draft form and anticipated to be completed this December. The Plan identifies current needs for the neighborhood’s diverse culture and population. It also develops a collective vision for Tenderloin’s future. One of the goals of the Tenderloin Community Action Plan is to restore and encourage more Neon Signs in the neighborhood to foster a Tenderloin identity. The proposed Ordinance supports this community goal.

The Cadillac Hotel is a historic Single-Room Occupancy Residential Hotel. The Tenderloin Museum opened on the ground floor of Cadillac Hotel in 2015. Upon discovering a historic photo featuring a Neon Sign on the building, Tenderloin Museum expressed interest in restoring the sign and adding a non-commercial “Tenderloin” sign to celebrate the neighborhood. However, they learned that new Neon Signs of that size are not currently allowed under the Planning Code. Tenderloin Museum approached then Supervisor Haney and now Supervisor Preston expressing their desire to install such Neon Sign at the property. Since then, other businesses have also expressed interest in restoring Neon Signs to their building but have faced procedural difficulties since many of these are legal, noncomplying. Because of the community feedback and since Tenderloin has the highest number of historic Neon Signs, Supervisor Preston seeks to allow Neon Sign restoration within the entire district.

Issues and Considerations

The History and Future of Neon Signs

Neon Signs were widely popular in the United States from the 1920's-1960s. They provided a unique advertising opportunity and served as eye-catching wayfinding. They were more expensive than other traditional signage, but business owners flocked to invest in their own Neon Signs to stay competitive.

There are still existing Neon Signs throughout the city, but many of them are inoperable now. In Zoning Districts where Directly Illuminated Signs are not permitted, historic signs are considered legal, noncomplying signs and may be maintained and repaired in their existing conditions under Section 604. If any existing, noncomplying Neon Signs are expanded or altered, they would need to comply with the underlying sign requirements of the neighborhood.

Due to the very involved process of refurbishing Neon Signs properly, Neon Signs typically need to be removed from the building and repaired at an off-site location. In some rare instances, some Neon Signs can be repaired at the property while still attached to the building; however, this is limited to very minor repair work. Once a noncomplying Neon Sign is removed from the building, there is no current path to reattach said Neon Sign in its existing conditions after the repairs are made. The Ordinance should address this barrier to allow legal, noncomplying Neon Signs to be more easily maintained and reinstalled in the future.

Decline of and Nostalgia for Neon Signs

The late 1950s and early 1960s saw a decrease in neon signage. Some reasons may include new signage restrictions, the difficulty in maintaining Neon Signs as described above, and the advent of technology and other cheaper forms of signage. There has also been an increased preference for LED signs over neon because the former is more energy-efficient than the latter. There are even LED manufacturers that produce faux-neon signs as a nod to the historical signs.

There has been a resurgence of interest in Neon Signs. Locally, San Francisco Neon (SF Neon) is an advocate for preserving historic Neon Signs and hosts tours, talks, and events. A lot of their work documenting existing Neon Signs has sparked increased interest in preserving them and installing new ones. The proposed Ordinance includes appropriate size limitations for new Neon Signs in the proposed Tenderloin Neon SSD, and additional provisions (such as placement or attachment mechanisms to the building) are listed in the draft outline of the Design Guidelines included as Exhibit E.

There are also City efforts to help restore Neon Signs. OWED'S Invest In Neighborhoods initiative provides grants, design assistance and project management through the SF Shines program to improve storefront façades and business interiors. Grants of up to \$5,000 are available for small businesses buying new equipment or completing construction projects. Since 2009, the program has awarded over 100 storefront improvement grants to small businesses and non-profits, including nine to restore Neon Signs.

The Tenderloin Community

The Tenderloin neighborhood is situated between Civic Center and Nob Hill. It is the City's most diverse neighborhood and one of its poorest. There is a long history of activism in this neighborhood and this tradition continues today. The Tenderloin's People Congress (TPC), which was established in 2015, is a resident-led group

convening the neighborhood to actively shape programs and policies that will impact the neighborhood. In 2017, TPC engaged 1,200 community members in a conversation envisioning the neighborhood’s future and conducted a survey. These efforts ultimately resulted in the creation of the Tenderloin Community Action Plan. The plan outlines different priority areas such as housing access, economic opportunity, and arts and culture. This last category flushes out the desire to create a new neighborhood identity rooted in history and looking towards the future.

The Tenderloin has over 90 of the ~300 Neon Signs in San Francisco, the most of any district.

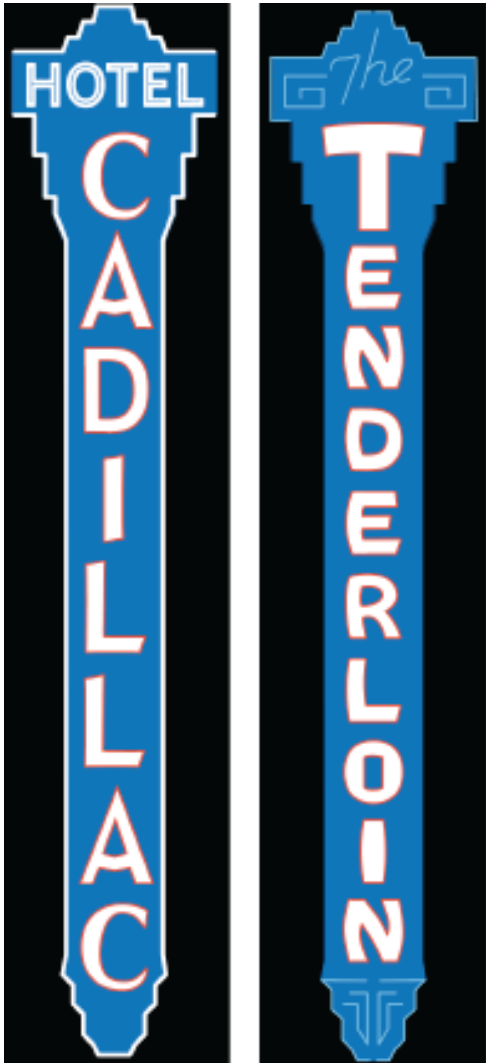
Neon Signs are an important part of the Tenderloin heritage and can be considered a character-defining feature of the Tenderloin. Out of 1,000 respondents to the Tenderloin Community Action Plan Survey, about half stated that restoring and increasing the amount of Neon Signs was “very important”. In a 2018 initiative, the Tenderloin Museum partnered with SF Neon and the Mayor’s Office of Economic and Workforce Development (OEWD) to conduct a survey to better understand the existing and past Neon Signs and prioritize signs for restoration. According to this survey, there are over 300 Neon Signs still up in San Francisco today, with 96 of these located in the Tenderloin – the most of any district. The Tenderloin community is interested in maintaining existing and encouraging new Neon Signs in the neighborhood.

The Tenderloin Museum is located on the ground floor of the Cadillac Hotel, a historic Residential Hotel. Signs proposed for Residential Hotels, such as Cadillac Hotel, are considered Identifying Signs³. The Cadillac Hotel / Tenderloin Museum is seeking to restore a blade sign at the property (see Figures 1-3). These blade signs are considered “Projecting Signs” under the Planning Code since they project out and extend beyond either the street property line or building setback. The Cadillac Hotel / Tenderloin Museum have worked with Neon Sign experts at SF Neon to design a replica of the historical sign noting the appropriate size and colors. Part of the process has also included adding a non-commercial on the other side that says “Tenderloin” to pay homage to the neighborhood. The Tenderloin Museum received Community Challenge funding, which is awarded to civic beautification projects to improve neighborhoods.



Figure 1: Historical photo of Cadillac Hotel circa 1940
Source: Barbara Badger

³ As written, the draft Ordinance mistakenly labels these as Business Signs.



Figures 2 and 3: Proposed Cadillac Hotel 2-sided blade sign
Source: Randall Ann Homan of SF Neon

Vintage Sign Ordinance

The Vintage Sign Ordinance sought to preserve historic signs deemed to be cultural artifacts. To be designated with vintage sign authorization, applicants must demonstrate the following:

- the sign proposed for vintage sign authorization is at least 40 years old; and
- 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.

The vintage sign authorization is executed through a Conditional Use Authorization from the Planning Commission. An additional Conditional Use Authorization is required for the removal of or the relocation of a vintage sign. Relocation of a general advertising sign is subject to the provisions of Section 2.21 of the San Francisco Administrative Code and may not be relocated under the Vintage Sign Ordinance. Vintage signs can also be restored, reconstructed, maintained, and technologically improved on the property with Conditional Use Authorization. However, any proposed changes to the vintage sign, including change copy, are not permitted and such proposals need to comply with sign regulations of Article 6.

Neon Signs may be eligible for vintage sign authorization if they are able to demonstrate the historic nature of the sign with photographic evidence. However, the Vintage Sign Ordinance still would not allow existing Neon Signs to update change copy. Once established, proposed Neon Signs – whether existing Neon Signs being refurbished or new Neon Signs – located with the proposed Tenderloin Neon SSD would be principally permitted eliminating the

need for vintage sign authorization or Conditional Use Authorization. The Department is crafting Design Guidelines to ensure the compatibility of Neon Signs with the aesthetics and historic character of the surrounding neighborhood. For reference, a preliminary outline of these Design Guidelines is attached as Exhibit E.

General Plan Compliance

The proposed Ordinance promotes the Urban Design Element’s goal of preserving features within the Tenderloin that would enhance the neighborhood identity. The proposed Ordinance contributes to the visual character of the Tenderloin by preserving historic Neon Signs, highlighting one of the distinctive features that makes the Tenderloin unique. Additionally, the proposed Ordinance also supports the Art Element goal of preserving existing artwork. Under the proposed Ordinance, Neon Signs can be removed from the building, refurbished at an off-site location, and returned to the property – a process that is not currently allowed today due to existing

sign restrictions. The forthcoming Design Guidelines for Neon Signs in the Tenderloin will support the Urban Design Element's policy in enhancing original features when remodeling older buildings. Further, the proposed Tenderloin Neon Special Sign District would allow existing Neon Signs to be altered and welcome new Neon Signs as well.

Racial and Social Equity Analysis

The Planning Code amendments and anticipated Zoning Map amendment supports an underrepresented community carve out their ever-changing identity. The Tenderloin is one of the most racially diverse neighborhoods in the city; has the highest concentration of children; and disproportionately houses seniors, people living with disabilities, and artists. One of the few affordable neighborhoods left in San Francisco, the neighborhood has long been a refuge for immigrants, the LGBTQ+ communities and low- and moderate-income residents. The proposed Ordinance celebrates this underrepresented neighborhood and supports one of the community's goals for the neighborhood.

The Tenderloin currently has 96 historical Neon Signs, the most out of any neighborhood in San Francisco. Neon Signs offer a glimpse into the past and serves as a visual reminder of the Tenderloin's history. They serve as a reminder of the Tenderloin's eclectic history and the variety of uses in the area. Neon Signs were handmade and often featured unique fonts which also added to a neighborhood's character. Many of these signs are inoperable and appear on buildings as ghost-like signs without the signature lighting emitting from the building. If enacted, the proposed Ordinance would allow these Neon Signs to be restored to their original glory and welcome new Neon Signs into the neighborhood. This would further the Tenderloin Neighborhood Community Action Plan's desire of honing in on the neighborhood's art and culture.

Implementation

The Department has determined that this Ordinance will have minor impacts on our current implementation procedures; however, the proposed changes can be implemented without increasing permit costs or review time in the long run. The Ordinance requires new Neon Sign Design Guidelines to establish general guidelines on the Neon Signs aesthetics and placement. This will require a community process better understand what the neighborhood identity and goals are. See Exhibit E for a preliminary outline of these Design Guidelines. While the Design Guidelines are meant to be a living document with potential changes in the future, the Department does not foresee any additional implementation impacts once the Design Guidelines are finalized.

Recommendation

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Strike Neon Sign provisions that are more restrictive than the existing sign regulations.
2. Allow legal, noncomplying Neon Signs to be physically removed from the building and returned to the

property in its existing conditions.

3. Amend the proposed code language to change “blade signs” to “Projecting Signs”.
4. For Residential Hotels, clarify that: 1) these signs are considered Identifying Signs and 2) the Projecting Sign dimensions are for the sign itself.

Basis for Recommendation

The Department supports the overall goals of this Ordinance because it supports the Tenderloin community identity and embraces historical features which add to the neighborhood’s character. The proposed SSD aligns with the draft Tenderloin Community Action Plan, which includes an “Arts and Culture” priority area and encourages more Neon Signs as a goal. The community wishes to bring Neon Signs back to embrace and showcase the Tenderloin’s Neon Sign heritage. The Department believes the following modifications would better foster the return of Neon Signs to the Tenderloin:

Recommendation 1: Strike Neon Sign provisions that are more restrictive than the existing sign regulations.

Except for a few Publicly zoned parcels, the parcels in the proposed SSD are zoned RC-4. In RC districts, Directly Illuminated Business Wall Signs (including Neon Signs) are permitted up to **two square feet per foot of street frontage, or 100 square feet, whichever is less**. This is *more permissive* than what is listed in the proposed Ordinance, which only allows for Neon Business Signs up to 24 square feet. Staff recommends keeping the existing, vetted sign regulations and removing the draft Ordinance’s more restrictive provision for Neon Signs.

Recommendation 2: Allow legal, noncomplying Neon Signs to be physically removed from the building and returned to the property in its existing conditions.

Section 604 allows nonconforming signs to have ordinary maintenance and minor repairs. This maintenance work shall not result in replacing, altering, relocating, or expanding the sign unless it conforms to the Code. Neon Signs typically need to be removed from the building, repaired at an off-site location, and reattached to the property – a process that is not currently allowed under Section 604. The original intent was to allow for this off-site restoration through the forthcoming Design Guidelines; however, staff believes this is better suited in the Ordinance itself because it is a proposed regulation, not design. Suggested language is as follows:

Nonconforming Neon Signs: Allow legal, nonconforming Neon Signs to be physically detached from the building for any required off-site repairs and maintenance, except that such maintenance and repairs shall not include replacement, alteration, reconstruction, relocation, intensification, or expansion of the Neon Sign. After the repair work, such Neon Signs may be reinstalled at the property in its existing conditions.

The recommended language is specific to the Special Sign District and allows legal, noncomplying Neon Signs to be physically removed from the building and returned to their existing conditions.

Recommendation 3: Amend the proposed code language to change “blade signs” to “Projecting Signs.”

The proposed Ordinance uses the term “blade sign” instead of projecting sign. A blade sign is not defined in the planning code, but a Projecting Sign is. To maintain consistency and set clear guidelines on what is permitted, the new code language should use “Projecting Sign” instead of blade sign.

Recommendation 4: For Residential Hotels, clarify that: 1) these signs are considered Identifying Signs and 2) the Projecting Sign dimensions are for the sign itself.

Proposed signage for Residential Hotels is considered an Identifying Sign, not a Business Sign. As drafted, the proposed Ordinance would not permit the proposed design for Cadillac Hotel / Tenderloin Museum because the Ordinance only addresses Business Signs. Staff recommends the Ordinance be reworded to correctly permit Identifying Signs on Residential Hotels.

The proposed Ordinance would allow Residential Hotels to install blade signs measuring 25 feet in height and five feet in width. The Planning Code measures the height of signs from the top-most point of the sign area all the way to the ground below the sign. The intent of the Ordinance was to allow for a Projecting Sign with a vertical dimension of 25 feet for the sign itself. Additionally, the lowest point of vertical Projecting Signs traditionally begins above the podium of a building, making the proposed 25-foot height maximum potentially overly restrictive if measuring the height like other signs. To follow the historical pattern of projecting blade signs and to make the Projecting Sign measurements functional, the Department recommends refining the Ordinance to clarify that the 25-by-5-foot measurement is for the Projecting Sign itself. Proposed language to this effect is reflected in the anticipated amendments attached as Exhibit C.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

Public Comment

The Planning Department received a letter of support from the Tenderloin Museum / Cadillac Hotel, which was also signed by the following community members:

- Naomi Maisel, Community Programs & Policy Manager at La Cocina Municipal Marketplace
- Rene Colorado, Executive Director at Tenderloin Merchants and Property Owners Association
- Curtis Bradford, Co-Chair at Tenderloin People's Congress
- Karalyn Monteil, President & CEO at San Francisco Heritage
- Randy Shaw, Executive Director at Tenderloin Housing Clinic
- David Seward, CFO at UC Hastings
- Kathy Looper, Cadillac Hotel SRO Owner and Board President at Reality House West
- Pratibha Tekkey, Director of Community Organizing at Central City SRO Collaborative
- CCSRO Land Use Committee
- Kate Robinson, Executive Director at Tenderloin Community Benefit District
- Randall Ann Homan & Al Barna, Founders of San Francisco Neon
- Gloria Del Mar Garcia Lemus, Program Manager at La Voz Latina

The letter of support noted the historical significance and prominence of Neon Signs within the Tenderloin and also referenced the Tenderloin Community Action Plan which calls for the restoration of existing and creation of new Neon Signs in the Tenderloin. Tenderloin Museum / Cadillac Hotel note that Neon Signs will provide much-needed street lighting, deter crime, encourage foot traffic, draw in visitors, and increase overall neighborhood safety.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 220643
- Exhibit C: Draft Amendments to Board of Supervisors File No. 220643
- Exhibit D: Proposed Tenderloin Neon Special Sign District Boundaries
- Exhibit E: Preliminary Outline of Neon Sign Design Guidelines
- Exhibit F: Letter of Support

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PLANNING COMMISSION DRAFT RESOLUTION

HEARING DATE: AUGUST 25, 2022

Project Name: Tenderloin Neon Special Sign District
Case Number: 2022-005505PCA [Board File No. 220643]
Initiated by: Supervisor Preston / Introduced May 24, 2022
Staff Contact: Veronica Flores, Legislative Affairs
veronica.flores@sfgov.org, 628-652-7525
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CREATE THE TENDERLOIN NEON SPECIAL SIGN DISTRICT WITHIN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT; ENACTING ZONING CONTROLS FOR NEON SIGNS WITHIN THE SPECIAL SIGN DISTRICT; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION, 101.1, AND PUBLIC NECESSITY, CONVENIENCE, AND WELFARE FINDINGS PURSUANT TO PLANNING CODE, SECTION 302.

WHEREAS, on May 24, 2022 Supervisor Preston introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 220643, which would amend the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; and enacting zoning controls for neon signs within the Special Sign District;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on August 25, 2022; and,

WHEREAS, the proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment; and

WHEREAS, the Planning 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

Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendations are as follows:

1. Strike Neon Sign provisions that are more restrictive than the existing sign regulations.
2. Allow legal, noncomplying Neon Signs to be physically removed from the building and returned to the property in its existing conditions.
3. Amend the proposed code language to change "blade signs" to "Projecting Signs".
4. For Residential Hotels, clarify that: 1) these signs are considered Identifying Signs and 2) the Projecting Sign dimensions are for the sign itself.

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:

The proposed Ordinance will protect and enhance the Tenderloin neighborhood's heritage of Neon Signs.

General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

URBAN DESIGN ELEMENT

OBJECTIVE 1

EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.5

Emphasize the special nature of each district through distinctive landscaping and other features.

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.

Policy 2.5

Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

ARTS ELEMENT

OBJECTIVE VI-2

INCREASE OPPORTUNITIES FOR PUBLIC ART THROUGHOUT THE CITY.

Policy VI-2.2

Protect, maintain and preserve existing art work in the City Collection and art required by ordinance.

The proposed Ordinance promotes the Urban Design Element's goal of preserving features within the Tenderloin that would enhance the neighborhood identity. The proposed Ordinance contributes to the visual character of the Tenderloin by preserving historic Neon Signs, highlighting one of the distinctive features that makes the Tenderloin unique. Additionally, the proposed Ordinance also supports the Art Element goal of preserving existing artwork. Under the proposed Ordinance, Neon Signs can be removed from the building, refurbished at an off-site location, and returned to the property – a process that is not currently allowed today due to existing sign restrictions. The forthcoming Design Guidelines for Neon Signs in the Tenderloin will support the Urban Design Element's policy in enhancing original features when remodeling older buildings. Further, the proposed Tenderloin Neon Special Sign District would allow existing Neon Signs to be altered and welcome new Neon Signs as well.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code and Zoning Map are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

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

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

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

The proposed Ordinance would have a positive effect on the Tenderloin neighborhood character. Once enacted, the proposed Ordinance would embrace and encourage the Neon Sign heritage within the Tenderloin.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. 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 Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings. Proposed Neon Signs located on historical landmarks and buildings would still need to go through the appropriate preservation review.

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

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 25, 2022.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: August 25, 2022

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EXHIBIT B

1 [Planning Code - Tenderloin Neon Special Sign District]

2

3 **Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign**
 4 **District within the North of Market Residential Special Use District; enacting zoning**
 5 **controls for neon signs within the Special Sign District; affirming the Planning**
 6 **Department's determination under the California Environmental Quality Act; and**
 7 **making findings of consistency with the General Plan, and the eight priority policies of**
 8 **Planning Code, Section, 101.1, and public necessity, convenience, and welfare findings**
 9 **pursuant to Planning Code, Section 302.**

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

14

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

16

17 Section 1. Environmental and Planning Code Findings.

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

23 (b) On _____, the Planning Commission, in Resolution No. _____,
 24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 25 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
5 Planning Commission Resolution No. _____.

6
7 Section 2. The Planning Code is hereby amended by revising Sections 249.5, 602,
8 and 608, to read as follows:

9 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

10 (a) **General.** A special use district entitled the "North of Market Residential Special
11 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
12 Sectional Map No. SU01 of the Zoning Map of the City and County of San Francisco, is
13 hereby established for the purposes set forth below.

14 (b) **Purposes.** In order to protect and enhance important housing resources in an
15 area near downtown, conserve and upgrade existing low and moderate income housing stock,
16 preserve buildings of architectural and historic importance and preserve the existing scale of
17 development, maintain sunlight in public spaces, encourage new infill housing at a compatible
18 density, limit the development of tourist hotels and other commercial uses that could
19 adversely impact the residential nature of the area, *and* limit the number of commercial
20 establishments which are not intended primarily for customers who are residents of the area,
21 *and support neighborhood vitality and character.* the following controls are imposed in the North
22 of Market Residential Special Use District.

23 (c) **Controls.** The following zoning controls are applicable in the North of Market
24 Residential Special Use District. Certain controls are set forth in other Sections of this Code
25 and are referenced herein.

1 * * * *

2 (11) Tenderloin Neon Special Sign District.

3 (A) There shall be a special sign district known as the “Tenderloin Neon Special
4 Sign District,” with the same boundaries as the North of Market Residential Special Use District, as
5 such boundaries may be amended from time to time.

6 (B) Within the Tenderloin Neon Special Sign District, Neon Business Signs are
7 permitted, provided that they meet the requirements below. Terms defined in Article 6 and used herein
8 shall have the meanings specified in Article 6.

9 (i) Where a Business Sign is permitted pursuant to Article 6, such
10 Business Sign may be, but is not required to be, a Neon Sign.

11 (ii) A Neon Business Sign shall not exceed 24 square feet in area, except
12 as specified herein.

13 (iii) For a Residential Hotel, a Neon Business Sign must satisfy either of
14 the following dimensional requirements:

15 a. a Sign that is not a blade sign shall not exceed 40 square feet
16 in area; or

17 b. a blade Sign shall not exceed 25 feet in height and 5 feet in
18 width.

19 (iv) A Neon Business Sign may not have any physically moving parts.

20 (v) A Neon Business Sign may not include flashing or blinking features,
21 except that such Signs may include animated features.

22 (vi) Neon Business Signs shall be subject to any design guidelines
23 adopted by the Planning Commission, which shall promote compatibility of Neon Signs with the
24 aesthetics and historic character of the surrounding neighborhood.

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Planning
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Victoria Wong
15 VICTORIA WONG
16 Deputy City Attorney

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1 [Planning Code - Tenderloin Neon Special Sign District]

2

3 **Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign**
 4 **District within the North of Market Residential Special Use District; enacting zoning**
 5 **controls for neon signs within the Special Sign District; amending Sectional Map**
 6 **No. SS01 of the Zoning Map to show the Tenderloin Neon Special Sign District; affirming the**
 7 **Planning Department’s determination under the California Environmental Quality Act;**
 8 **and making findings of consistency with the General Plan and the eight priority**
 9 **policies of Planning Code Section, 101.1, and public necessity, convenience, and**
 10 **welfare findings pursuant to Planning Code, Section 302.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
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 22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 23 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
 24 determination.

25 (b) On _____, the Planning Commission, in Resolution No. _____,
 adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
5 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
6 Planning Commission Resolution No. _____.

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8 Section 2. The Planning Code is hereby amended by revising Sections 249.5, 602,
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15 (b) **Purposes.** In order to protect and enhance important housing resources in an
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17 preserve buildings of architectural and historic importance and preserve the existing scale of
18 development, maintain sunlight in public spaces, encourage new infill housing at a compatible
19 density, limit the development of tourist hotels and other commercial uses that could
20 adversely impact the residential nature of the area, ~~and~~ limit the number of commercial
21 establishments which are not intended primarily for customers who are residents of the area,
22 and support neighborhood vitality and character, the following controls are imposed in the North
23 of Market Residential Special Use District.

1 (c) **Controls.** The following zoning controls are applicable in the North of Market
2 Residential Special Use District. Certain controls are set forth in other Sections of this Code
3 and are referenced herein.

4 * * * *

5 (11) Tenderloin Neon Special Sign District.

6 (A) There shall be a special sign district known as the “Tenderloin Neon Special
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8 such boundaries may be amended from time to time.

9 (B) Within the Tenderloin Neon Special Sign District, Neon Business Signs are
10 permitted, provided that they meet the requirements below. Terms defined in Article 6 and used herein
11 shall have the meanings specified in Article 6.

12 (i) Where a Business Sign is permitted pursuant to Article 6, such
13 Business Sign may be, but is not required to be, a Neon Sign.

14 (ii) A Neon Business Sign shall not exceed 24 square feet in area, except
15 as specified herein.

16 (iii) For a Residential Hotel, a Neon Business Sign must satisfy either of
17 the following dimensional requirements:

18 a. a Sign that is not a blade sign shall not exceed 40 square feet
19 in area; or

20 b. **the dimensions of** a blade Sign shall not exceed 25 feet in
21 height and 5 feet in width.

22 (iv) A Neon Business Sign may not have any physically moving parts.

23 (v) A Neon Business Sign may not include flashing or blinking features,
24 except that such Signs may include animated features.

1 (vi) Neon Business Signs shall be subject to any design guidelines
2 adopted by the Planning Commission, which shall promote compatibility of Neon Signs with the
3 aesthetics and historic character of the surrounding neighborhood.

4
5 (C) Signs permitted pursuant to this subsection (c)(11) shall be subject to all
6 other provisions of the Planning Code, as may be amended from time to time, except as specified in this
7 Section 249.5.

8 * * * *

9
10 **SEC. 602. SIGN DEFINITIONS.**

11 * * * *

12 **Nameplate.** A sign affixed flat against a wall of a building and serving to designate only
13 the name or the name and professional occupation of a person or persons residing in or
14 occupying space in such building.

15 **Neon Sign.** A Sign that is illuminated through the use of noble gas in a vacuum-sealed glass
16 tube.

17 **Nonilluminated Sign.** A Sign which is not illuminated, either directly or indirectly.

18 * * * *

19
20 **SEC. 608. SPECIAL SIGN DISTRICTS AND SIGNS IN SPECIAL USE DISTRICTS.**

21 * * * *

22 (b) **Signs in Special Use Districts.** The following Special Use Districts have sign
23 controls specific to the district:

24 * * * *

25 (3) Sec. 249.5. North of Market Residential Special Use District.

1 Section 3. Pursuant to Sections 106 and 302(c) of the Planning Code, Sectional Map
2 No. SS01 of the Zoning Map of the City and County of San Francisco is hereby amended, as
3 follows:

<u>Description of Property</u>	<u>Sign District Hereby Approved</u>
<u>All real property within the boundaries of the</u> <u>North of Market Residential Special Use</u> <u>District, as shown on Sectional Map No.</u> <u>SU01 of the Zoning Map of the City and</u> <u>County of San Francisco, as such</u> <u>boundaries may be amended from time to</u> <u>time</u>	<u>Tenderloin Neon Special Sign District</u>

13
14 Section 34. Effective Date. This ordinance shall become effective 30 days after
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
17 of Supervisors overrides the Mayor's veto of the ordinance.

18
19 Section 45. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Planning
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
23 additions, and Board amendment deletions in accordance with the "Note" that appears under
24 the official title of the ordinance.

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APPROVED AS TO FORM:
DAVID CHIU, City Attorney

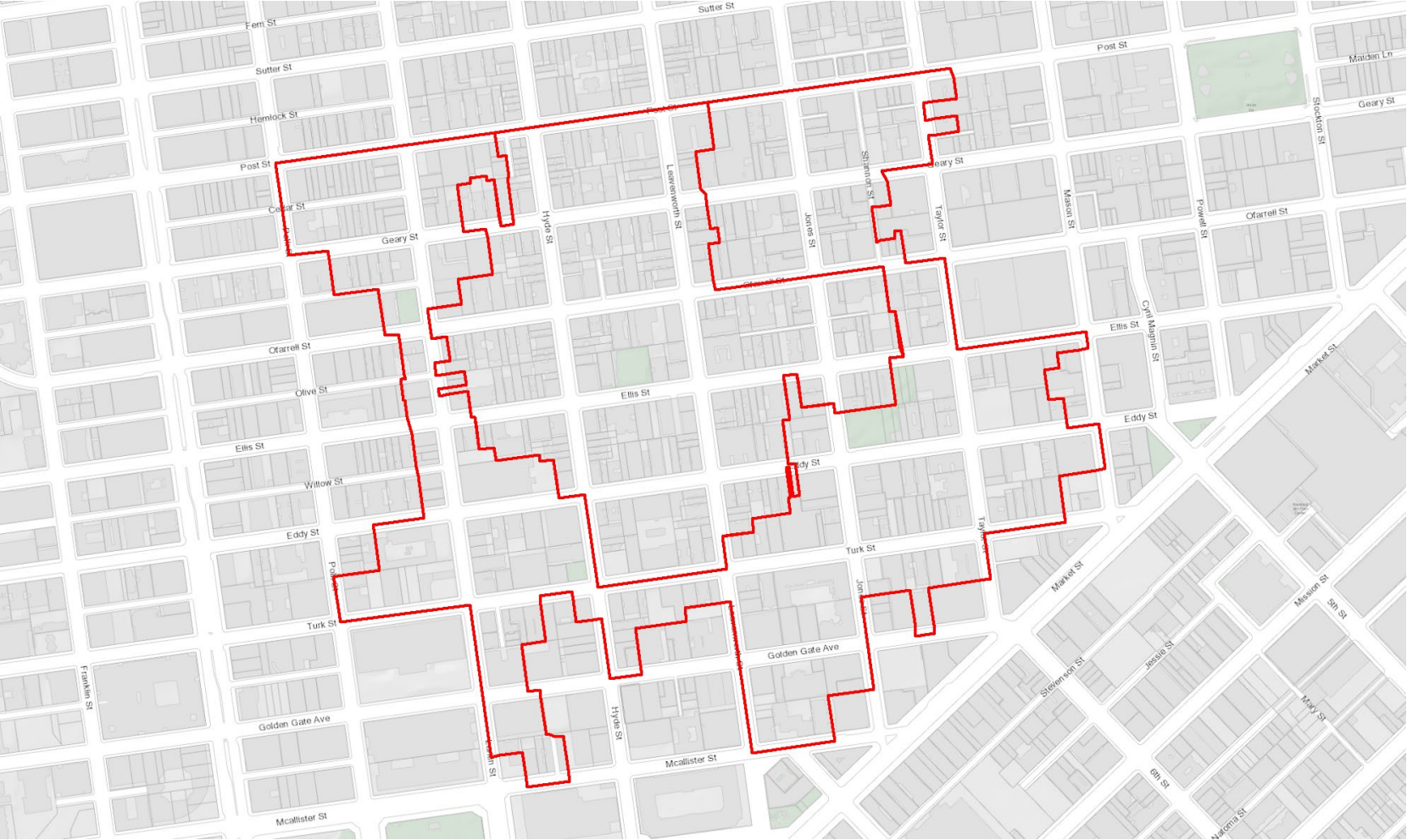
By: /s/ Giulia Gualco-Nelson
GIULIA GUALCO-NELSON
Deputy City Attorney

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DRAFT

EXHIBIT D

Proposed Tenderloin Neon Special Sign District



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EXHIBIT E

Tenderloin Neon Special Sign District Design Guidelines

Outreach:

- The Tenderloin Museum
- SF AIA and the architectural community
- SF Neon
- Tenderloin Community

Introduction:

- History of neon signs in the Tenderloin
- Neon sign definition
- Common types of neon signs
- Appropriateness of type to building/ use

Restoration and Repair:

- Maintenance
- Materials
- Paint
- Structural supports
- Metal Cabinet
- Glass Tubes and supports
- Wires/ Transformers
- Documentation and conservation
- Electrical Connections

New signage:

- Placement on façade
- Signage content
- Shape
- Materials
- Paint
- Sign/ Cabinet ratio
- Mechanical
- Structural Support and mounting
- Fonts
- Brightness

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EXHIBIT F

TENDERLOIN
MUSEUM

August 17, 2022

San Francisco Planning Commission
Attn: Jonas Ionin, Commission Secretary
49 S Van Ness Ave Suite 1400
San Francisco, CA 94103

RE: Establishment of the Tenderloin Historic Sign District

Planning Department Commissioners,

The Tenderloin Museum and the Cadillac Hotel are requesting your help in creating a Tenderloin Historic Sign District. The Tenderloin is a historic district with the largest concentration of historic neon signs in San Francisco. To preserve this legacy, we propose the creation of a historic sign district in the Tenderloin neighborhood that would make it easier to restore historic neon signs and allow for new neon signs to increase historic reference and vibrancy to the neighborhood streetscape while adding illumination for evening safety.

This plan has broad community support. The [Tenderloin Community Action Plan](#) created by the Tenderloin People's Congress in 2020 called for the restoration of existing, and creation of more, neon signs in the neighborhood. As noted on page 12 of the Action Plan: "Restore and encourage more new neon signs in the neighborhood to help create a TL identity."

Specifically, this new legislation would allow for a new neon sign on the façade of our building as a gesture to the original Cadillac Hotel neon sign that dates back at least to the 1940s. We will make not an exact replica but a new, historically respectful replacement for the neighborhood. This beautiful two-and-a-half-story sign will boldly declare "Tenderloin" on one side and display the original "Cadillac" on the other side. This will be a historical recreation and a work of art for the entire community.

The sign will provide much-needed street lighting, deter crime, encourage foot traffic, draw in visitors, and increase overall neighborhood safety. The Tenderloin Museum, a community history museum and art gallery, is on the ground floor of the Cadillac Hotel, a historic single-resident-occupancy hotel. This project will restore a cultural asset and

TENDERLOIN MUSEUM

landmark to the community and foster a positive sense of identity for Tenderloin residents. With the Tenderloin Neon Sign Project, we plan to create a literal beacon, improving visibility for pedestrians, and also a symbolic one, bringing joy, hope, and inspiration to the neighborhood.

Thank you so much for considering this request.

Sincerely,



Katie Conry
Executive Director
Tenderloin Museum

In support:

Naomi Maisel
Community Programs & Policy Manager
La Cocina Municipal Marketplace

Rene Colorado
Executive Director
Tenderloin Merchants and Property Owners Association

Curtis Bradford
Co-Chair
Tenderloin People's Congress

Karalyn Monteil
President & CEO
San Francisco Heritage

Randy Shaw
Executive Director
Tenderloin Housing Clinic

TENDERLOIN MUSEUM

David Seward
CFO
UC Hastings

Kathy Looper
Cadillac Hotel SRO Owner
Board President Reality House West

Pratibha Tekkey
Director of Community Organizing
Central City SRO Collaborative

CCSRO Land Use Committee

Kate Robinson
Executive Director
Tenderloin Community Benefit District

Randall Ann Homan & Al Barna
Founders
San Francisco Neon

Gloria Del Mar Garcia Lemus
Program Manager
La Voz Latina

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

June 1, 2022

File No. 220643

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On May 24, 2022, Supervisor Preston submitted the following legislation:

File No. 220643

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

June 1, 2022

Planning Commission
Attn: Jonas Ionin
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Commissioners:

On May 24, 2022, Supervisor Preston submitted the following legislation:

File No. 220643

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

The proposed ordinance is being transmitted for review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

c: Rich Hillis, Director
Tina Tam, Deputy Zoning Administrator
Corey Teague, Zoning Administrator
Lisa Gibson, Environmental Review Officer
Devyani Jain, Deputy Environmental Review Officer
AnMarie Rodgers, Director of Citywide Planning
Dan Sider, Chief of Staff
Aaron Starr, Manager of Legislative Affairs
Joy Navarrete, Environmental Planning

Member, Board of Supervisors
District 7



City and County of San Francisco

MYRNA MELGAR

DATE: September 15th, 2022

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee *MM*

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, September 20, 2022, as a Committee Report:

220643 Planning Code - Tenderloin Neon Special Sign District

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; amending Sheet SS01 of the Zoning Map to show the Tenderloin Neon Special Sign District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section, 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, September 19, 2022, at 1:30 p.m.

A handwritten signature in cursive script, appearing to read "Myrna Melgar".

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: