

1 [Planning Code – Restoration of Movie Theater Projecting Signs and Marquees.]

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3 **Ordinance amending the San Francisco Planning Code by amending Sections 188, 603,**
4 **and 604 and by adding Sections 602.25 and 602.26 in order to allow for the**
5 **~~reconstruction, preservation, rehabilitation, or restoration, or reconstruction of~~**
6 **noncomplying Historic ~~m~~Movie ~~t~~Theater ~~p~~Projecting ~~s~~Signs and ~~m~~Marquees, as**
7 **defined; and making findings, including environmental findings and findings of**
8 **consistency with the priority policies of Planning Code Section 101.1 and the General**
9 **Plan.**

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are *strikethrough italics Times New Roman*.
12 Board amendment additions are double underlined.
13 Board amendment deletions are ~~strikethrough normal~~.

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

15 Section 1. General Findings. The Board of Supervisors of the City and County of San
16 Francisco hereby finds and determines that:

17 (a) San Francisco has a tradition of thriving neighborhoods and commercial districts
18 that reflect the diverse character of the City. As key parts of these districts, movie theaters
19 have historically served as important anchors and neighborhood focal points, in some cases
20 despite the abandonment of the actual movie theater use.

21 (b) Theaters contribute to the unique character of our neighborhoods because of
22 their recreational amenity as well as their distinctive architectural designs, which often include
23 elaborate signage, marquees, ornamentation, and other projecting architectural elements.

24 (c) Ordinance 270-04, adopted by the Board of Supervisors in November of 2004,
25 established a requirement for Conditional Use Authorization from the Planning Commission in

1 order to allow the demolition or change of use of a movie theater. In placing a greater level of
2 scrutiny on such proposals, this Ordinance acknowledged the importance of theaters to
3 individual neighborhoods and the City as a whole.

4 (d) The 'built legacy' of movie theaters, characterized in part by marquees and
5 projecting signs, are significant as evidence of the history of theater buildings and of the place
6 of those buildings in our neighborhoods.

7 (e) Current zoning controls which regulate the size, projection, and height of
8 signage and marquees, among other projecting elements, generally do not accommodate
9 historic movie theater marquees and projection signs as were originally designed as integral
10 elements of movie theater buildings in the City.

11 (f) Despite being permitted at the time of their original construction, many existing
12 marquees and projecting signs are considered noncomplying structures under the Planning
13 Code. Noncomplying structures can be maintained and repaired but may not be replaced or
14 reconstructed. Similarly, noncomplying marquees or projecting signs that were removed at
15 some point in the past may not be restored or replaced.

16 (g) Many of these existing signs and marquees now require extensive rehabilitation.
17 Most have reached or are nearing the end of their expected lifetimes and may become a
18 health or safety hazard to the public.

19 (h) Some signs and marquees were removed at some point in the past and
20 consequently the buildings to which they were attached no longer possess the distinctive
21 architectural qualities and character defining features that contributed to the broader district.

22 (i) Allowing the restoration, rehabilitation, and replacement of existing or previously
23 removed movie theater marquees or projecting signs in a manner consistent with their
24 historical precedent would help to restore the architectural character of movie theater
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1 buildings, allow for increased structural safety of these projecting elements, and be in
2 conformity with established City policies, including encouraging the retention of movie theater
3 uses and the preservation of significant buildings while also ensuring consistency with
4 established neighborhood character.

5 (j) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
6 ordinance will serve the public necessity, convenience and welfare for the reasons specified in
7 this legislation and in Planning Commission Resolution No. _____, which is
8 incorporated herein by reference as though fully set forth. A copy of said Resolution is on file
9 with the Clerk of the Board in File No. _____.

10 (k) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that
11 this ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code
12 and the General Plan for the reasons set forth in said Planning Commission Resolution No.
13 _____.

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15 Section 2. Environmental Findings. The Planning Department has determined that the
16 actions contemplated in this ordinance are in compliance with the California Environmental
17 Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is
18 on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated
19 herein by reference.

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21 Section 3. The San Francisco Planning Code is hereby amended by amending Section
22 188 to add subsection (e), to read as follows:

23 SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS
24 AND RECONSTRUCTION.

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1 (e) Notwithstanding Subsection (a) of this Section, and in order that certain character-
2 defining architectural elements of buildings which are currently used or were previously used as
3 movie theaters Qualified Movie Theaters be preserved and enhanced, a noncomplying Historic
4 Movie Theater Projecting Sign, as defined in Section 602.25, and/or a noncomplying Historic
5 Movie Theater Marquee, as defined in Section 602.26, may be reconstructed, preserved,
6 rehabilitated, or restored with a new such sign and/or marquee. A noncomplying Historic Movie
7 Theater Projecting Sign or a noncomplying Historic Movie Theater Marquee that was
8 removed from a Qualified Movie Theater prior to or in absence of an application for replacement
9 may also be reconstructed or restored.

10 (1) For the purposes of this Section, "Qualified Movie Theater" shall mean a
11 building that: (A) is currently or has been used as a movie theater; and (B) is listed on or
12 eligible for listing on the National Register of Historic Places or the California Register of
13 Historical Resources, designated a City Landmark or a contributor to a City Landmark District
14 under Article 10, or designated as a Significant or Contributory Building under Article 11.

15 (2) Any reconstruction, preservation, rehabilitation, or restoration, or reconstruction
16 permitted under this Section should shall be in general strict conformity with the overall design,
17 scale, and character of the existing or previously existing Historic Movie Theater Sign or
18 Historic Movie Theater Marquee and must:

19 (A) For a Qualified Movie Theater that retains its Historic Movie Theater Projecting
20 Sign and/or Historic Movie Theater Marquee, the signage features shall be limited to the
21 following:

22 (i) On a Historic Movie Theater Projecting Sign, the historic name associated with a
23 previous theater occupant;

1 (ii) On a Historic Movie Theater Marquee, the historic name associated with a
2 previous theater occupant and, where applicable, on the signboard, other information that is
3 an Identifying Sign, as defined in Section 602.10, provided such information shall be
4 contained within the signboard, shall not consist of any logos, and shall be in the character of
5 lettering historically found on movie theater signboards in terms of size, font, and detail.

6 (B) For a Qualified Movie Theater where the Historic Movie Theater Projecting Sign
7 and/or Historic Movie Theater Marquee has been removed and is proposed to be
8 reconstructed, the overall design and signage features shall be limited to the following:

9 (i) On a Historic Movie Theater Projecting Sign, the historic name associated with a
10 previous theater occupant;

11 (ii) On a Historic Movie Theater Marquee, the historic name associated with a
12 previous theater occupant and, where applicable, on the signboard, other information that is
13 an Identifying Sign, as defined in Section 602.10, provided such information shall be
14 contained within the signboard, shall not consist of any logos, and shall be in the character of
15 lettering historically found on movie theater signboards in terms of size, font, and detail.

16 (C) Any application to reconstruct shall include evidence of the dimensions, scale,
17 materials, placement, and features of the previously existing Historic Movie Theater Projecting
18 Sign and/or Historic Movie Theater Marquee, as well as any other information required by the
19 Zoning Administrator.

20 (D) General advertising signs shall not be permitted on either a Historic Movie
21 Theater Projecting Sign or a Historic Movie Theater Marquee.

22 (1) not exceed the dimensions, height, or projection, of the previous sign or
23 marquee;

24 (2) not contain or be associated with any general advertising sign;

1 ~~_____ (3) _____ display signage features, if any, only associated with either (1) a business or~~
2 ~~identifying sign as defined in Section 602 for the uses housed in the building, or (2) a historic~~
3 ~~name associated with a previous theater occupant; and~~
4 ~~_____ (4) _____ be proposed as part of an application that includes documentary or physical~~
5 ~~evidence of the dimensions, materials, placement, and details of the previous sign or marquee~~
6 ~~along with any other information deemed relevant by the Zoning Administrator.~~

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8 Section 4. The San Francisco Planning Code is hereby amended by adding
9 Sections 602.25 and 602.26, to read as follows:

10 SEC 602.25. HISTORIC MOVIE THEATER PROJECTING SIGN.

11 *A projecting business sign attached to a building used or previously used as a movie*
12 *theater-Qualified Movie Theater, as defined in Section 188(e)(1), when such sign was originally*
13 *constructed in association with a the Qualified mMovie tTheater or similar historic use. These Such*
14 *signs are typically characterized by features such as (i) perpendicularity to the primary façade of the*
15 *building, (ii) fixed display of the name of the establishment, often in large lettering descending*
16 *vertically throughout the length of the sign; (iii) a narrow width which that extends for a majority of*
17 *the vertical distance of a building's façade, typically terminating at or slightly above the roofline, and*
18 *(iv) an overall scale and nature such that the sign comprises a significant and character defining*
19 *architectural feature of the building to which it is attached. Elimination or change of any lettering or*
20 *other inscription from a movie theater projecting sign, such as that which canmay occur along with a*
21 *change of ownership, change of use, or closure of a movie theater, does not preclude classification of*
22 *the sign under this Section.*

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24 SEC 602.26. HISTORIC MOVIE THEATER MARQUEE.

1 A marquee, as defined in Section 790.58, attached to a building used or previously used as a
2 movie theater. Qualified Movie Theater, as defined in Section 188(e)(1), when such marquee was
3 originally constructed in association with a movie theater or similar historic use. Elimination or
4 change of any lettering or other inscription from a movie theater marquee, such as that which can may
5 occur along with a change of ownership, change of use or closure of a movie theater, does not
6 preclude classification of the marquee under this Section.
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8 Section 5. The San Francisco Planning Code is hereby amended by amending Section
9 603 to read as follows:

10 SEC. 603. EXEMPTED SIGNS.

11 Nothing in this Article 6 shall apply to any of the following signs:

12 (a) Official public notices, and notices posted by public officers in performance of
13 their duties;

14 (b) Governmental signs for control of traffic and other regulatory purposes, street
15 signs, danger signs, railroad crossing signs, and signs of public service companies indicating
16 danger and aids to service or safety;

17 (c) Temporary display posters, without independent structural support, in
18 connection with political campaigns and with civic noncommercial health, safety and welfare
19 campaigns, provided that in R districts such posters shall be removed within 60 days following
20 the conclusion of the campaign;

21 (d) Flags, emblems, insignia and posters of any nation or political subdivision, and
22 temporary displays of a patriotic, religious, charitable or other civic character;

23 (e) House numbers, whether illuminated or not, "no trespassing," "no parking," and
24 other warning signs;

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- 1 (f) Commemorative plaques placed by recognized historical agencies;
- 2 (g) Signs within a stadium, open-air theater or arena which are designed primarily to
3 be viewed by patrons within such stadium, open-air theater or arena;
- 4 (h) Religious symbols attached to buildings if not projecting beyond any street
5 property line or building setback line;
- 6 (i) Flags indicating weather conditions, and single flags which are emblems of
7 business firms, enterprises and other organizations;
- 8 (j) Two general advertising signs each not exceeding 24 square feet in area on
9 either a transit shelter or associated advertising kiosk furnished by contract with the Municipal
10 Transportation Agency or predecessor agency for the Municipal Railway in RM-2, RM-3, RM-
11 4, RC, NC, C, M and South of Market Districts, and in those P Districts where such signs
12 would not adversely affect the character, harmony or visual integrity of the district as
13 determined by the City Planning Commission; eight general advertising signs each not
14 exceeding 24 square feet in area on transit shelters located on publicly owned property on a
15 high level Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District,
16 provided that such advertising signs solely face the C-2 District; up to three double-sided
17 general advertising signs each not exceeding 24 square feet in area on or adjacent to transit
18 shelters on publicly owned high level Municipal Railway boarding platforms along The
19 Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King
20 Streets, and up to four double-sided panels at 4th and King Streets; up to two double-sided
21 panels not exceeding 24 square feet in area on each low-level boarding platform at the
22 following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and The
23 Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of 71 double-sided
24 general advertising signs each not exceeding 24 square feet in area on or adjacent to transit
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1 shelters on 28 publicly owned high level Municipal Railway boarding platforms serving the
2 Third Street Light Rail Line. Each advertising sign on a low-level or high level boarding
3 platform shall be designed and sited in such a manner as to minimize obstruction of public
4 views from pedestrian walkways and/or public open space.

5 Notwithstanding the above, no sign shall be placed on any transit shelter or associated
6 advertising kiosk located on any sidewalk which shares a common boundary with any
7 property under the jurisdiction of the Recreation and Park Commission, with the exception of
8 Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat
9 Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake
10 Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf
11 Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced
12 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign
13 Districts as established in Section 608.3 of this Code;

14 The provisions of this subsection shall be subject to the authority of the San Francisco
15 Port Commission under Sections 4.114 and B3.581 of the City Charter and under State law.

16 (k) Information plaques or signs which identify to the public open space resources,
17 architectural features, creators of artwork, or otherwise provide information required by this
18 Code or by other City agencies, or an identifying sign which directs the general public and/or
19 patrons of a particular establishment to open space or parking resources, provided that such
20 sign shall not project more than three inches from the wall and that its dimensions shall be no
21 greater than one by two feet;

22 (l) Nonilluminated art murals within the South of Market Base District, if they project
23 no more than 18 inches from the pre-existing surface of a structure;

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1 (m) Two general advertising signs each not exceeding 52 square feet in area on a
2 public service kiosk furnished by contract with the Department of Public Works which contract
3 also provides for the installation and maintenance of automatic public toilets. Each such public
4 service kiosk shall be divided into three sections, one of which shall provide a public service,
5 such as a newsstand, newsrack, map, public telephone, vending machine, display of public
6 service information, or interactive video terminal;

7 (n) Advertising placed on fixed pedestal newsrack units in accordance with Section
8 184.12 of the Public Works Code.

9 ~~(o) Any Historic Movie Theater Projecting Sign or Historic Movie Theater~~
10 ~~Marquee when preserved, rehabilitated, restored, or reconstructed, or rehabilitated pursuant to~~
11 ~~Section 188(e).~~

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13 Section 6. The San Francisco Planning Code is hereby amended by amending Section
14 604(a), to read as follows:

15 (a) An application for a permit for a sign that conforms to the provisions of this Code
16 shall be approved by the Department of Planning without modification or disapproval by the
17 Department of Planning or the Planning Commission, pursuant to the authority vested in them
18 by Section 26, Part III, of the San Francisco Municipal Code or any other provision of said
19 Municipal Code; provided, however, that applications pertaining to (a) signs subject to the
20 regulations set forth in Article 10 of the Planning Code, Preservation of Historical,
21 Architectural and Aesthetic Landmarks, Article 11, Preservation of Buildings and Districts of
22 Architectural, Historical and Aesthetic Importance in the C-3 Districts and Section 608.14 may
23 be disapproved pursuant to the relevant provisions thereof, and (b) preservation, restoration,
24 reconstruction, or rehabilitation, or reconstruction of Historic Movie Theater Projecting Signs

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1 ~~and~~ or Historic ~~M~~Movie ~~T~~Theater ~~M~~Marquees as set forth in Section 188(e) may be modified or
2 disapproved subject to applicable sections of the General Plan, this Code, relevant design guidelines,
3 or ~~D~~Department or Commission ~~P~~Policy, or the Secretary of the Interior Standards for the Treatment
4 of Historic Properties. No sign, other than those signs exempted by Section 603 of this Code,
5 shall be erected, placed, replaced, reconstructed or relocated on any property, intensified in
6 illumination or other aspect, or expanded in area or in any dimension except in conformity with
7 Article 6 of this Code. No such erection, placement, replacement, reconstruction, relocation,
8 intensification, or expansion shall be undertaken without a permit having been duly issued
9 therefor, except as specifically provided otherwise in this Section 604.

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11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

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14 By: _____
15 MARLENA G. BYRNE
16 Deputy City Attorney

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