

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, rehabilitation, or restoration of noncomplying movie theater projecting**
6 **signs and marquees; and making findings, including environmental findings and**
7 **findings of consistency with the priority policies of Planning Code Section 101.1 and**
8 **the General Plan.**

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

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

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

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

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

22 (c) Ordinance 270-04, adopted by the Board of Supervisors in November of 2004,
23 established a requirement for Conditional Use Authorization from the Planning Commission in
24 order to allow the demolition or change of use of a movie theater. In placing a greater level of
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1 scrutiny on such proposals, this Ordinance acknowledged the importance of theaters to
2 individual neighborhoods and the City as a whole.

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

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

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

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

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

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

4 (j) 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 specified in
6 this legislation and in Planning Commission Resolution No. _____, which is
7 incorporated herein by reference as though fully set forth. A copy of said Resolution is on file
8 with the Clerk of the Board in File No. _____.

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

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

18 Section 3. The San Francisco Planning Code is hereby amended by amending Section
19 188 to add subsection (e), to read as follows:

20 SEC. 188. NONCOMPLYING STRUCTURES: ENLARGEMENTS, ALTERATIONS
21 AND RECONSTRUCTION.

22 (e) Notwithstanding Subsection (a) of this Section, and in order that certain character-
23 defining architectural elements of buildings which are currently used or were previously used as movie
24 theaters be preserved and enhanced, a noncomplying movie theater projecting sign and/or a
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1 noncomplying movie theater marquee, as defined in Section 602, may be reconstructed, rehabilitated,
2 or restored with a new such sign and/or marquee. A noncomplying movie theater projecting sign or a
3 noncomplying movie theater marquee that was removed prior to or in absence of an application for
4 replacement may also be reconstructed or restored. Any reconstruction, rehabilitation, or restoration
5 permitted under this Section should be in general conformity with the overall design of the previous
6 sign or marquee and must:

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

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

9 (3) display signage features, if any, only associated with either (1) a business or identifying
10 sign as defined in Section 602 for the uses housed in the building, or (2) a historic name associated
11 with a previous theater occupant; and

12 (4) be proposed as part of an application that includes documentary or physical evidence of
13 the dimensions, materials, placement, and details of the previous sign or marquee along with any other
14 information deemed relevant by the Zoning Administrator.

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

17 SEC 602.25. MOVIE THEATER PROJECTING SIGN.

18 A projecting business sign attached to a building used or previously used as a movie theater
19 when such sign was originally constructed in association with a movie theater or similar historic use.
20 These signs are characterized by features such as (i) perpendicularity to the primary façade of the
21 building, (ii) fixed display of the name of the establishment, often in large lettering descending
22 vertically throughout the length of the sign; (iii) a narrow width which extends for a majority of the
23 vertical distance of a building's façade, typically terminating at or slightly above the roofline, and (iv)
24 an overall scale and nature such that the sign comprises a significant and character defining

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1 architectural feature of the building to which it is attached. Elimination or change of any lettering or
2 other inscription from a movie theater projecting sign, such as that which can occur along with a
3 change of ownership, change of use, or closure of a movie theater, does not preclude classification of
4 the sign under this Section.

5 SEC 602.26. MOVIE THEATER MARQUEE.

6 A marquee, as defined in Section 790.58, attached to a building used or previously used as a
7 movie theater when such marquee was originally constructed in association with a movie theater or
8 similar historic use. Elimination or change of any lettering or other inscription from a movie theater
9 marquee, such as that which can occur along with a change of ownership, change of use or closure of a
10 movie theater, does not preclude classification of the marquee under this Section.

11 Section 5. The San Francisco Planning Code is hereby amended by amending Section
12 603 to read as follows:

13 SEC. 603. EXEMPTED SIGNS.

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

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

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

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

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- 1 (d) Flags, emblems, insignia and posters of any nation or political subdivision, and
2 temporary displays of a patriotic, religious, charitable or other civic character;
- 3 (e) House numbers, whether illuminated or not, "no trespassing," "no parking," and
4 other warning signs;
- 5 (f) Commemorative plaques placed by recognized historical agencies;
- 6 (g) Signs within a stadium, open-air theater or arena which are designed primarily to
7 be viewed by patrons within such stadium, open-air theater or arena;
- 8 (h) Religious symbols attached to buildings if not projecting beyond any street
9 property line or building setback line;
- 10 (i) Flags indicating weather conditions, and single flags which are emblems of
11 business firms, enterprises and other organizations;
- 12 (j) Two general advertising signs each not exceeding 24 square feet in area on
13 either a transit shelter or associated advertising kiosk furnished by contract with the Municipal
14 Transportation Agency or predecessor agency for the Municipal Railway in RM-2, RM-3, RM-
15 4, RC, NC, C, M and South of Market Districts, and in those P Districts where such signs
16 would not adversely affect the character, harmony or visual integrity of the district as
17 determined by the City Planning Commission; eight general advertising signs each not
18 exceeding 24 square feet in area on transit shelters located on publicly owned property on a
19 high level Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District,
20 provided that such advertising signs solely face the C-2 District; up to three double-sided
21 general advertising signs each not exceeding 24 square feet in area on or adjacent to transit
22 shelters on publicly owned high level Municipal Railway boarding platforms along The
23 Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King
24 Streets, and up to four double-sided panels at 4th and King Streets; up to two double-sided
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1 panels not exceeding 24 square feet in area on each low-level boarding platform at the
2 following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and The
3 Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of 71 double-sided
4 general advertising signs each not exceeding 24 square feet in area on or adjacent to transit
5 shelters on 28 publicly owned high level Municipal Railway boarding platforms serving the
6 Third Street Light Rail Line. Each advertising sign on a low-level or high level boarding
7 platform shall be designed and sited in such a manner as to minimize obstruction of public
8 views from pedestrian walkways and/or public open space.

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

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

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

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

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

11 (n) Advertising placed on fixed pedestal newsrack units in accordance with Section
12 184.12 of the Public Works Code.

13 (o) Any movie theater projecting sign or movie theater marquee when restored,
14 reconstructed, or rehabilitated pursuant to Section 188(e).

15 Section 6. The San Francisco Planning Code is hereby amended by amending Section
16 604(a), to read as follows:

17 (a) An application for a permit for a sign that conforms to the provisions of this Code
18 shall be approved by the Department of Planning without modification or disapproval by the
19 Department of Planning or the Planning Commission, pursuant to the authority vested in them
20 by Section 26, Part III, of the San Francisco Municipal Code or any other provision of said
21 Municipal Code; provided, however, that applications pertaining to (a) signs subject to the
22 regulations set forth in Article 10 of the Planning Code, Preservation of Historical,
23 Architectural and Aesthetic Landmarks, Article 11, Preservation of Buildings and Districts of
24 Architectural, Historical and Aesthetic Importance in the C-3 Districts and Section 608.14 may
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1 be disapproved pursuant to the relevant provisions thereof, and (b) restoration, reconstruction,
2 or rehabilitation of movie theater projecting signs and movie theater marquees as set forth in Section
3 188(e) may be modified or disapproved subject to applicable sections of the General Plan, this Code,
4 relevant design guidelines or Department or Commission Policy, or the Secretary of the Interior
5 Standards. No sign, other than those signs exempted by Section 603 of this Code, shall be
6 erected, placed, replaced, reconstructed or relocated on any property, intensified in
7 illumination or other aspect, or expanded in area or in any dimension except in conformity with
8 Article 6 of this Code. No such erection, placement, replacement, reconstruction, relocation,
9 intensification, or expansion shall be undertaken without a permit having been duly issued
10 therefor, except as specifically provided otherwise in this Section 604.

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

13 By: _____
14 JUDITH A. BOYAJIAN
15 Deputy City Attorney

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