

BOARD of SUPERVISORS



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MEMORANDUM

Date: July 26, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230834
Planning Code - Permits to Install Business Signs to Historic Buildings or Buildings in Conservation Districts in the C-3 (Downtown) Area

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☒ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☐ General Plan
 - ☒ Planning Code, Section 101.1
 - ☒ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

[Planning Code - Permits to Install Business Signs to Historic Buildings or Buildings in Conservation Districts in the C-3 (Downtown) Area]

Ordinance amending the Planning Code to require a hearing before the Historic Preservation Commission rather than an administrative review by Planning Department staff of applications for a permit to install business signs to a Significant or Contributory building or a building in a Conservation District in the C-3 (Downtown) area, provided that the permit is for a Major Alteration; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

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

Section 1. Environmental and Planning Findings.

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

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

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

11
12 Section 2. Article 11 of the Planning Code is hereby amended by revising Section
13 1111.1, to read as follows:

14 **SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.**

15 (a) The HPC shall determine if a proposed alteration is a Major Alteration or a Minor
16 Alteration and may delegate review of proposed Minor Alterations to Department staff, whose
17 decisions may be appealed to the HPC pursuant to subsection 1111.1(b). All work not
18 determined to be a Minor Alteration shall be a Major Alteration and subject to HPC approval. If
19 so delegated to Department staff, the categories of Minor Alteration shall include but are not
20 limited to the following:

21 (1) Alterations whose sole purpose and effect is to comply with the UMB
22 Seismic Retrofit Ordinances and that comply with the UMB Retrofit Architectural Design
23 Guidelines, which guidelines shall be adopted by the HPC; and

24 (2) Any other work so delegated to the Department by the HPC.
25

(b) Upon receipt of a building permit application and delegation of its review to Department staff, the Department will review and render a decision on a Permit for Minor Alterations without a hearing before the HPC. The Department shall mail its written decision approving a Permit for Minor Alteration to the applicant and any individuals or organizations who have so requested in writing to the Department. The Department's decision may be appealed to the HPC within 15 days of the date of the written decision. The HPC may also review the decisions of the Department by its own motion if such motion is made within 20 days of the date of the written decision.

(c) All applications for a Permit to Alter that are not Minor Alterations delegated to Department staff shall be scheduled for a hearing by the HPC pursuant to the procedures in Section 1111.4 and 1111.5 below. Notwithstanding the foregoing, in the following cases the Department shall process the permit application without further reference to the Permit to Alter procedures outlined herein, provided that the Department makes written findings explaining how the improvements conform to the requirements of Section 1111.6 of this Code:

(1) When the application is for a permit to make improvements to provide an accessible entrance to a Significant or Contributory building or any building within a Conservation District; ~~provided that the improvements conform to the requirements outlined in Section 1111.6 of this Code~~ or

~~(2) When the application is for a permit to install business signs to a Significant or Contributory building or any building within a Conservation District provided that signage and transparency conform to the requirements outlined in Section 1111.6 of this Code; or~~

~~(3) When the application is for a permit to install non-visible rooftop appurtenances to a Significant or Contributory building or any building within a Conservation District provided that the improvements conform to the requirements outlined in Section 1111.6 of this Code.~~

1
2 Section 3. Effective Date. This ordinance shall become effective 30 days after
3 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
4 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
5 of Supervisors overrides the Mayor's veto of the ordinance.
6

7 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
11 additions, and Board amendment deletions in accordance with the "Note" that appears under
12 the official title of the ordinance.
13

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15 APPROVED AS TO FORM:
16 DAVID CHIU, City Attorney

17 By: /s/ Andrea Ruiz-Esquide
18 ANDREA RUIZ-ESQUIDE
19 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Permits to Install Business Signs to Historic Buildings or Buildings in Conservation Districts in the C-3 (Downtown) Area]

Ordinance amending the Planning Code to require a hearing before the Historic Preservation Commission rather than an administrative review by Planning Department staff of applications for a permit to install business signs to a Significant or Contributory building or a building in a Conservation District in the C-3 (Downtown) area, provided that the permit is for a Major Alteration; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Existing Law

Article 11 of the Planning Code provides preservation standards and permit procedures for proposed alterations to historic buildings and buildings in conservation districts in the City's Downtown area.

Under Section 1111.1, the Historic Preservation Commission ("HPC") can delegate to Planning Department staff certain types of permits for proposed alterations to historic buildings and buildings in conservation districts, if the HPC considers such alterations to be of a "minor" character, and to retain others that it considers "major."

Certain scopes of work, however, have by ordinance been delegated to Planning staff in all instances – such as permits to provide accessible entrances to historic buildings. When considering approval of an application so delegated, Planning Department must follow the requirements of Article 11, including "compl[iance] with the Secretary of the Interior Standards for the Treatment of Historic Properties for significant and contributory buildings, as well as any applicable guidelines, local interpretations, bulletins, or other policies."

Amendments to Current Law

This ordinance would amend Section 1111.1 to delete the delegation to Planning Department staff for one of the scopes of work that are currently delegated by ordinance: applications for a permit to install business signs to historic districts in the Downtown area. Instead, the ordinance would require a hearing before the HPC for such proposed alterations, absent a future delegation from the HPC under the "minor" permit to alter procedures.

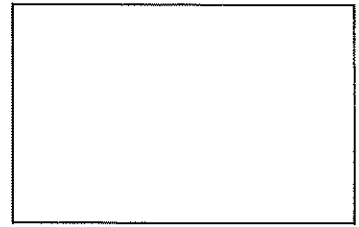
FILE NO. 230834

The ordinance would also require that, when considering permit applications delegated by ordinance, Planning Department shall make written findings explaining how the proposed improvements conform to the requirements of Article 11.

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Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



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

- ☒ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor [] inquires..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. [] from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No. []
- ☐ 9. Reactivate File No. []
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on []

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☒ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

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

Sponsor(s):

Aaron Peskin

Subject:

Planning Code - Permits to Install Business Signs to Historic Buildings or Buildings in Conservation Districts in the C-3 (Downtown) Area

Long Title or text listed:

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Signature of Sponsoring Supervisor: