

BOARD of SUPERVISORS



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MEMORANDUM

Date: May 28, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250542
Planning Code - Fenestration, Transparency, and Sign Requirements Generally; Sales and Service Uses in the C-3 and RC Districts

- ☒ 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 John Carroll at john.carroll@sfgov.org.

[Planning Code - Fenestration, Transparency, and Sign Requirements Generally; Sales and Service Uses in the C-3 and RC Districts]

Ordinance amending the Planning Code to 1) principally permit certain non-retail sales and service uses, including general office, design professional, business services, non-retail professional services, and trade offices, on the ground floor in the C-3 (“Downtown Commercial”) Districts through December 31, 2030, after which such uses will be conditionally permitted; 2) principally permit retail sales and service uses on the second floor and above in the RC (“Residential-Commercial”) Districts; 3) principally permit non-retail sales and service uses on the second floor and above in the RC Districts; 4) update transparency and fenestration requirements for ground floor actives uses and exempt child care facilities, homeless shelters, mortuaries, religious institutions, reproductive health clinics, and school uses from those requirements; 5) define an Interior Sign and the applicable standards for Interior Signs; 6) exempt Interior Signs of six square feet or less and Business and Identifying Signs painted on building facades from a permit under the Planning Code; 7) modify the definition of a Non-Residential Use for the purposes of certain development impact fee waivers; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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.

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

2 Section 1. Environmental and Land Use Findings.

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

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

13 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code
14 amendments will serve the public necessity, convenience, and welfare for the reasons set
15 forth in Planning Commission Resolution No. _____, and the Board incorporates such
16 reasons herein by reference. A copy of said resolution is on file with the Clerk of the Board of
17 Supervisors in File No. _____.

18
19 Section 2. Background and General Findings.

20 (a) Fast, predictable, and transparent permitting processes will create new jobs,
21 businesses, and homes, as well as facilitate the City's economic recovery from the COVID-19
22 pandemic. Commonly referred to as "PermitSF," the City's effort to reform permitting consists
23 of improving the customer experience by streamlining approval processes; promoting
24 government accountability to provide certainty about the delivery of government services; and
25 centralizing technology to create a single point of permitting access.

1 (b) This ordinance enhances customer experience by removing barriers to ground floor
2 uses in the downtown, where economic recovery continues to lag behind other
3 neighborhoods. Removing the conditional use requirement will streamline the approval of
4 certain non-retail sales and service uses—including office uses—in the C-3 (Downtown
5 Commercial) Districts through December 31, 2030. The ordinance also promotes downtown
6 recovery by expanding the definition of a Non-Residential Use for the purpose of existing
7 development impact fee waivers available to projects in the C-3 District, or a C-2 (Community
8 Business) District east of or fronting Franklin Street/13th Street and north of Townsend Street.

9 (c) This ordinance also streamlines the approval of sales and service uses on upper
10 floors in the RC (Residential-Commercial Districts) by removing the conditional use
11 requirement for retail sales and service uses and removing the prohibition on non-retail sales
12 and service uses on the upper floors.

13 (d) This ordinance also enhances the customer experience by centralizing information
14 in the Planning Code, specifically, codifying an existing Zoning Administrator Interpretation of
15 fenestration and visibility requirements for ground floor active uses. The ordinance also
16 exempts various uses with unique operational needs that necessitate privacy (such as
17 reproductive health, childcare, schools, and mortuaries) from these fenestration and visibility
18 requirements.

19 (e) This ordinance streamlines the approval process of various types of signs by
20 creating a permit exception for business or identifying signs painted on building facades and
21 interior signs that measure six square feet or less. The ordinance also defines an interior sign
22 and provides clear, objective criteria for the regulation of interior signs.

Section 3. Articles 1.2, 2, 4, and 6 of the Planning Code are hereby amended by revising Sections 145.1, 209.3, 210.2, 249.78, 401, 406, 602, 604, 606, 607, 607.1, 607.2, and 608.14, to read as follows:

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

* * * *

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

* * * *

(6) **Transparency and Fenestration.** Frontages with active uses ~~that are not~~ *PDR* must comply with the following requirements:

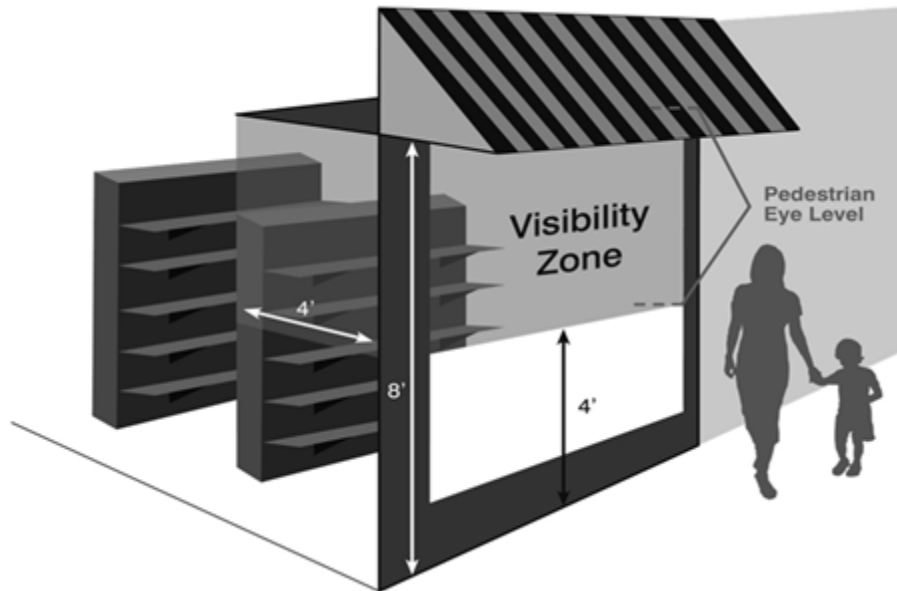
(A) The portion of the frontage with active uses must be fenestrated with transparent windows and doorways for no less than 60% of the area of the ground level façade street frontage at the ground level and allow visibility to the inside of the building; and

(B) The fenestration required by subsection (c)(6)(A) must allow visibility to the inside of the building that:

(i) extends within four feet from the surface of the window glass;

(ii) leaves at least 75% of the area inside the building open to perpendicular view within a 4-foot by 4-foot visibility zone; and

1 (iii) provides the aforementioned visibility zone at pedestrian eye level,
2 defined as the space that is between four feet and eight feet in height above the adjacent sidewalk level,
3 following the slope if applicable. See figure, immediately below.



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14 (C) Notwithstanding the transparency requirements of subsection (c)(6)(B), the
15 following features are permitted within the visibility zone:

16 (i) Individual products for sale or used in service and on display inside
17 the building;

18 (ii) Window Signs and Interior Signs not exceeding one-third the area of
19 the window on or in which the Signs are located, provided that such Signs are permitted by the
20 Planning Code; and

21 (iii) Interior curtains and blinds.

22 (D) The use of dark or mirrored glass shall not count towards the
23 required ~~transparent area~~ visibility zone in subsection (c)(6)(B).

1 (E) Buildings located inside of, or within an unobstructed line of less than
2 300 feet of an Urban Bird Refuge, as defined in Section 139(c)(1), shall follow glazing
3 requirements within Section 139(c) of this Code.

4 (F) In C-3 zoning districts, for tenant spaces with at least two frontages
5 ~~and active uses that are not PDR, those~~ frontages ~~may must be fenestrated with transparent windows~~
6 ~~and doorways for no less than 60% of the street frontage at the ground level or~~ contain window
7 displays of at least four feet in depth to allow visibility to the inside of the building or activate
8 the street instead of complying with the requirements of subsection (c)(6)(B).

9 * * * *

10 **(d) Exceptions.**

11 * * * *

12 (4) **Exceptions to Transparency and Fenestration.** The transparency and fenestration
13 requirements in Section 145.1(c)(6) shall not apply to a Production, Distribution, and Repair Use;
14 Child Care Facility; Homeless Shelter; Mortuary; Religious Institution; Reproductive Health Clinic;
15 School Use; and any Social or Health Service Use proposed on-site with either a Homeless Shelter or
16 an affordable housing project that meets the requirements of Section 315(b).

17
18 **SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

19 These Districts are intended to recognize, protect, conserve, and enhance areas
20 characterized by structures combining Residential uses with neighborhood-serving
21 Commercial uses. The predominant Residential uses are preserved, while provision is made
22 for supporting Commercial uses, ~~usually in or below the ground story,~~ that meet the frequent
23 needs of nearby residents without generating excessive vehicular traffic. The compact,
24 walkable, transit-oriented and mixed-use nature of these Districts is recognized by no off-

street parking requirements. The RC Districts are composed of two separate districts, as follows:

* * * *

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
* * * *			
Sales and Service Category			
Retail Sales and Service Uses*	§§ 102. 202.2(a)	P (4)	P (4)
* * * *			
Non-Retail Sales and Service*	§ 102	NP <u>(14)</u>	NP <u>(14)</u>
* * * *			

* Not listed below.

* * * *

(4) ~~C required if located on the second floor or above.~~[Reserved]

* * * *

(14) NP on ground floor.

SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.

* * * *

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3- O	C-3- O(SD)	C-3- R	C-3- G	C-3- S
* * * *						
NON-RESIDENTIAL STANDARDS AND USES						
* * * *						
Sales and Service Category						
* * * *						
Non-Retail Sales and Service*	§ 102	P(1)	P(1)	P(1)	P(1)	P(1)
Catering	§ 102	P	P	P	P	P
Design Professional	§ 102	P	P	P(1)	P	P
Laboratory	§ 102	P	P	P	P	P
Life Science	§ 102	P	P	P	P	P
Storage, Commercial	§ 102	NP	NP	NP	NP	NP
Storage, Wholesale	§ 102	NP	NP	NP	NP	P
Wholesale Sales	§ 102	P	P	P	P	P
* * * *						

* Not listed below.

(1) C required ~~if at or below on~~ the ground floor after December 31, 2030.

* * * *

SEC. 249.78. CENTRAL SOMA SPECIAL USE DISTRICT.

* * * *

1 (c) **Land Use Controls.**

2 (1) **Active Uses.** The controls of Section 145.1 and 145.4 shall apply, except
3 as specified below:

4 * * * *

5 (F) Notwithstanding the ~~PDR~~ exemption_s found in Section
6 145.1~~(e)(6)(d)(4)~~, PDR uses shall meet the following transparency and fenestration
7 requirements:

8 * * * *

9
10 **SEC. 401. DEFINITIONS.**

11 * * * *

12 **C**

13 "Change of Use." A change from one land use to another land use. For purposes of calculating
14 any impact fees, credits, or waivers under Article 4, if the Gross Floor Area to be changed has no
15 legally established use, the change of use shall consider the last legal use.

16 "Child-care provider." A provider as defined in California Health and Safety Code
17 Section 1596.791.

18 * * * *

19 **R**

20 * * * *

21 "Replacement of use." The total amount of Gross Floor Area, as defined in Section 102
22 of this Code, to be demolished and reconstructed by a development project. For purposes of
23 calculating any impact fees, credits, or waivers under Article 4, if the Gross Floor Area to be
24 demolished has no legally established use, the replacement of use shall consider the last legal use.

1 * * * *

2
3 **SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT**
4 **PROJECT REQUIREMENTS.**

5 * * * *

6 **(j) Waiver for Certain Non-Residential to Residential Conversion and Replacement**
7 **Projects.** This subsection 406(j) provides eligible Non-Residential or Production, Distribution,
8 and Repair (PDR) to Residential conversion and replacement projects with a waiver of any
9 Development fee or Development impact requirement imposed by this Article 4, as specified
10 in this subsection.

11 **(1) Eligible Projects.** To be eligible for the waiver, a project must replace
12 Gross Floor Area of existing PDR uses or Non-Residential uses, other than a Hotel use, with
13 Gross Floor Area established as Residential use, whether as part of a change of use of
14 existing Gross Floor Area, or through the demolition of Non-Residential Gross Floor Area and
15 construction of new Gross Floor Area for Residential use. For purposes of this subsection
16 406(j), any Gross Floor Area established as Live/Work use shall be considered as Residential
17 use. Projects must be located in a C-3 district, or a C-2 district east of or fronting Franklin
18 Street/13th Street and north of Townsend Street.

19 **(2) Waiver Amount.** Eligible projects shall be entitled to a waiver from any
20 applicable Development fee or Development impact requirement imposed by this Article 4 on
21 any net new Gross Floor Area of Residential use in an amount up to 110% of the Gross Floor
22 Area of Non-Residential use or PDR use converted to Residential use. Converted Non-
23 Residential or PDR Gross Floor Area shall be calculated as the net reduction of Non-
24 Residential Gross Floor Area resulting from the project.

1 (3) **Calculation of Space.** In a mixed-use project with Residential and Non-
2 Residential or PDR uses, the Gross Floor Area of Residential use shall be calculated based on
3 the definition of Gross Floor Area in Planning Code Section 102, in the proportion that such
4 areas serve the Residential use to the total square feet of Gross Floor Area served by such
5 areas.

6 * * * *

7 (8) **Cap on the Total Square Footage Subject to a Development Fee**
8 **Waiver.** The waiver in this subsection 406(j) shall apply only to the first 7,000,000 square feet
9 of Gross Floor Area that replaces Gross Floor Area of existing PDR uses or Non-Residential
10 uses, other than a Hotel use, with Gross Floor Area established as Residential use associated
11 with Eligible Projects in the order that the projects receive a Final Approval. If an Eligible
12 Project does not receive a building or site permit within five years of the Final Approval, the
13 project shall forfeit any rights to the approved waiver, and any Gross Floor Area associated
14 with such project shall no longer be counted against the 7,000,000 square foot limit set forth in
15 this subsection 406(j)(8).

16
17 **SEC. 602. SIGN DEFINITIONS.**

18 * * * *

19 **Indirectly Illuminated Sign.** A Sign illuminated with a light directed primarily toward
20 such Sign and so shielded that no direct rays from the light are visible elsewhere than on the
21 lot where said illumination occurs. If not effectively so shielded, such sign shall be deemed to
22 be a Directly Illuminated Sign.

23
24 **Interior Sign.** A Sign that is located in the interior of a building within four feet of any window
25 or clear door through which the Sign is visible but not including a Window Sign.

* * * *

Sign. Any structure, part thereof, or device or inscription which is located upon, attached to, or painted, projected, or represented on any land or right-of-way, or on the outside of any building or structure including an Awning, Canopy, Marquee, or similar appendage, or affixed to the glass on the outside or inside of a window or clear door, or located inside a building within four feet of any window or clear door through which the Sign is visible~~so as to be seen from the outside of the building~~, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, direction, warning, or designation by or of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise, or industry.

A "Sign" is composed of those elements included in the Area of the Sign as defined in this Section 602, and in addition the supports, uprights, and framework of the display. Except in the case of General Advertising Signs, two or more faces shall be deemed to be a single Sign if such faces are contiguous on the same plane, or are placed back to back to form a single structure and are at no point more than two feet from one another. Also, on Awnings or Marquees, two or more faces shall be deemed to be a single Sign if such faces are on the same Awning or Marquee structure.

* * * *

Window Sign. A Sign ~~painted~~located directly on the surface of a window glass or clear door, or placed behind the surface of a window glass or clear door.

SEC. 604. PERMITS AND CONFORMITY REQUIRED.

* * * *

1 (b) **Applicability of Section.** The provisions of this Section 604 shall apply to work of
2 the above types on all §Signs unless specifically exempted by this Code, whether or not a
3 permit for such §Sign is required under the San Francisco Building Code. In cases in which
4 permits are not required under the Building Code, a Planning application shall be submitted to the
5 Planning Department for approval. ~~applications for permits shall be filed with the Central Permit~~
6 ~~Bureau of the Department of Building Inspection on forms prescribed by the Planning Department,~~
7 ~~together with a permit fee of \$5.00 for each sign, and the permit number shall appear on the completed~~
8 ~~sign in the same manner as required by the Building Code.~~

9 (c) **Exceptions to Permit Requirement.**

10 **(1) Business or Identifying Sign Painted on Door, ~~or~~ Window, or Building**
11 **Facade.** No permit shall be required under this Code for a Business or Identifying §Sign painted
12 or repainted directly on a door, ~~or~~ window, or facade of a building. except for such §Signs in P
13 and Residential Districts. Repainting of any painted Business or Identifying §Sign that does
14 require a permit shall be deemed to be a replacement of the Business or Identifying §Sign,
15 except as provided in §subsection (~~f~~c)(5) below.

16 **(2) Interior Sign.** No permit shall be required under this Code for an interior business
17 or identifying sign measuring six square feet or less.

18 (~~d~~3) **Ordinary Maintenance and Repairs.** Except as provided in §subsection
19 (c)(1) above, no permit shall be required under this Code for ordinary maintenance and minor
20 repairs which do not involve replacement, alteration, reconstruction, relocation, intensification,
21 or expansion of the §Sign.

22 (~~e~~4) **Temporary Sale or Lease Signs.** No permit shall be required under this
23 Code for temporary sale or lease §Signs, temporary §Signs of persons and firms connected
24 with work on buildings under actual construction or alteration, and temporary Business §Signs,
25 to the extent that such §Signs are permitted by this Code.

1 (f5) **Change of Copy.** *No permit shall be required under this Code for a mere*
2 change of copy on a sSign the customary use of which involves frequent and periodic changes
3 of copy ~~shall not be subject to the provisions of this Section 604~~, except that a change from general
4 advertising to nongeneral advertising sign copy or from nongeneral advertising to general
5 advertising sign copy or an increase in ~~a~~Area including, but not limited to, any extensions in
6 the form of writing, representation, emblem or any figure of similar character shall in itself
7 constitute a new sSign subject to the provisions of this Section 604. In the case of sSigns the
8 customary use of which does not involve frequent and periodic changes of copy, and except
9 as provided in subsection (m), below, a change of copy shall in itself constitute a new sSign
10 subject to the provisions of this Section 604 if the new copy concerns a different person, firm,
11 group, organization, place, commodity, product, service, business, profession, enterprise, or
12 industry.

13 (gd) **Scaled Drawing.** Each application for a permit for a sSign shall be accompanied
14 by a scaled drawing of the sSign, including the location of the sSign on the building or other
15 structure or on the lot, and including (except in the case of a sSign the customary use of which
16 involves frequent and periodic changes of copy) such designation of the copy as is needed to
17 determine that the location, ~~a~~Area, and other provisions of this Code are met.

18 (he) **Nonconforming Signs; Replacement, Alteration, Reconstruction,**
19 **Relocation, Intensification, or Expansion.** Unless otherwise provided in this Code or in
20 other Codes or regulations, a lawfully existing sSign which fails to conform to the provisions of
21 this Article 6 shall be brought into conformity when the activity for which the sSign has been
22 posted ceases operation or moves to another location, when a new building is constructed, or
23 at the end of the sSign's normal life. Such sSign may not, however, be replaced, altered,
24 reconstructed, relocated, intensified, or expanded in ~~a~~Area or in any dimension except in
25 conformity with the provisions of this Code, including subsection (f) below. Ordinary

1 maintenance and minor repairs shall be permitted, but such maintenance and repairs shall not
2 include replacement, alteration, reconstruction, relocation, intensification, or expansion of the
3 sSign; provided, however, that alterations of a structural nature required to reinforce a part or
4 parts of a lawfully existing sSign to meet the standards of seismic loads and forces of the
5 Building Code, to replace a damaged or weathered signboard, to ensure safe use and
6 maintenance of that sSign, to remediate hazardous materials, or any combination of the above
7 alterations shall be considered ordinary maintenance and shall be allowed. A sSign which is
8 damaged or destroyed by fire or other calamity shall be governed by the provisions of
9 Sections 181(d) and 188(b) of this Code.

10 A sSign which is voluntarily destroyed or removed by its owner or which is required by
11 law to be removed may be restored only in full conformity with the provisions of this Code,
12 except as authorized in subsection (*if*) below. A gGeneral aAdvertising sSign that has been
13 removed shall not be reinstalled, replaced, or reconstructed at the same location, and the
14 erection, construction, and/or installation of a gGeneral aAdvertising sSign at that location to
15 replace the previously existing sSign shall be deemed to be a new sSign in violation of Section
16 611(a) of this Code; provided, however, that such reinstallation, replacement, or
17 reconstruction pursuant to a permit duly issued prior to the effective date of this requirement
18 shall not be deemed a violation of Section 611(a) and shall be considered a lawfully existing
19 nonconforming gGeneral aAdvertising sSign; and further provided that this prohibition shall not
20 prevent a gGeneral aAdvertising sSign from being relocated to that location pursuant to a
21 Relocation Agreement and conditional use authorization under Sections 611 and 303(k) of
22 this Code and Section 2.21 of the Administrative Code.

23 A nonconforming Neon Sign may be physically detached from the building for any
24 required repairs or maintenance, except that such maintenance or repairs shall not include
25 replacement, reconstruction, relocation, intensification, or expansion of the Neon Sign. After

1 the off-site repair or maintenance work is complete, the Neon Sign may be reinstalled at the
2 premises in the same location where the Neon Sign was previously affixed, so long as such
3 replacement is completed within 18 months of removal.

4 (~~if~~) **Business Signs.** When the activity for which a ~~h~~Business ~~s~~Sign has been posted
5 has ceased operation for more than 90 days, all ~~s~~Signs pertaining to that business activity
6 shall be removed after that time. A lawfully existing business that is relocating to a new
7 location within 300 feet of its existing location within the North Beach Neighborhood
8 Commercial District described in Section 722 of this Code may move to the new location
9 within said North Beach Neighborhood Commercial District one existing ~~h~~Business ~~s~~Sign
10 together with its associated sign structure, whether or not the ~~s~~Sign is nonconforming in its
11 new location; provided, however, that the ~~s~~Sign is not intensified or expanded in ~~a~~Area or in
12 any dimension except in conformity with the provisions of this Code. With the approval of the
13 Zoning Administrator, however, the sign structure may be modified to the extent mandated by
14 the Building Code. In no event may a painted ~~s~~Sign or a ~~s~~Sign with flashing, blinking,
15 fluctuating, or other animated light be relocated unless in conformity with current code
16 requirements applicable to its new location. In addition, the provisions of Articles 10 and 11 of
17 this Code shall apply to the relocation of any ~~s~~Sign to a location regulated by the provisions of
18 said Articles.

19 (~~j~~g) Nothing in this Article 6 shall be deemed to permit any use of property that is
20 otherwise prohibited by this Code, or to permit any ~~s~~Sign that is prohibited by the regulations
21 of any ~~s~~Special ~~s~~Sign ~~d~~District or the standards or procedures of any Redevelopment Plan or
22 any other Code or legal restriction.

23 (~~k~~h) **Public Areas.** No ~~s~~Sign shall be placed upon any public street, alley, sidewalk,
24 public plaza or right-of-way, or in any portion of a transit system, except such projecting ~~s~~Signs
25 as are otherwise permitted by this Code and ~~s~~Signs, structures, and features as are

specifically approved by the appropriate public authorities under applicable laws and regulations and under such conditions as may be imposed by such authorities.

(~~h~~i) Maintenance. Every ~~s~~Sign shall be adequately maintained in its appearance. When the activity for which a ~~b~~Business ~~s~~Sign has been posted has ceased operation for more than 90 days, all ~~s~~Signs pertaining to that business activity shall be removed after that time.

(~~h~~i) Existing Signs in the C-3 Zoning District and portions of the C-2 Zoning District. A change of copy on existing ~~s~~Signs the customary use of which does not involve frequent and periodic changes of copy within (1) the C-3 zoning district, (2) a C-2 zoning district that is east of or fronting Franklin Street/13th Street and north of Townsend Street, or (3) a C-2 zoning district that is also within the Stonestown SSD shall not be considered a new ~~s~~Sign for purposes of subsection (~~f~~~~c~~)(~~5~~) so long as a permit is sought and approved subject to the provisions of this Section 604 or a more restrictive provision in a ~~s~~Special ~~s~~Sign ~~d~~District in Section 608 et seq., provided that a change from general advertising to nongeneral advertising sign copy or from nongeneral advertising to general advertising sign copy or an increase in ~~a~~Area including, but not limited to, any extensions in the form of writing, representation, emblem or any figure of similar character shall in itself constitute a new ~~s~~Sign subject to the provisions of this Section 604. Consistent with Section 608, this provision shall control over any conflicting, more restrictive provision in a ~~s~~Special ~~s~~Sign ~~d~~District.

SEC. 606. RESIDENTIAL AND RESIDENTIAL ENCLAVE DISTRICTS.

Signs in Residential and Residential Enclave Districts, other than those ~~s~~Signs exempted by Section 603 of this Code, shall conform to the following provisions:

* * * *

(c) **Business Signs for Limited Commercial Uses.** For Limited Commercial Uses, as described in Section 186 of this Code, and for Limited Corner Commercial Uses, as permitted by Section 231, the following controls shall apply:

* * * *

(2) **Window and Interior Signs.** Window ~~s~~Signs, limited to ~~s~~Signs painted or similarly applied directly on the surface of the window glass or clear door, and Interior Signs are permitted. The total ~~a~~Area of all ~~w~~Window ~~s~~Signs, ~~as defined in Section 602.1(b),~~ shall not exceed one-quarter the area of the window or door on which the ~~s~~Signs are located. The total Area of all Interior Signs shall not exceed one-quarter the area of the window or clear door through which the Interior Sign is visible, whichever is greater. ~~Such Window and Interior s~~Signs may be ~~n~~Nonilluminated or ~~i~~Indirectly ~~i~~lluminated.

* * * *

SEC. 607. COMMERCIAL AND INDUSTRIAL DISTRICTS.

Signs in C, M, and PDR Districts, other than those Signs exempted by Section 603 of this Code, shall conform to the following provisions:

* * * *

(d) **Window and Interior Signs.** The total Area of all Window Signs shall not exceed one-third the area of the window or clear door on or in which the Signs are located. The total Area of all Interior Signs shall not exceed one-third the area of the window or clear door through which the Interior Sign is visible, whichever is greater. ~~Such Window and Interior~~ Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

* * * *

1 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
2 **DISTRICTS.**

3 Signs located in Neighborhood Commercial Districts shall be regulated as provided
4 herein, except for those ~~s~~Signs which are exempted by Section 603 of this Code or as more
5 specifically regulated in a Special Sign District under Sections 608 et seq. In the event of
6 conflict between the provisions of Section 607.1 and other provisions of Article 6, the
7 provisions of Section 607.1 shall prevail in Neighborhood Commercial and Residential-
8 Commercial Districts.

9 In each such Special Sign District, ~~s~~Signs, other than those ~~s~~Signs exempted by Section
10 603 of this Code, shall be subject to the special controls in Sections 608.1 through 608.~~4618~~,
11 respectively, in addition to all other or, if so expressly specified in those Sections, in lieu of
12 other applicable sign provisions of this Code. In the event of inconsistency with any other
13 provision of Article 6, the most restrictive provision shall prevail unless this Code specifically
14 provides otherwise.

15 * * * *

16 (c) **Identifying Signs.** Identifying Signs, as defined in Section 602, shall be permitted
17 in all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set
18 forth below.

19 (1) One Sign per lot shall be permitted and such Sign shall not exceed 20
20 square feet in area. The sign may be a Freestanding ~~s~~Sign, if the building is recessed from the
21 Street Property Line, or may be a Wall Sign or a projecting Sign. The existence of a
22 Freestanding Identifying Sign shall preclude the erection of a Freestanding Business Sign on
23 the same lot. A Wall Sign or projecting Sign shall be mounted on the first-story level; a
24 Freestanding Sign shall not exceed 15 feet in height. Such Sign may be Nonilluminated,
25 Indirectly Illuminated, or Directly Illuminated.

1 * * * *

2 (f) **Business Signs.** Business Signs, as defined in Section 602, shall be permitted in
3 all Neighborhood Commercial and Residential-Commercial Districts subject to the limits set
4 forth below.

5 (1) **Cole Valley, Lakeside Village, NC-1 and NCT-1 Districts.**

6 (A) **Window and Interior Signs.** The total Area of all Window Signs, as
7 defined in Section 602, shall not exceed one-third the area of the window or clear door on or in
8 which the Signs are located. The total Area of all Interior Signs shall not exceed one-third the area
9 of the window or clear door through which the Interior Sign is visible, whichever is greater. Such
10 Window and Interior Signs may be Nonilluminated, Indirectly Illuminated, or Directly
11 Illuminated.

12 * * * *

13 (2) **RC, NC-2, NCT-2, NC-S, Inner Balboa Street, Outer Balboa Street,**
14 **Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Cortland Avenue,**
15 **Divisadero Street, Excelsior Outer Mission Street, Fillmore Street, Upper Fillmore**
16 **Street, Folsom Street, Glen Park, Inner Sunset, Irving Street, Haight Street, Lower**
17 **Haight Street, Hayes-Gough, Japantown, Judah Street, Leland Avenue, Upper Market**
18 **Street, Noriega Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street,**
19 **Regional Commercial District, Sacramento Street, San Bruno Avenue, SoMa, Taraval**
20 **Street, Inner Taraval Street, Union Street, Valencia Street, 24th Street-Mission, 24th**
21 **Street-Noe Valley, and West Portal Avenue Neighborhood Commercial Districts.**

22 (A) **Window and Interior Signs.** The total Area of all Window Signs, as
23 defined in Section 602, shall not exceed one-third the area of the window or clear door on or in
24 which the Signs are located. The total Area of all Interior Signs shall not exceed one-third the area
25 of the window or clear door through which the Interior Sign is visible, whichever is greater. Such

1 Window and Interior Signs may be Nonilluminated, Indirectly Illuminated, or Directly
2 Illuminated.

3 * * * *

4 (3) **Bayview, Geary Boulevard, Mission Bernal, Mission Street, Lower Polk**
5 **Street, NCT, NC-3, and NCT-3 Neighborhood Commercial Districts.**

6 (A) **Window and Interior Signs.** The total Area of all Window Signs, as
7 defined in Section 602, shall not exceed one-third the area of the window or clear door on or in
8 which the Signs are located. The total Area of all Interior Signs shall not exceed one-third the area
9 of the window or clear door through which the Interior Sign is visible, whichever is greater. ~~Such~~
10 Window and Interior Signs may be Nonilluminated, Indirectly Illuminated, or Directly
11 Illuminated.

12 * * * *

14 **SEC. 607.2. MIXED USE DISTRICTS.**

15 Signs located in Mixed Use Districts shall be regulated as provided herein, except for
16 ~~s~~Signs in Residential Enclave Districts, which are regulated by Section 606, and those ~~s~~Signs
17 which are exempted by Section 603. ~~s~~Signs not specifically regulated in this Section 607.2
18 shall be prohibited. In the event of conflict between the provisions of Section 607.2 and other
19 provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

20 * * * *

21 (f) **Business Signs.** Business Signs, as defined in Section 602, shall be permitted in
22 all Mixed Use Districts subject to the limits set forth below.

23 (1) **Chinatown Residential Neighborhood Commercial District.**

24 (A) **Window and Interior Signs.** The total Area of all Window Signs, as
25 defined in Section 602, shall not exceed one-third the area of the window or clear door on or in

1 which the Signs are located. The total Area of all Interior Signs shall not exceed one-third the area
2 of the window or clear door through which the Interior Sign is visible, whichever is greater. Such
3 Window and Interior Signs may be Nonilluminated, Indirectly Illuminated, or Directly
4 Illuminated.

5 * * * *

6 (2) **Chinatown Visitor Retail District.**

7 (A) **Window and Interior Signs.** The total Area of all Window Signs, as
8 defined in Section 602, shall not exceed one-third the area of the window or clear door on or in
9 which the Signs are located. The total Area of all Interior Signs shall not exceed one-third the area
10 of the window or clear door through which the Interior Sign is visible, whichever is greater. Such
11 Window and Interior Signs may be Nonilluminated, Indirectly Illuminated, or Directly
12 Illuminated.

13 * * * *

14 (3) **Chinatown Community Business District, Eastern Neighborhoods,**
15 **South of Market Mixed Use ~~Mixed Use~~ Districts, and the Downtown Residential Districts.**

16 (A) **Window and Interior Signs.** The total Area of all Window Signs, as
17 defined in Section 602, shall not exceed one-third the area of the window or clear door on or in
18 which the Signs are located. The total Area of all Interior Signs shall not exceed one-third the area
19 of the window or clear door through which the Interior Sign is visible, whichever is greater. Such
20 Window and Interior Signs may be Nonilluminated, Indirectly Illuminated, or Directly
21 Illuminated.

22 * * * *

23
24 **SEC. 608.14. VINTAGE SIGNS.**
25

(a) **Restoration and Maintenance.** Notwithstanding the provisions of Section 604(~~he~~) of this Code, ~~s~~Signs which depict in text or graphic form a particular residential, business, cultural, economic, recreational, or other valued resource which is deemed by the Planning Commission to be a cultural artifact that contributes to the visual identity and historic character of a City neighborhood or the City as a whole shall be considered a ~~v~~Intage ~~s~~Sign and allowed to be restored, reconstructed, maintained, and technologically improved on a property by Conditional Use authorization of the Planning Commission provided that: (~~1a~~) the ~~v~~Intage ~~s~~Sign to be restored, reconstructed, or technologically improved depicts a use, person, place, thing, cultural icon, or other valued character or characteristics of the City or a City neighborhood that, at the time of the ~~v~~Intage ~~s~~Sign authorization, is at least 40 years old; (~~2b~~) at least 50% ~~percent~~ of the ~~a~~Area of the ~~s~~Sign remains legible, (~~3e~~) the ~~s~~Sign does not visually obstruct or significantly impair or detract from, by glare or any other means, a City landmark or public vista; (~~4d~~) the ~~s~~Sign is not larger than the ~~s~~Sign that existed prior to the ~~v~~Intage ~~s~~Sign authorization and does not appear to be more visually prominent than the ~~s~~Sign that existed prior to the ~~v~~Intage ~~s~~Sign authorization; and (~~5e~~) the ~~s~~Sign is maintained in good condition, repair, and working order. Designation as a ~~v~~Intage ~~s~~Sign under this Section 608.14 does not by itself protect the ~~s~~Sign from being obscured or removed by future development projects.

* * * *

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

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

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

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

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LEGISLATIVE DIGEST

[Planning Code - Fenestration, Transparency, and Sign Requirements Generally; Sales and Service Uses in the C-3 and RC Districts]

Ordinance amending the Planning Code to 1) principally permit certain non-retail sales and service uses, including general office, design professional, business services, non-retail professional services, and trade offices, on the ground floor in the C-3 (“Downtown Commercial”) Districts through December 31, 2030, after which such uses will be conditionally permitted; 2) principally permit retail sales and service uses on the second floor and above in the RC (“Residential-Commercial”) Districts; 3) principally permit non-retail sales and service uses on the second floor and above in the RC Districts; 4) update transparency and fenestration requirements for ground floor active uses and exempt child care facilities, homeless shelters, mortuaries, religious institutions, reproductive health clinics, and school uses from those requirements; 5) define an Interior Sign and the applicable standards for Interior Signs; 6) exempt Interior Signs of six square feet or less and Business and Identifying Signs painted on building facades from a permit under the Planning Code; 7) modify the definition of a Non-Residential Use for the purposes of certain development impact fee waivers; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

Existing Law

A Retail Sales and Service Use involved the sale of goods or services directly to the ultimate consumer. A Non-Retail Sales and Service Use involves the sale of goods or services to other businesses rather than the end user. (Planning Code § 102.)

In the C-3 (Downtown Commercial) Districts, certain non-retail sales and service uses are principally permitted on the ground floor, including catering, design professional, laboratory, and life science. Other non-retail sales and service uses are conditionally permitted on the ground floor, including office, business services, and trade offices. (Planning Code § 210.2.)

In the RC (Residential Commercial) Districts, certain retail sales and service uses, including animal hospitals, bars, restaurants, general retail sales, and health services, are conditionally permitted on the second floor and above. Non-retail sales and service uses are not permitted at the second floor and above. (Planning Code § 209.3.)

The Planning Code imposes transparency and fenestration requirements in Neighborhood Commercial, Residential Commercial, Commercial, and Mixed Use Districts. (Planning Code § 145.1(c)(6).) Currently, PDR uses are exempt from these requirements. (*Ibid.*)

Article 4 of the Planning Code governs development impact fees and requirements. Section 406 provides for a waiver of development impact fees and requirements for Non-Residential uses (other than a hotel use) that will be converted into a residential use, subject to certain eligibility conditions. (Planning Code Section 406(j).) Production, Distribution, and Repair (PDR) Uses are not classified as Non-Residential Uses. (See Planning Code Section 102.)

Article 6 of the Planning Code governs signs throughout the City. A Sign is defined as “Any structure, part thereof, or device or inscription which is located upon, attached to, or painted, projected, or represented on any land or right-of-way, or on the outside of any building or structure including an Awning, Canopy, Marquee, or similar appendage, or affixed to the glass on the outside or inside of a window. . . .” (Planning Code Section 602.) Permits are required for Signs regulated under Article 6, except for certain types of Signs set forth in Section 604, including Business and Identifying Signs painted on windows or doors.

Amendments to Current Law

This ordinance amends the Planning Code to principally permit certain non-retail sales and service uses on the ground floor in the C-3 Districts, including office, business services, and trade offices, through December 31, 2030. After December 31, 2030, such uses will be conditionally authorized.

This ordinance amends the Planning Code to principally permit certain retail sales and service uses, including animal hospitals, bars, restaurants, general retail sales, and health services, are conditionally permitted on the second floor and above in RC Districts. This ordinance also principally permits non-retail sales and service uses at the second floor and above in RC Districts.

This ordinance also codifies a Zoning Administrator Interpretation defining fenestration and visibility requirements for frontages with active uses in Neighborhood Commercial, Residential-Commercial, and Mixed Use Districts. (Planning Code Section 145.1(c)(6).) This ordinance also exempts the following uses from these transparency and fenestration requirements: Child Care Facility; Homeless Shelter; Mortuary; Religious Institution; Reproductive Health Clinic; School Use; and any Social or Health Service Use proposed on-site with either a Homeless Shelter or an affordable housing project that meets the requirements of Planning Code Section 315(b).

This ordinance amends the Central SOMA Special Use District (Planning Code § 249.78) to clarify cross-references to the transparency and fenestration exemptions.

This ordinance amends Planning Code Section 406(j) to make existing PDR uses eligible for the residential conversion development impact fee and requirements waiver.

The ordinance also amends Article 6 to:

- define an Interior Sign as “a Sign that is located in the interior of a building within four feet of any window or clear door through which the Sign is visible but not including a Window Sign”;
- allow Interior Signs in various zoning use districts, subject to the same dimensional and illumination requirements as Window Signs;
- exempt Interior Signs measuring six square feet or less from the permitting requirements of Article 6;
- revise definitions of Sign and Window Signs to account for new Interior Sign typology; and
- exempt Business or Identifying Signs painted on building facades from the permit requirements of Article 6.

Background Information

This ordinance contains findings detailing the need for a fast, predictable, and transparent permitting process, which will create new jobs, businesses, and homes, as well as facilitate the City’s economic recovery from the COVID-19 pandemic.

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