



October 22, 2021

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

Re: Transmittal of Planning Department Case Number 2021-007327PCA:  
Planning Code - Business Signs on Awnings and Marquees  
Board File No. 210810

Planning Commission Recommendation: **Approval**

Dear Ms. Calvillo and Supervisor Stefani,

On October 14, 2021, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Stefani that would amend the Planning Code to allow business signs on awnings or marquees in addition to projecting signs in various neighborhood commercial and residential-commercial districts, and in certain Chinatown mixed use districts. At the hearing the Planning Commission recommended approval.

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

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

Sincerely,

Aaron D. Starr  
*Manager of Legislative Affairs*

cc: Victoria Wong, Deputy City Attorney  
Dominica Donovan, Aide to Supervisor Stefani  
Erica Major, Office of the Clerk of the Board

**Attachments :**

Planning Commission Resolution

Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21010

**HEARING DATE: OCTOBER 14, 2021**

**Project Name:** Planning Code - Business Signs on Awnings and Marquees  
**Case Number:** 2021-007327PCA [Board File No. 210810]  
**Initiated by:** Supervisor Stefani / Introduced July 13, 2021  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, (628) 652-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW BUSINESS SIGNS ON AWNINGS OR MARQUEES IN ADDITION TO PROJECTING SIGNS IN VARIOUS NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS, AND IN CERTAIN CHINATOWN MIXED USE DISTRICTS; APPLYING BUSINESS SIGN CONTROLS TO ADDITIONAL NEIGHBORHOOD COMMERCIAL DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on July 13, 2021 Supervisor Stefani introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 210810, which would amend the Planning Code to allow business signs on awnings or marquees in addition to projecting signs in various neighborhood commercial and residential-commercial districts, and in certain Chinatown mixed use districts; applying business sign controls to additional Neighborhood Commercial Districts);

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 14, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

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

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

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

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance removes an outdated provision of the Planning Code that is not only rarely followed, but also rarely considered a visual nuisance. The pandemic has made it even more difficult for businesses to stay open and enforcement of this Code provisions only adds to that difficulty. Often businesses are unaware they are in violation of our sign ordinance, or the offending sign has been in existence for years without any complaints. Removing this outdated provision will provide a path for legalization of existing signs if a complaint is filed, allowing small business to come into compliance with the Planning Code without the burden of having to remove any signage.

In the City's FY 12-13 budget, responsibility for providing strategic direction, planning and oversight of early care and education programs was consolidated in the new agency, OECE

The proposed Ordinance will correct the Planning Code so that it is in line with the City's current practices and adopted budget.

## General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### COMMERCE AND INDUSTRY ELEMENT

#### OBJECTIVE 2

**MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.**

##### Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The proposed Ordinance will serve as one small but important step in helping preserve long-standing businesses and the pattern of smaller sized retail spaces in the City. By removing the restriction on Awning/Marquee signs in conjunction with Projecting and Wall signs, business that may currently be out of compliance will have a path to legalization that will be much less time/labor intensive, and far less costly. These amendments help further equity and complement the goal of Cultural Districts to promote and protect businesses and industries that advance the culture and history of said districts.*

**OBJECTIVE 4**

**IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.**

Policy 4.1

Maintain and enhance a favorable business climate in the city.

*The proposed Ordinance will encourage a positive relationship between city government and private businesses, which is an important factor for many industries in choosing to stay in the City or relocate.*

**Planning Code Section 101 Findings**

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

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

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

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

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

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

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

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

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

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

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

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

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

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

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

### **Planning Code Section 302 Findings.**

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

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 14, 2021.



Jonas P Ionin Digitally signed by Jonas P Ionin  
Date: 2021.10.25 09:04:55 -0700

Jonas P. Ionin  
Commission Secretary

AYES: Koppel, Diamond, Fung, Tanner  
NOES: Imperial, Moore  
ABSENT: Chan  
ADOPTED: October 14, 2021



# EXECUTIVE SUMMARY

## PLANNING CODE TEXT AMENDMENT

**HEARING DATE: October 7, 2021**

**90-Day Deadline:** October 19, 2021

**Project Name:** Planning Code - Business Signs on Awnings and Marquees  
**Case Number:** 2021-007327PCA [Board File No. 210810]  
**Initiated by:** Supervisor Stefani / Introduced July 13, 2021  
**Staff Contact:** Audrey Merlone, Legislative Affairs  
 Audrey.Merlone@sfgov.org, 628-652-7534  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
 aaron.starr@sfgov.org, 628-652-7533

**Recommendation:** Approval with Modifications

### Planning Code Amendment

The proposed Ordinance would amend the Planning Code to allow Business Signs on Awnings or Marquees in addition to projecting signs, in various neighborhood commercial and residential-commercial districts, and in certain Chinatown mixed use districts; and applying Business Sign controls to additional Neighborhood Commercial Districts.

#### The Way It Is Now:

1. In all RC's, all NCD's except NC-1 and NCT-1, the Chinatown Community Business District, and the Chinatown Visitor Retail District, commercial storefronts may have a Business Sign on either their Awning/Marquee, or projecting from the building, but not both. In NC-1, NCT-1, and the Chinatown Residential Neighborhood Commercial District, commercial storefronts may have a Business Sign on an Awning only if they do not also have a Projecting Sign or a Wall Sign.
2. The 12 new named NCD's created through Board File No. 191260 have not been added to Article 6. Their controls on signage are currently not in line with their previous zoning district, which was the intent.

3. Awnings and Marquees are separately allowed as permitted obstructions via Sec. 136.1. If they advertise a business, they are further regulated by Section 607.

### **The Way It Would Be:**

1. In all RC's, all NCD's except NC-1 and NCT-1, the Chinatown Community Business District, and the Chinatown Visitor Retail District, a Business Sign would be allowed on both an Awning and projecting from the building. In NC-1, NCT-1, and the Chinatown Residential Neighborhood Commercial District, a Business Sign would be allowed on an Awning in addition to a Projecting Sign or Wall Sign. All dimensional limitations for signage under Sec. 607 would remain unchanged. There are no proposed changes to the controls for Special Sign Districts (Exhibit A).
2. The 12 new named NCD's would be reassigned to the appropriate subsections of Sec. 607, to align their sign controls with their previous zoning district's controls.
3. There are no proposed changes to how Awnings or Marquees are regulated under Sec. 136.1 as permitted obstructions.

## **Background**

The controls on prohibiting signage on Awnings/Marquees in addition to Projecting Signs or Wall Signs were established in the mid-1990's as part of a sweeping Ordinance on signage (Ord. No. 219-94). Said Ordinance's findings focus on preventing signage from negatively affecting surrounding residences in NCD's.

The subject Ordinance was introduced by Sup. Stephani after an enforcement case was brought to her attention, which was filed due to the business possessing too many signs. It prompted the Supervisor's office to examine this provision of Article 6, its impacts on street appeal, and its compliance rates among storefronts across the City.

The Small Business Commission heard this item on September 13, 2021 and voted unanimously to recommend approval of the proposed Ordinance.

## **Issues and Considerations**

### **Awnings versus Awning Signs**

Section 102 of the Planning Code defines an Awning as:

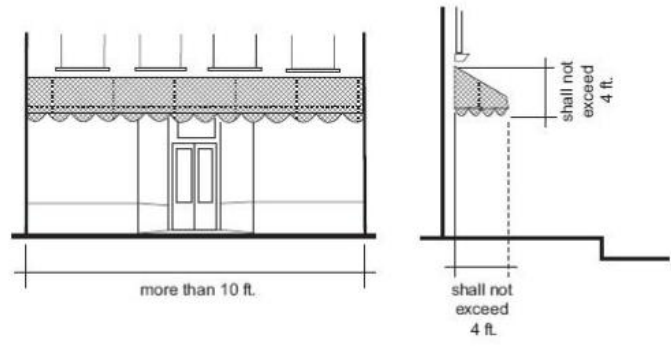
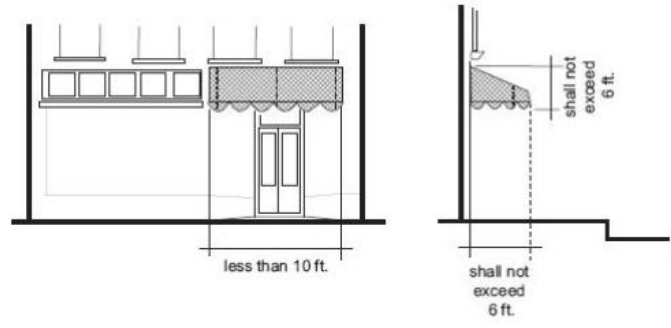
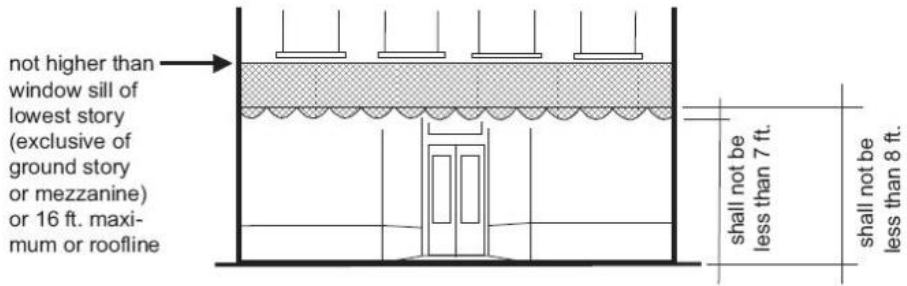
*"A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic, or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the façade; as further regulated in Section 3105 of the Building Code."*

Section 602(c) further regulates signage that may be placed on an Awning as:



*“The Area of any Sign on an Awning or Marquee shall be the total of all signage on all faces of the structure. All sign copy on each face shall be computed within one rectangular perimeter formed by extending lines around the extreme limits of writing, representation, or any figure of similar character depicted on the surface of the face of the awning or marquee.”*

Awnings, whether they possess signage or not, are considered permitted obstructions under Sec. 136.1. To qualify as a permitted obstruction, in all zoning districts no portion of an awning may be less than 8 feet above the finished grade, nor may it be higher than the windowsill of the second story or extend higher than 16 feet or the roofline of the building (whichever is least).



There are additional limitations on Awnings in certain districts which are listed below:

SEC. 136.1 AWNINGS	Residential (R) & Residential Enclave (RED)	NC-1, NCT-1 & Limited Commercial Uses	All Other Zoning Districts
Permissibility	Limited Commercial Uses only. Must be cloth covered in R districts.	Allowed	Allowed
Projection from the Building Face Maximum	4'	4'	6' if the width of the awning is >10' 4' if the width is <10'
Height of Awning (vertical distance)	4', in no case may extend above the ground floor	4'	6' if the width of the awning is >10' 4' if the width is <10'

It should be noted that although they are not nearly as common as Awnings, Marquees are also considered permitted obstructions under Sec. 136.1. They are not permitted in NC-1 or NCT-1 districts, The Chinatown Residential Neighborhood Commercial District, or on Limited Commercial Uses. To qualify as a permitted obstruction in all other zoning districts, the vertical distance from the top to the bottom of any Marquee may not exceed three feet, and the horizontal projection must end at least two feet before the curb line. Additional dimensional limitations can be found in Section 136.1(c)(2). Signs on Marquees are regulated the same way as signs on Awnings, except that Marquees for Movie Theaters and other places of Entertainment may have a directly illuminated sign.

If an Awning or Marquee without sign copy on it meets the above requirements, it may exist independent of any sign controls under Article 6. The subject Ordinance would not make any changes to the above limitations or allowances for Awnings or Marquees without sign copy.

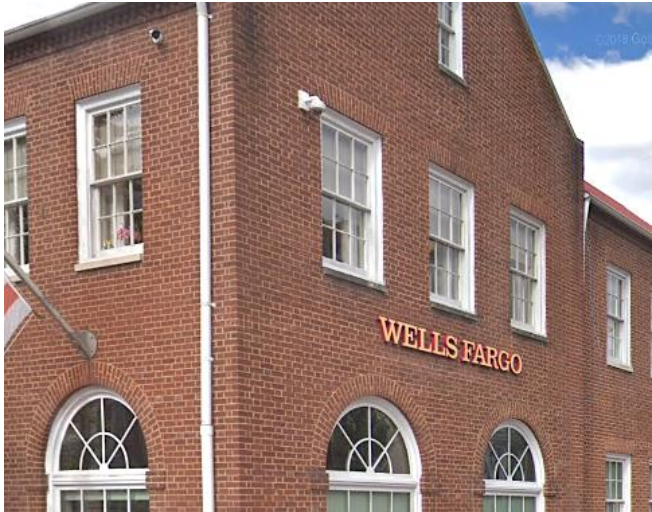
**Types of Business Signs:**

The sign controls found predominately in Article 6 of the Planning Code exist to safeguard and enhance property values in residential, commercial, and industrial areas, and protect and enhance the distinctive appearance of San Francisco. To accomplish this, a permit is required to install, replace, reconstruct, expand, intensify, or relocate any sign unless it is specifically exempted from the regulations. Signs must conform to the provisions set forth in Article 6 and other applicable sections of the Planning Code. There are many types of signs regulated under Article 6, including Identifying Signs, General Advertising Signs, and Business Signs. The proposed Ordinance would only make changes to Business Sign regulations. Section 602 defines a Business Sign as:

*“A Sign which directs attention to the primary business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which such Sign is located, or to which it is affixed.”*

Three of the most common types of Business Signs are Wall Signs, Projecting Signs, and signs on Awnings (also called Awning Signs for this report). A Wall Sign is generally painted directly on the wall or placed flat against a building wall with its copy parallel to the wall to which it is attached and not protruding more than the thickness

of the sign cabinet. The sign cabinet cannot be thicker than necessary to accommodate the electrical box. A Projecting Sign generally extends beyond a street property line or a building setback line. An Awning Sign is comprised of copy that advertizes the business located at the site and its offerings. The copy on Awning Signs is often on multiple faces of the Awning.



*Two examples of Wall Signs.*



*Example of a Projecting Sign.*



*Example of an Awning Sign.*

### **Regulating Awning Signs, Projecting Signs, and Wall Signs**

The Planning Code regulates the types and combinations of signage that are allowed based on a site's zoning district and historic status of the building. Currently, all zoning districts place limitations on businesses being able to possess an Awning/Marquee sign in combination with a Projecting Sign (and in some districts, in addition to a Wall Sign):

PROJECTING SIGNS	NC-1 and NCT-1	RC, NC-2, NCT-2	NCT, NC-3, NCT-3, Chinatown CBD	Chinatown Visitor Retail District	Chinatown Residential NCD
Permissibility	1 max per business	1 max per business	1 max per business	1 max per business	1 max per business
Projection from the Building Face Maximum	6'6" or no more than 75% of distance from property line to curb	6'6" or no more than 75% of distance from property line to curb	6'6" or no more than 75% of distance from property line to curb	6'6" or no more than 75% of distance from property line to curb	6'6" or no more than 75% of distance from property line to curb
Height or Total Area	15' high or height of the wall to which it is attached	24 square feet total area 24' height or height of the wall to which it is attached, or height of lowest residential windowsill of the building	32 square feet total area 24' height or height of the wall to which it is attached, or height of lowest residential windowsill of the building	24 square feet total area 24' height or height of the wall to which it is attached, or height of lowest residential windowsill of the building	15' high or height of the wall to which it is attached
Illumination	Direct or Indirect allowed	Direct or Indirect allowed	Direct or Indirect allowed	Indirect, or direct only during business hours	Indirect, or direct only during business hours

AWNING SIGNS	NC-1 and NCT-1	RC, NC-2, NCT-2	NCT, NC-3, NCT-3, Chinatown CBD	Chinatown Visitor Retail District	Chinatown Residential NCD
Permissibility	In lieu of a projecting OR wall sign	In lieu of a projecting sign	In lieu of a projecting sign	In lieu of a projecting sign	In lieu of a projecting OR wall sign
Copy Limit	20sqft total across all awnings	30sqft total across all awnings	40sqft total across all awnings	30sqft total across all awnings	20sqft total across all awnings
Illumination	Indirect allowed	Indirect allowed	Indirect allowed	Indirect allowed	Indirect allowed

### Compliance with Current Sign Standards

As illustrated in the “Awnings” table above, the subject zoning districts currently do not allow businesses to possess both a sign on their Awning, and a Projecting Sign. In some districts, businesses may also have to choose between having an Awning Sign and a Wall Sign.



Source: Googlemaps

If the proposed Ordinance is passed, an Awning Sign would be allowed *in addition* to a Projecting Sign or Wall sign. No other dimensional or illumination limitations that are presented in the previous charts would be altered.

This summer, Supervisor Stefani’s staff conducted a walking survey of every named NC in the City and found that 302 business contained both an Awning Sign and a Projecting Sign. A visual survey by Planning staff of five random districts that would be affected by this legislation (one RC, one Chinatown MUD, and three NC’s), found that on average 28% of businesses in those districts contained both an Awning and Projecting sign. Conversely, there have only been approximately 10 enforcement cases filed with the Planning Department over the last 3 years claiming a business contained too much signage. These complaints were not specifically filed because of a business containing an Awning and Projecting sign; rather they were often filed due to the presence of not only having too many types of signage but also the overly large size(s) of the signage.

The extremely high rates of noncompliance with this specific provision of the sign regulations, combined with the very low number of complaints filed, leads staff to believe the existence of most Awning Signs in conjunction with Projecting or Wall Signs is not causing adverse aesthetic effects on the City’s street pattern. The proposed Ordinance would not affect the existing dimensional controls for an Awning or Projecting sign, which is the most likely aspect of a sign to negatively impact immediately surrounding residences and businesses. The COVID-19 pandemic has made it even harder for San Francisco businesses to stay open. Any small changes that can be made to the Code to alleviate potential burdens on small businesses without negatively impacting the City’s built or economic environment should be supported.

## General Plan Compliance

Objective 2 of the Commerce and Industry Element is to “Maintain and enhance a sound and diverse economic base and fiscal structure for the City”. Policy 2.1 of this Objective is to “Seek to retain existing commercial and industrial activity and to attract new such activity to the City”. The proposed Ordinance, with all recommended modifications, will help certain businesses stay afloat by establishing a path to legalization for their currently non-compliant Business signage.

## Racial and Social Equity Analysis

Staff research found some of the highest rates of noncompliance (i.e., businesses that contained both an Awning and Projecting sign) are within the City’s Cultural Heritage Districts. These distinctive neighborhoods are the backbone of the City’s economy. Tourists come to San Francisco to immerse themselves in the unique cultures, aesthetic, and artistic tradition of each neighborhood. In 2015 alone, more than 24.6 million visitors contributed an estimated \$9.3 billion to the local economy. This translates to an average visitor spending of \$25.4 million dollars every day; much of which was spent in the City’s restaurants, shops, and services<sup>1</sup>. San Francisco’s culture is also a major contributor to the City’s other economic sectors. Studies show that this strong cultural identity is what attracts a skilled and educated workforce, which in turn attracts innovative companies and firms. Even manufacturing and light industrial sector benefits from the City’s brand and its strong association with diversity, history, and innovation.

At the same time, individual character and culture of Cultural Districts have never been more at risk, and the City’s historic small businesses are especially vulnerable. Prior to the pandemic, commercial rents in most neighborhoods were doubling or tripling, and otherwise healthy businesses that act as anchors for the City’s commercial corridors were forced to close<sup>2</sup>. The pandemic has only further exacerbated the financial pressures on historic, small businesses. As of June 2021, only ~50% of small businesses having reopened since the pandemic began in March of 2019.

Looking beyond the financial pressures placed on small businesses, it is important to also acknowledge the origins of many of the City’s design controls, and why certain aesthetics are considered “desirable” over others. Many of the City’s oldest design controls sought to reduce “visual clutter” a term employed often as a proxy to minimize the expression of cultural identity and diversity; more recent design guidance, for example in the Japantown Special Area Design Guidelines and Calle 24 Special Area Design Guidelines, recognizes the importance of enhancing and celebrating not only districts’ unique aesthetics, but also the diverse qualities of signage and its layering over time.

The proposed amendments will serve as one small but important step in helping preserve long-standing businesses and the pattern of smaller sized retail spaces in the City. By removing the restriction on Awning/Marquee signs in conjunction with Projecting and Wall signs, business that may currently be out of compliance will have a path to legalization, saving time and money. These amendments help further equity and complement the goal of Cultural Districts to promote and protect businesses and industries that advance the culture and history of said districts. To create additional assistance mechanisms for small businesses that would

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<sup>1</sup> <https://oewd.org/tourism>

<sup>2</sup> [https://codelibrary.amlegal.com/codes/san\\_francisco/latest/sf\\_admin/0-0-0-59520](https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_admin/0-0-0-59520)

like to legalize their signage, the Department also recommends increasing the types of Sign permits eligible for the fee waiver during the month of May, also known as Small Business Month. Currently, the only permit types eligible for a fee waiver during Small Business Month are those filed to repair an existing Awning, or install a Business Sign on an existing Awning.

### Percent of Small Businesses Open

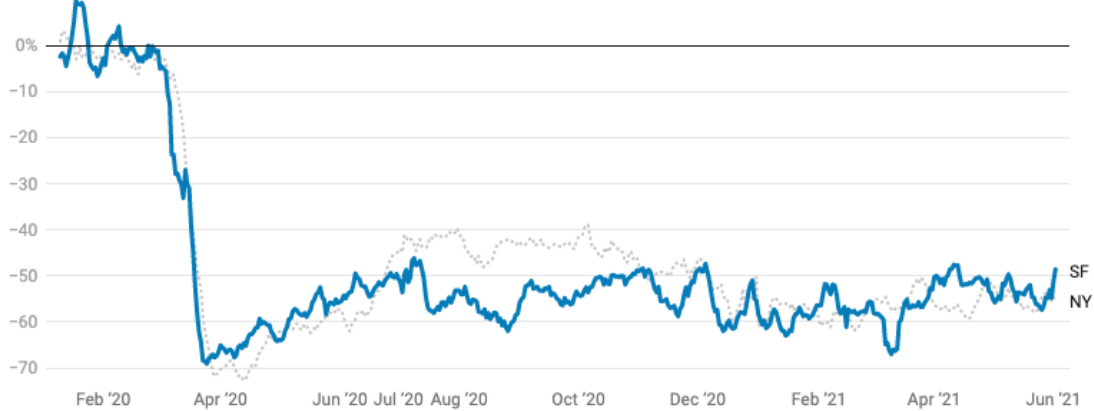
% change compared to pre-covid baseline



Source: Womply - [Get the data](#)

### Percent Change in Small Businesses Revenue

% change compared to pre-covid baseline



Source: Womply - [Get the data](#)

*COVID Small Business Recovery in San Francisco*

*Source: San Francisco Chamber of Commerce*

## Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

## Recommendation

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

1. Expand the Ordinance to allow Business Signs on an Awning and a Projecting or Wall sign in Residential, Residential Enclave, Eastern Neighborhoods, South of Market Mixed Use, and Downtown Residential Districts.
2. Expand the "Small Business Month" fee waiver to include legalization of existing signs and more types of signs.

## Basis for Recommendation

The proposed Ordinance removes an outdated provision of the Planning Code that is not only rarely followed, but also rarely considered a visual nuisance. The pandemic has made it even more difficult for businesses to stay open and enforcement of this Code provisions only adds to that difficulty. Often businesses are unaware they are in violation of our sign ordinance, or the offending sign has been in existence for years without any complaints. Removing this outdated provision will provide a path for legalization of existing signs if a complaint is filed, allowing small business to come into compliance with the Planning Code without the burden of having to remove any signage.

**Recommendation 1: Expand the Ordinance to allow Business Signs on an Awning and a Projecting or Wall sign in Residential, Residential Enclave, Eastern Neighborhoods, South of Market Mixed Use, and Downtown Residential Districts.** Staff recommends expanding the legislation to apply to the remaining zoning districts where currently an Awning Sign may not exist in conjunction with a Projecting or Wall sign because the provision will benefit struggling businesses across the City without negatively affecting the aesthetic appeal of the street.

**Recommendation 2: Expand the "Small Business Month" fee exemption to include legalization of existing signs and more types of signs.** Staff recommends expanding the types of permits Small Businesses Enterprises (defined as having 100 or fewer employees) eligible for a fee waiver during the month of May to include permits to legalize any existing Business Sign, permits to modify existing Business Signs to conform to current Code standards, permits for new Business Signs, and permits to repair all types of existing Business Signs. The Department additionally recommends waiving the fees for Small Business Enterprises during May for permits to install new Awnings, or to bring existing Awnings into compliance with Sec. 136.1. Currently, during the month of May, Small Business Enterprises may apply for a permit to repair their existing Awnings or install an Awning Sign on an existing Awning for no fee. Expanding the types of Sign permits eligible for a fee waiver during Small Business month is one way to lessen the burden on businesses who would like to bring their Business Signs into compliance.



## Required Commission Action

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

## Environmental Review

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

## Public Comment

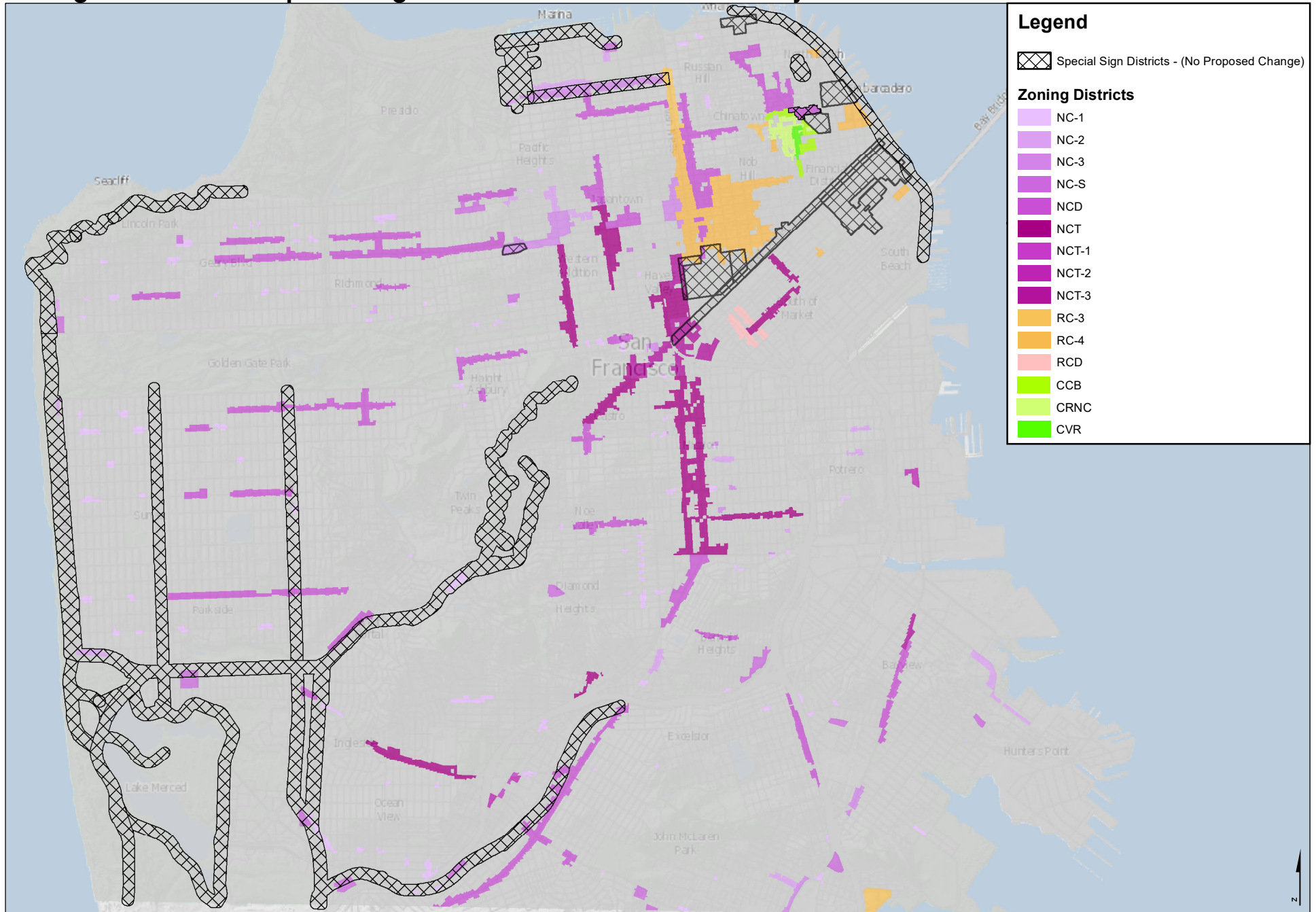
As of the date of this report, the Planning Department has received two letters opposing the proposed Ordinance.

### Attachments:

- Exhibit A: Map of Districts for Proposed Legislation with Special Sign Districts Overlay
- Exhibit B: Draft Planning Commission Resolution
- Exhibit C: Letters of Support/Opposition
- Exhibit D: Board of Supervisors File No. 210810

# Exhibit A

## Zoning Districts for Proposed Sign Amendments with SSD Overlay



0 0.2250.45 0.9 Mile

The City and County of San Francisco (CCSF) does not guarantee the accuracy, adequacy, completeness or usefulness of any information. CCSF provides this information on an 'as is' basis without warranty of any kind, including but not limited to warranties of merchantability or fitness for a particular purpose, and assumes no responsibility for anyone's use of the information.



## PLANNING COMMISSION DRAFT RESOLUTION

**HEARING DATE: October 7, 2021**

**Project Name:** Planning Code - Business Signs on Awnings and Marquees  
**Case Number:** 2021-007327PCA [Board File No. 210810]  
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WHEREAS, on July 13, 2021 Supervisor Stefani introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 210810, which would amend the Planning Code to allow business signs on awnings or marquees in addition to projecting signs in various neighborhood commercial and residential-commercial districts, and in certain Chinatown mixed use districts; applying business sign controls to additional Neighborhood Commercial Districts);

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on October 7, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15378 and 15060(c)(2); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

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

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

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

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

1. Expand the Ordinance to allow Business Signs on an Awning and a Projecting or Wall sign in Residential, Residential Enclave, Eastern Neighborhoods, South of Market Mixed Use, and Downtown Residential Districts.
2. Expand the "Small Business Month" fee waiver to include legalization of existing signs and more types of signs.

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

The proposed Ordinance removes an outdated provision of the Planning Code that is not only rarely followed, but also rarely considered a visual nuisance. The pandemic has made it even more difficult for businesses to stay open and enforcement of this Code provisions only adds to that difficulty. Often businesses are unaware they are in violation of our sign ordinance, or the offending sign has been in existence for years without any complaints. Removing this outdated provision will provide a path for legalization of existing signs if a complaint is filed, allowing small business to come into compliance with the Planning Code without the burden of having to remove any signage.

In the City's FY 12-13 budget, responsibility for providing strategic direction, planning and oversight of early care and education programs was consolidated in the new agency, OECE

The proposed Ordinance will correct the Planning Code so that it is in line with the City's current practices and adopted budget.

## General Plan Compliance

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

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

#### Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

#### Policy 2.3

Maintain a favorable social and cultural climate in the city in order to enhance its attractiveness as a firm location.

*The proposed Ordinance will serve as one small but important step in helping preserve long-standing businesses and the pattern of smaller sized retail spaces in the City. By removing the restriction on Awning/Marquee signs in conjunction with Projecting and Wall signs, business that may currently be out of compliance will have a path to legalization that will be much less time/labor intensive, and far less costly. These amendments help further equity and complement the goal of Cultural Districts to promote and protect businesses and industries that advance the culture and history of said districts.*

### OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

#### Policy 4.1

Maintain and enhance a favorable business climate in the city.

*The proposed Ordinance will encourage a positive relationship between city government and private businesses, which is an important factor for many industries in choosing to stay in the City or relocate.*

### Planning Code Section 101 Findings

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

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

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

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

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

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

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

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

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

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

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

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

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

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

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

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

### **Planning Code Section 302 Findings.**

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

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

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on October 7, 2021.

Jonas P. Ionin  
*Commission Secretary*

AYES:

NOES:

ABSENT:

ADOPTED:      October 7, 2021

## Exhibit C



### **CSFN Resolution Regarding Sign Clutter**

*Whereas* San Francisco, like many cities nationwide, has regulated storefront signs over sidewalks for decades to minimize blight created by excessive signage,

*Whereas* the work of city officials and activists to reduce sign clutter over five decades should be respected and maintained,

*Whereas* San Francisco city government is weakening sign regulations, allowing larger storefront signs, allowing more signs per business, allowing unlimited sales and lease signage on residential buildings, allowing large signs on historic buildings, and proposing legislation to allow more signage on awnings and marquees,

*Therefore*, be it resolved, that the Coalition for San Francisco Neighborhoods opposes legislation that would allow more signs on awnings and marquees, supports the reversal of the section of city ordinance #179-18 that “streamlined” the process of adding signs to historic buildings, decries the installation of two 25-foot-high blade signs on the historic Rincon Annex building and supports their removal, opposes the addition of any new signage to the exterior of the Rincon Annex building, and opposes any current policy allowing the unlimited number of sales and lease signs on residential buildings.

September 2021



# Rincon Point Neighbors Association

88 Howard Street  
Post Office Box 193015  
San Francisco, CA 94119

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September 28, 2021

San Francisco Planning Commission  
1650 Mission Street, Unit 400  
San Francisco, CA 94103

Re: Sign legislation at 10/7/21 meeting

Dear Members of the Commission:

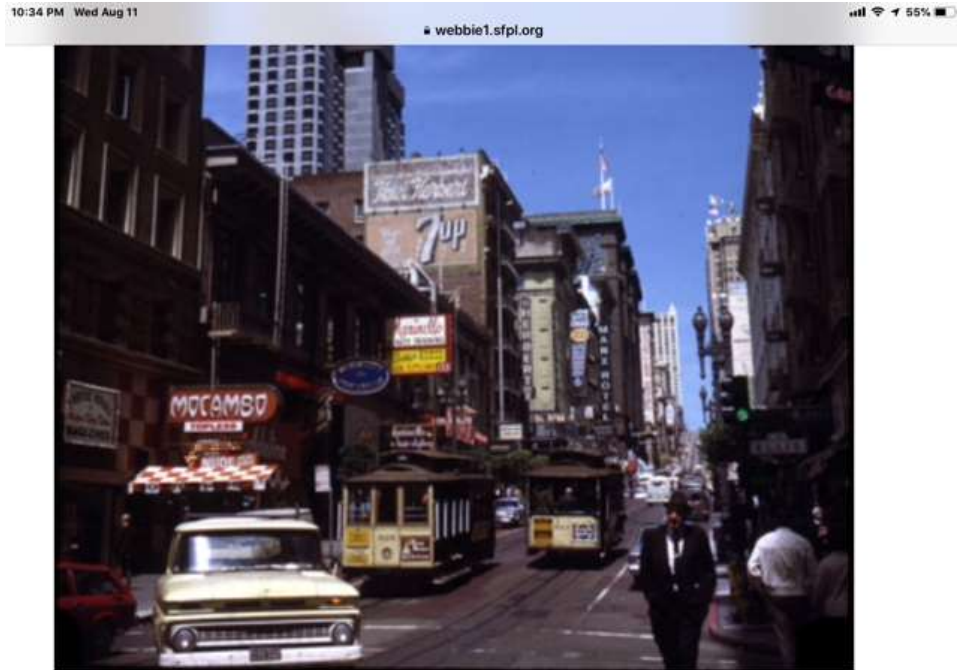
We oppose Supervisor Stefani's legislation on signs. The legislation would significantly chip away at 50 years of reasonable, effective and non-controversial sign regulation. Our city's sign regulations are in sync with most cities around the country. There is no valid reason to deregulate now.

We associate San Francisco's moderate sign regulations, especially those developed after the 1960s, with the other great environmental achievements of the time. Cities all over the country recognized the serious urban blight that excessive signs created and worked to develop reasonable regulations. We ask that commissioners not weaken sign regulations any more than you would favor weakening the Clean Air Act.

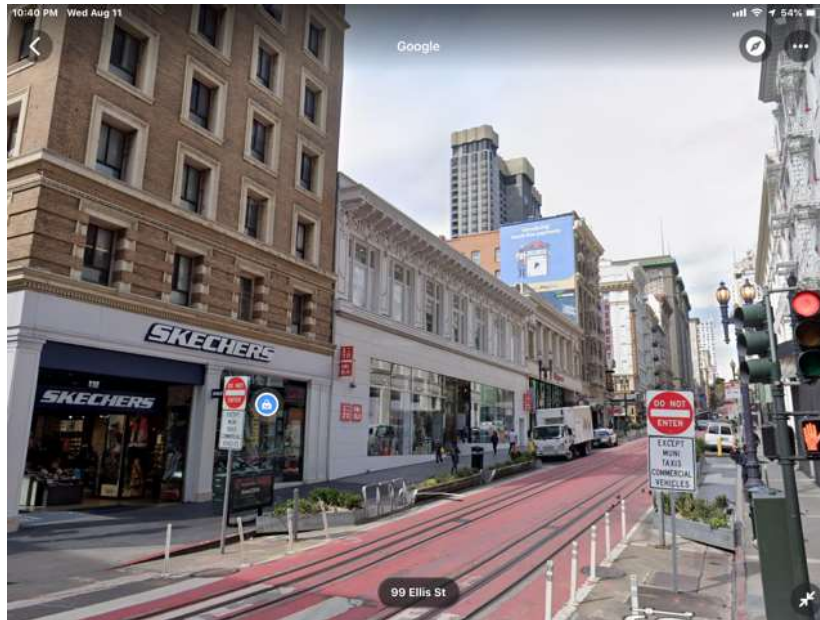
This legislation would allow signs on awnings and marquees in addition to projecting signs. This could potentially double the number of signs. Some could be as large as 40-square-feet. In some areas, it states that signs "...may be located on permitted awnings in addition to wall signs and projecting signs." That's three signs per business.

This legislation appears to be a get-out-of-jail-free-card for the few selfish violators who must have things their way. We were told this legislation was requested by "one specific business." In reality, it appears to greatly loosen standard sign regulations all over San Francisco including all of Folsom Street, Glen Park, SoMa and West Portal, to name just a few areas. The supervisor has even inserted new areas for deregulation such as San Bruno Avenue, the Bayview and Geary Blvd to name a few.

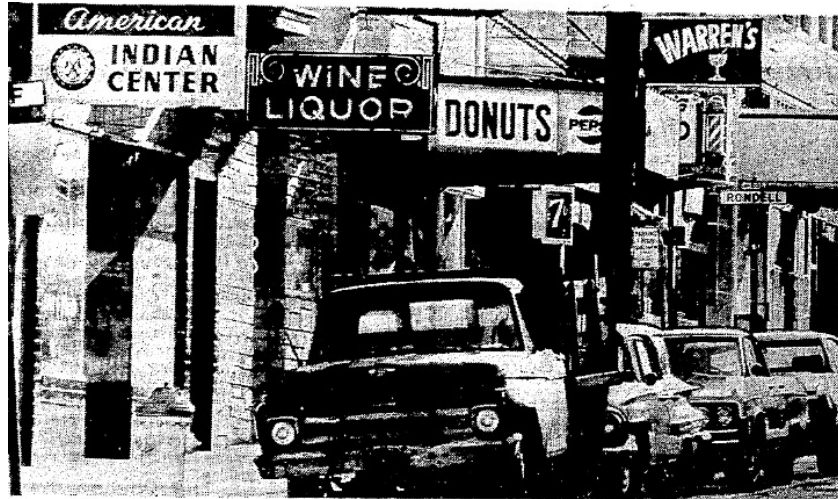
Powell Street 1972:



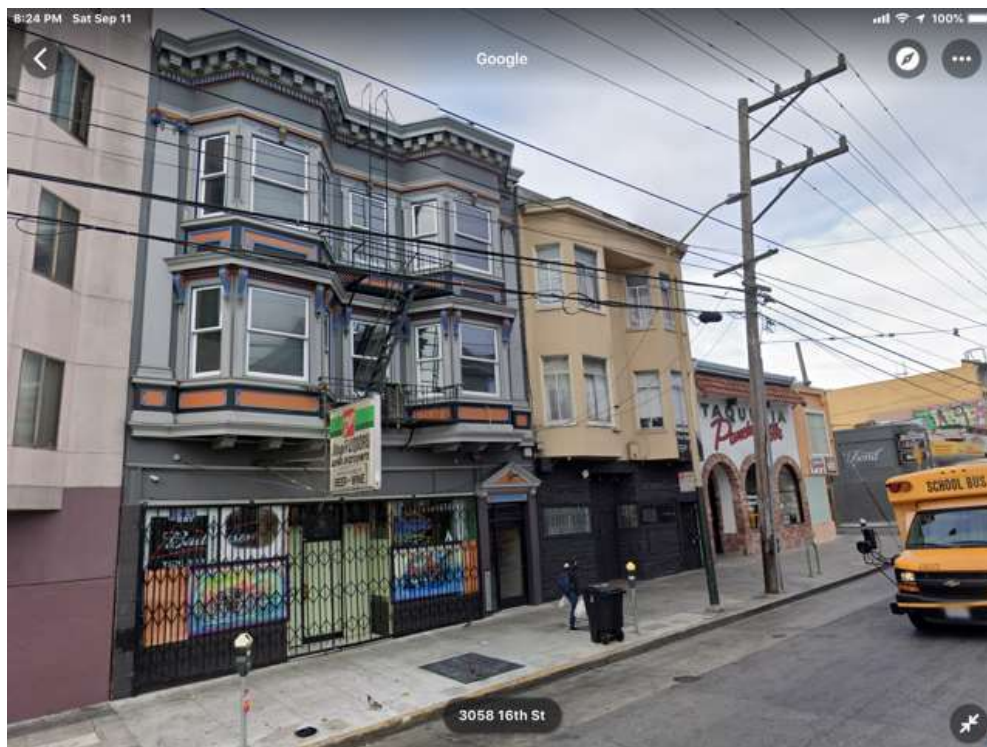
Powell Street today with manageable sign regulation:



16<sup>th</sup> Street c1969, "Donuts" awning that's really a 3-sided sign:



Same section of 16<sup>th</sup> Street today with reasonable sign control:



Awning used for signs, Market Street, 1950s:

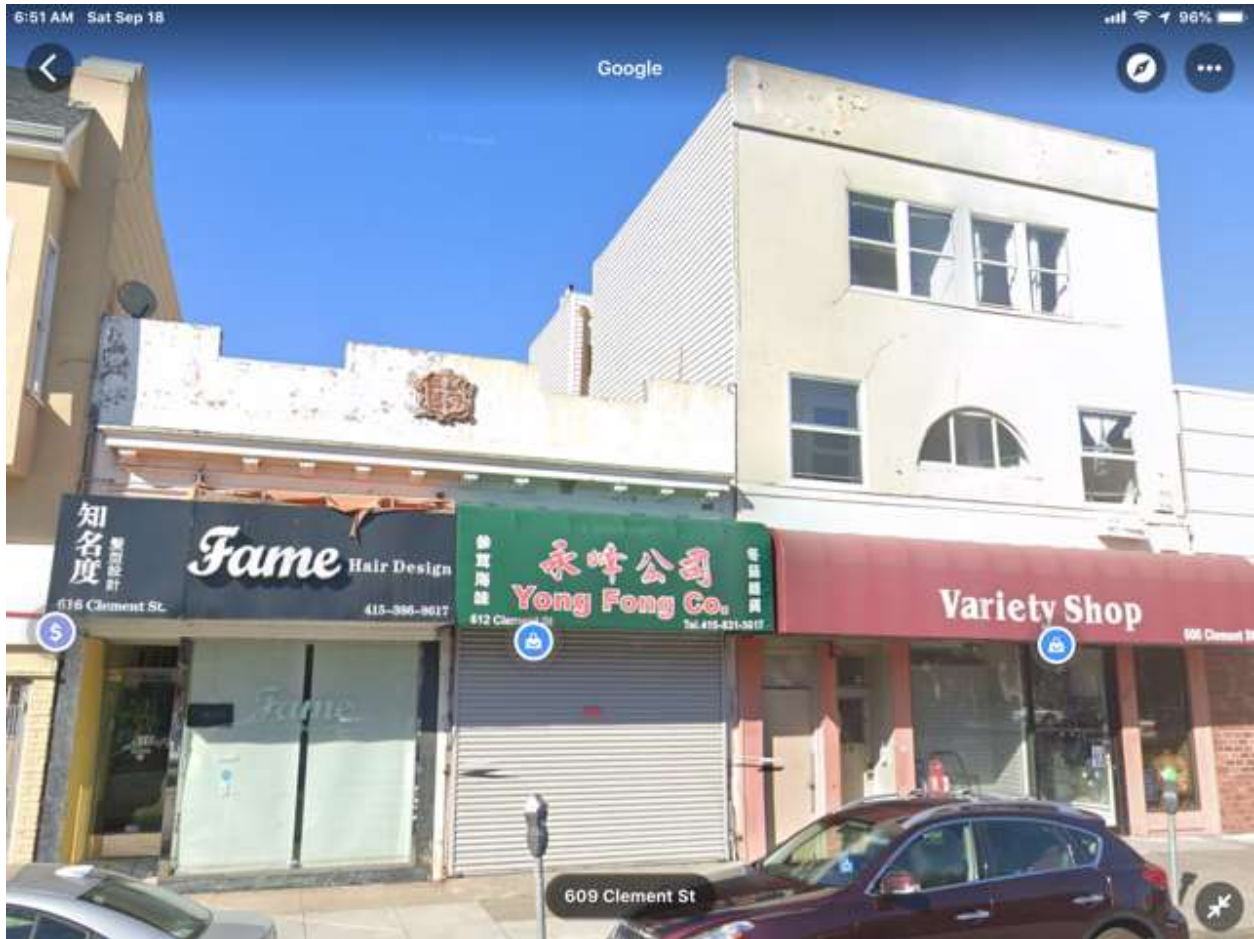


What's Coming – New Sign Clutter on Spear Street:



Three more signs have already been approved for this half block.

Stefani legislation would allow ugly projecting signs with these awnings:



Please oppose the Stefani sign legislation.

Sincerely,

David Osgood

Exhibit D

1 [Planning Code - Business Signs on Awnings and Marquees]

2

3 **Ordinance amending the Planning Code to allow business signs on awnings or**  
4 **marquees in addition to projecting signs in various neighborhood commercial and**  
5 **residential-commercial districts, and in certain Chinatown mixed use districts; applying**  
6 **business sign controls to additional Neighborhood Commercial Districts; affirming the**  
7 **Planning Department’s determination under the California Environmental Quality Act;**  
8 **and making findings of consistency with the General Plan, and the eight priority**  
9 **policies of Planning Code, Section 101.1, and public necessity, convenience, and**  
10 **general welfare findings pursuant to Planning Code, Section 302.**

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

15

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

17

18 Section 1. Environmental and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. 210810 and is incorporated herein by reference. The Board affirms  
23 this determination.

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

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

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the  
5 actions contemplated in this ordinance will serve the public necessity, convenience, and  
6 welfare for the reasons set forth in Planning Commission Resolution No. \_\_\_\_\_.  
7

8 Section 2. Article 6 of the Planning Code is hereby amended by revising Sections  
9 607.1 and 607.2, to read as follows:

10 **SECTION 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**  
11 **DISTRICTS.**

12 \* \* \* \*

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

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

17 \* \* \* \*

18 (D) **Signs on Awnings.** Sign copy may be located on permitted Awnings  
19 in ~~lieu of~~addition to Wall Signs and projecting ~~s~~Signs. The Area of such sign copy as defined in  
20 Section 602 shall not exceed 20 square feet. Such sign copy may be Nonilluminated or  
21 Indirectly Illuminated.

22 (2) **RC, NC-2, NCT-2, NC-S, Inner Balboa Street, Outer Balboa Street, Broadway,**  
23 **Castro Street, Inner Clement Street, Outer Clement Street, Cortland Avenue, Divisadero**  
24 **Street, Excelsior Outer Mission Street, Fillmore Street, Upper Fillmore Street, Folsom**  
25 **Street, Glen Park, Inner Sunset, Irving Street, Haight Street, Lower Haight Street, Hayes-**



1 **Gough, Japantown, Judah Street, Upper Market Street, Noriega Street, North Beach,**  
2 **Ocean Avenue, Pacific Avenue, Polk Street, Regional Commercial District, Sacramento**  
3 **Street, San Bruno Avenue, SoMa, Taraval Street, Inner Taraval Street, Union Street, Valencia**  
4 **Street, 24th Street-Mission, 24th Street-Noe Valley, and West Portal Avenue**  
5 **Neighborhood Commercial Districts.**

6 \* \* \* \*

7 (D) **Signs on Awnings and Marquees.** Sign copy may be located on  
8 permitted Awnings or Marquees in ~~lieu of~~addition to projecting Signs. The Area of such sign  
9 copy as defined in Section 602 shall not exceed 30 square feet. Such sign copy may be  
10 nonilluminated or indirectly illuminated; except that sign copy on Marquees for Movie Theaters  
11 or places of Entertainment may be directly illuminated during business hours.

12 \* \* \* \*

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

15 \* \* \* \*

16 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located  
17 on permitted Awnings or Marquees in ~~lieu of~~addition to projecting Signs. The Area of such Sign  
18 copy, as defined in Section 602, shall not exceed 40 square feet. Such sign copy may be  
19 nonilluminated or indirectly illuminated; except that sign copy on Marquees for Movie Theaters  
20 or places of Entertainment may be directly illuminated during business hours.

21 \* \* \* \*

22 //

23 //

24 //

25 //

1 **SEC. 607.2. MIXED USE DISTRICTS.**

2 \* \* \* \*

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

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

6 \* \* \* \*

7 (D) **Signs on Awnings.** Sign copy may be located on permitted Awnings  
8 in ~~lieu of~~addition to Wall Signs and projecting Signs. The area of such sign copy shall not  
9 exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

10 \* \* \* \*

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

12 \* \* \* \*

13 (D) **Signs on Awnings and Marquees.** Sign copy may be located on  
14 permitted Awnings or Marquees in ~~lieu of~~addition to projecting Signs. The area of such sign  
15 copy shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly  
16 illuminated, except that sign copy on Marquees for Movie Theaters or places of Entertainment  
17 may be directly illuminated during business hours.

18 \* \* \* \*

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

21 \* \* \* \*

22 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located  
23 on permitted Awnings or Marquees in lieu of projecting Signs, except that in the Chinatown  
24 Community Business District, sign copy may be located on permitted Awnings or Marquees in addition  
25 to projecting Signs. The area of such sign copy shall not exceed 40 square feet. Such sign copy

1 may be nonilluminated or indirectly illuminated; except that sign copy on Marquees for Movie  
2 Theaters or places of Entertainment may be directly illuminated during business hours.

3 \* \* \* \*

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

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

16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By: /s/ Victoria Wong  
20 VICTORIA WONG  
21 Deputy City Attorney

22 n:\legana\as2021\2100362\01539766.docx