

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair  
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: July 2, 2024

SUBJECT **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 2, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, July 2, 2024. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, July 1, 2024, at 1:30 p.m., by the votes indicated.

**BOS Item No. 25**

**File No. 240474**

**[Building, Planning Codes - Existing Awning Amnesty Program]**

Ordinance amending the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025; 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.

**RECOMMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Myrna Melgar – Aye  
Supervisor Dean Preston – Aye  
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney

File No. 240474

Committee Item No. 2

Board Item No. 25

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: July 1, 2024

Board of Supervisors Meeting:

Date: July 2, 2024

#### Cmte Board

- |                                     |                                     |                                              |
|-------------------------------------|-------------------------------------|----------------------------------------------|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU                                          |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract / DRAFT Mills Act Agreement         |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

- |                                     |                                     |                                                                   |
|-------------------------------------|-------------------------------------|-------------------------------------------------------------------|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <u>DBI Presentation – July 1, 2024</u>                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Transmittal – June 25, 2024</u>            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Building Inspection Commission Transmittal – June 13, 2024</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Small Business Commission Transmittal – June 26, 2024</u>      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination – June 6, 2024</u>                          |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referrals CEQA, PC, BIC – May 15, 2024</u>                     |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>30-Day Hold Waiver Memo – May 29, 2024</u>                     |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Committee Report Request Memo – June 26, 2024</u>              |

Prepared by: John Carroll

Date: June 27, 2024

Prepared by: John Carroll

Date: July 1, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Building, Planning Codes - Existing Awning Amnesty Program]

2

3 **Ordinance amending the Building and Planning Codes to make permanent the**  
4 **streamlined permitting provisions for unpermitted awnings and extend the waiver of**  
5 **applicable fees for one fiscal year, until July 1, 2025; affirming the Planning**  
6 **Department's determination under the California Environmental Quality Act; making**  
7 **findings of consistency with the General Plan, and the eight priority policies of**  
8 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**  
9 **and welfare pursuant to Planning Code, Section 302.**

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

14

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

16

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this  
19 ordinance comply with the California Environmental Quality Act (California Public Resources  
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
21 Supervisors in File No. 240474 and is incorporated herein by reference. The Board affirms  
22 this determination.

23 (b) On June 20, 2024, the Planning Commission, in Resolution No. 21579, adopted  
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
25 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 Board of Supervisors in File No. 240474, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code  
4 amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
5 in Planning Commission Resolution No. 21579, and the Board incorporates such reasons  
6 herein by reference. A copy of said resolution is on file with the Clerk of the Board of  
7 Supervisors in File No. 240474.

8 (d) On June 12, 2024, at a duly noticed public hearing, the Building Inspection  
9 Commission considered this ordinance in accordance with Charter Section 4.121 and Building  
10 Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection  
11 Commission regarding the Commission’s recommendation is on file with the Clerk of the  
12 Board of Supervisors in File No. 240474.

13 (e) No local findings are required under California Health and Safety Code  
14 Section 17958.7 because the amendments to the Building Code contained in this ordinance  
15 do not regulate materials or manner of construction or repair, and instead relate in their  
16 entirety to administrative procedures for implementing the code, which are expressly excluded  
17 from the definition of a “building standard” by California Health and Safety Code  
18 Section 18909(c).

19  
20 Section 2. Chapter 1A, Section 106A of the Building Code is hereby amended by  
21 revising Sections 106A.5 and 106A.5.2, and deleting Section 106A.5.5, to read as follows:

22 **SECTION 106A – PERMITS**

23 \* \* \* \*

24 **106A.5 Awning Amnesty Program.** The Department shall implement the *temporary*  
25 amnesty program outlined in this Section 106A.5 to incentivize and expedite the legalization of

1 Awnings, as defined and regulated in Section 1703 of the Building Code, that were installed  
2 without a building permit or for which the Department has no record of a building permit on file  
3 as of August 20, 2023~~the effective date of this ordinance in Board File No. 230477~~. All property  
4 owners that have Awnings without a building permit on file are eligible for the amnesty  
5 program, including property owners with active Notices of Violation for installing or having an  
6 Awning without a building permit.

7 \* \* \* \*

8 **106A.5.2 Waiving of Fees.** Notwithstanding any other provisions of the Building Code,  
9 the Department shall continue until July 1, 2025 to waive all fees for applications eligible for the  
10 amnesty program and for any permits required to repair or replace an Awning that the  
11 Department determined was not in compliance with the Building Code, including the  
12 application fee for plan review, permit issuance fee for inspections, and any enforcement fees,  
13 including inspection fees required under Section 107A.5 for work without a permit.

14 \* \* \* \*

15 ~~**106A.5.5 Sunset.** Unless the Board of Supervisors adopts an ordinance extending the term of  
16 this Section 106A.5, it shall expire by operation of law on June 1, 2024. At such time, the City Attorney  
17 shall cause it to be removed from the Building Code.~~

18  
19 Section 3. Article 1.7 of the Planning Code is hereby amended by revising Section  
20 187.3, to read as follows:

21 **SEC. 187.3. PRE-EXISTING AWNINGS AND SIGNS; AMNESTY.**

22 \* \* \* \*

23 **(b) Controls.** Notwithstanding any other provision of this Code, an Awning or  
24 Business Sign physically existing on or serving a non-Residential business on August 20,  
25 2023~~the introduction date of this ordinance in Board File No. 230745 230447~~ may be considered an

1 existing noncomplying structure and/or nonconforming use governed by this Article 1.78 so  
2 long as the Sign or Awning is not affixed to a building designated as significant or contributory  
3 under Article 11 of this Code. In addition to the foregoing, Awnings or Signs that have been  
4 required by the Department of Building Inspection on or after January 1, 2023 to be replaced  
5 or altered, may be replaced or altered consistent with such requirement and subsequently  
6 considered noncomplying structures and/or nonconforming uses subject to this Section 187.3  
7 so long as such replacement or alteration does not increase the degree of nonconformity or  
8 noncompliance with other Sections of this Code. All Signs must comply with the illumination  
9 provisions of Article 6 of this Code.

10 \* \* \* \*

11 **(d) Fees.** Notwithstanding any other provision of this Code or the Administrative  
12 Code, no fee shall be charged by the Planning Department for a determination under this  
13 Section and/or for review of Building Permit Applications, Sign Permit Applications, or other  
14 approvals which relate exclusively to the implementation of this Section, including any  
15 enforcement fees under Section 350(g)(1) of this Code, as long as the application is submitted  
16 before July 1, 2025.

17 ~~(e) **Sunset.** Unless the Board of Supervisors adopts an ordinance extending the term of this~~  
18 ~~Section 187.3, it shall expire by operation of law on June 1, 2024. At such time, the City Attorney shall~~  
19 ~~cause it to be removed from the Planning Code and no additional Signs or Awnings may be altered,~~  
20 ~~replaced, or reviewed for consideration as nonconforming or noncomplying under this Section.~~

21  
22 Section 4. Effective Date; Retroactivity.

23 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs  
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
25

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
2 Mayor’s veto of the ordinance.

3 (b) It is the intent of the Board of Supervisors that Section 106A.5 of the Building Code  
4 and Section 187.3 continue in operation without interruption. Accordingly, on its effective  
5 date, this ordinance will be retroactive to June 1, 2024.

6

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

8

9 By:  /s/ Robb Kapla  
10 ROBB KAPLA  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Building, Planning Codes - Existing Awning Amnesty Program]

**Ordinance amending the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025; 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

Section 106A.5 of the Building Code and Section 187.3 of the Planning Code created a temporary amnesty program for awnings installed without permits prior to August 29, 2023. The amnesty program streamlined the Planning Department and Department of Building Inspection's review of these awnings and waived all fees. The program sunsets on June 1, 2024.

### Amendments to Current Law

The Proposed Legislation would make the streamlined provisions for legalizing awnings installed prior to August 20, 2023 permanent and extend fee waivers for eligible awnings for one fiscal year to July 1, 2025.

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# File No. 240474 – Awning Amnesty Program

Tate Hanna, Department of Building Inspection

July 1, 2024

# Awning Amnesty – Background Information

- Between November 1, 2022 and March 15, 2023, DBI received 182 anonymous complaints regarding illegal awnings.
- In 2023, DBI streamlined the permitting process for bringing illegally installed awnings into code compliance.
- This program also waived permit fees, inspection fees and penalty fees for applicants. Some modest state and local fees still apply.

List of fees waived

| Fee code   | Description                            | Fees waived? |
|------------|----------------------------------------|--------------|
| BLDGSTD-I  | Bldg Stds Admin Spec Revolv Fund       | No           |
| DBI BOAS-I | DBI Board of Appeals Surcharge (Issue) | No           |
| DCP BOAS-I | DCP Board of Appeals Surcharge (Issue) | No           |
| DPW BOAS-I | DPW Board of Appeals Surcharge (Issue) | No           |
| STRG MD-I  | Strong Motion Instrumentation Fee      | No           |
| BLDG-F     | Bldg Permit Insp Fee (Filing) DBI      | Yes          |
| BLDG-I     | Bldg Permit Insp Fee (Issue)           | Yes          |
| DCP-F      | DCP Plan Check (F)                     | Yes          |
| DCP-I      | DCP Plan Check (Issue)                 | Yes          |
| EXP PLAN-F | Express plan check fee (Filing) DBI    | Yes          |
| EXP PLAN-I | Express plan check fee (Issue) DBI     | Yes          |
| FIRE INSP  | Fire Inspection Fee (Issue)            | Yes          |
| FIRE-F     | Fire Plan Check Fee (Filing)           | Yes          |
| FIRE-I     | Fire Plan Check Fee (Issue)            | Yes          |
| FIREPREM-F | Fire Premier Plan Review               | Yes          |
| FIREPREM-I | Fire Premier Plan Review (Issue)       | Yes          |
| PLAN REV-F | Plan Review (filing) DBI               | Yes          |
| PLAN REV-I | Plan Review (Issue) DBI                | Yes          |
| REC RET-I  | Records Retention Fee DBI (Issuing)    | Yes          |
| REC RETAIN | Records Retention Fee DBI              | Yes          |
| SIGN PC-F  | Sign Plan Check Fee (Filing) DBI       | Yes          |
| SIGN PC-I  | Sign Plan Check Fee (Issue) DBI        | Yes          |
| ST SPACE   | Street Space Permit Fee DPW            | Yes          |

# Step-by-Step Guidance

- DBI created and published new webpages to guide customers through the streamlined permitting process step-by-step

## 1 Fill out the required forms, templates and develop the photo documentation

To get a permit for your existing awning and/or sign, you will need to submit:

- Property Owners Package documenting that you are the building owner or representative
- A Form 4/7
  - Note: You must fill out the [form 3/8 Permit Application](#) if you are responding to a notice of violation for an unpermitted awning or sign.
- A dimensioned photograph with information about your existing awning or sign.

## 2 Fill out forms about your role on the project

We need to know your role on the project to apply for an Over-the-counter (OTC) permit.

See: [Who can obtain a building permit](#)

Pick the form that applies to you.

- For business owners, [fill out the Property Owner's Disclosures form](#).

Or

- For contractors, [fill out the contractor statement](#) – only required if a contractor is applying for the permit.

Print the appropriate form and bring it with you when apply for a sign permit.

## 3 Provide dimensioned photos documenting your awning information

You will need to provide dimensioned photos with labels documenting your awning size, weight, location, type of wall, and how the awning is attached to the wall of the building.

Photos need to be printed on 11"x17" paper. Two copies of the photos are required with your permit application.

Be sure to include the scope of work including notice of violation number (if applicable), property address, awning dimensions, whether the awning is illuminated.

# Community Outreach

## Workshop about storefront awnings

Monday, March 6  
1:00 PM to 2:30 PM  
Willie "Woo Woo" Wong Clubhouse  
830 Sacramento Street



This is a free in-person workshop about storefront awnings. Hear from representatives from the Department of Building Inspection, Planning Department, Fire Department, the Office of Small Business, and Supervisor Aaron Peskin's Office. Learn about the permitting process for awnings.

This event will be in English and Chinese.

For permitting assistance contact the Office of Small Business at 415-554-6134 or [sfosb@sfgov.org](mailto:sfosb@sfgov.org). Online at [sf.gov/osb](http://sf.gov/osb)

## 店舖遮陽篷講座

3月6日星期一  
下午1:00至2:30  
黃顯護遊樂場 Willie "Woo Woo" Wong Clubhouse  
地址: 830 Sacramento Street

這是一個關於店舖遮陽篷的免費現場講座。樓宇檢查局、城市規劃局、消防局、小商業辦公室和市參事佩斯金辦公室代表現場講解。幫助商家了解申請遮陽篷許可證的程序。

活動將以英文和中文進行。

如需協助申請許可證，請聯繫小商業辦公室415-554-6134 或 [sfosb@sfgov.org](mailto:sfosb@sfgov.org)。  
網站: [sf.gov/osb](http://sf.gov/osb)



- Delayed enforcement to give businesses time to legalize the awnings
- Substantial community outreach
  - Informing residents of unpermitted awnings and associated NOVs
  - Detailing streamlined process and fee waiver
- Outreach in four languages:
  - English
  - Chinese
  - Spanish
  - Tagalog

# Results

- Since September of 2023, 235 permits have been issued or completed through the program.
  - 130 issued permits, pending inspection
  - 106 completed permits
- 151 of the awning permits issued or completed are for properties that were not apart of the original complaints.

# File No. 240474 – Awning Amnesty Extension

- This ordinance will make permanent the streamlined permitting process for legalizing existing awnings.
- Additionally, applicable fees will continue to be waived until July 1, 2025.
- DBI staff believe that this program is helping the department bring existing unpermitted awnings into code compliance and recommend approval of the legislation.



**THANK YOU**



June 25, 2024

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Mayor Breed  
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 2024-004529PCA:**  
Existing Awning Amnesty Program  
Board File No. 240474

**Planning Commission Recommendation: Approval**

Dear Ms. Calvillo and Mayor Breed,

On June 20, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Mayor Breed. The proposed ordinance would amend the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c)(2) 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: Robb Kapla, Deputy City Attorney  
Katy Tang, Executive Director, Office of Small Business  
John Carroll, Office of the Clerk of the Board

**ATTACHMENTS :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21579

**HEARING DATE: JUNE 20, 2024**

**Project Name:** Existing Awning Amnesty Program  
**Case Number:** 2024-004529PCA [Board File No. 240474]  
**Initiated by:** Mayor Breed / Introduced May 7, 2024  
**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

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE BUILDING AND PLANNING CODES TO MAKE PERMANENT THE STREAMLINED PERMITTING PROVISIONS FOR UNPERMITTED AWNINGS AND EXTEND THE WAIVER OF APPLICABLE FEES FOR ONE FISCAL YEAR, UNTIL JULY 1, 2025; 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.**

WHEREAS, on May 7, 2024 the Mayor introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 240474, which would amend the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025;

WHEREAS, The Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 20, 2024; 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 Commission understands that non-compliant Awnings and Signs are common in the City. It also recognizes the many economic hardships that our small business community currently faces, and that replacing often long-standing Awnings and Signs only adds to that hardship. The program is only now becoming known to many business owners across the city, and the increase in applications in the last few months of the program prove that an extension of the program is warranted. The Department finds that the amnesty program balances the City's desire to support small businesses while still promoting vibrant public spaces.

## 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 help certain businesses stay afloat by extending an amnesty program that creates a path to legalization for their currently non-compliant Awning or Sign and waiving some fees associated with the permit process and enforcement of illegal Awnings and Signs.*

#### 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 June 20, 2024.



Jonas P. Ionin  
Commission Secretary

**Jonas P Ionin**

Digitally signed by Jonas P Ionin  
Date: 2024.06.24 12:48:46  
-07'00'

AYES: Braun, Williams, Imperial, Koppel, Moore, Diamond

NOES: None

ABSENT: So

ADOPTED: June 20, 2024



# EXECUTIVE SUMMARY

## PLANNING CODE TEXT AMENDMENT

**HEARING DATE:** June 20, 2024

**90-Day Deadline:** August 13, 2024

**Project Name:** Existing Awning Amnesty Program  
**Case Number:** 2024-004529PCA [Board File No. 240474]  
**Initiated by:** Mayor Breed / Introduced May 7, 2024  
**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

### Planning Code Amendment

The proposed Ordinance would amend the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025.

#### The Way It Is Now:

Section 106A.5 of the Building Code and Section 187.3 of the Planning Code created a temporary amnesty program for awnings installed without permits prior to August 29, 2023. The amnesty program streamlined the Planning Department and Department of Building Inspection’s review of these awnings and waived all fees. The program sunset on June 1, 2024.

#### The Way It Would Be:

The streamlined provisions for legalizing awnings installed prior to August 20, 2023, would be reinstated and made permanent, and the fee waivers from the amnesty program would be extended for eligible awnings until July 1, 2025.

## Background

In 2023, many small business owners faced enforcement for allegedly non-compliant awnings. Between November 1 and February 23, the Department of Building Inspection (DBI) received 179 anonymous complaints about illegally installed awnings in San Francisco. In the previous year only five such complaints were received during the same period. In response, Mayor Breed and Board President Peskin introduced an ordinance (Board File No. 230745), to create a temporary amnesty program for businesses that may have unauthorized signs and awnings.

The Planning Commission heard this proposed ordinance on June 1, 2023, and voted to approve it with several modifications<sup>1</sup>. Supervisor Peskin adopted many of the Commission's recommended modifications and the ordinance was eventually approved by the Board of Supervisors and the Mayor. The ordinance became effective in August of 2023.

Although the program was slow to receive applications when it first became effective, there has been a sharp influx of applications in recent months. The Department received nearly 200 applications to legalize existing business signs and/or awnings before the expiration of the program on June 1<sup>st</sup>. Knowing that many businesses are just learning of the amnesty program, the Department has placed a temporary stay of enforcement on cases of signs and awnings that would otherwise be eligible for the amnesty program, until after the proposed Ordinance is either disapproved by the Board, or becomes active law

### Small Business Month Fee Waiver

May is Small Business and Building Safety Month (Small Business Month) and the Board of Supervisors adopted legislation to support small businesses by waiving various local permit fees for the month of May. This program began as a pilot program in 2012 and was renewed annually until 2014, at which time the program was made permanent. The fee waiver applies to permits for the replacement of Awnings, Awning Signs, and installation of pedestrian level lighting as these fees have acted as a barrier for many small businesses to improve their building facades and store fronts. This Small Business Month fee waiver differs from the temporary amnesty program for certain Awnings and Signs which provided an additional opportunity for small businesses seeking a fee waiver for permits related to their previously installed Awnings and/or Signs.

## Issues and Considerations

### Awnings, Awning Signs & Other Business Signs

#### Awnings:

Section 102 of the Planning Code defines an Awning as:

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<sup>1</sup>The Commission's recommended modifications were to: 1. Limit the program to Business Signs. 2. Remove the 5-year lookback requirement. Instead, allow all Business Signs or Awnings that existed as of the introduction date of the Ordinance to qualify for the amnesty program. 3. Require any Sign that participates in the amnesty program to comply with all illumination provisions contained in Article 6 of the Planning Code. 4. Expand the types of permits that qualify for a Planning fee waiver to include any permit whose scope of work is exclusively related to non-residential Awnings or Business Signs, except for buildings subject to Article 11 or Awning/Sign permits subject to neighborhood notification. 5. Make various technical amendments.

*“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.

### **Signs:**

The sign controls 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 by the Planning Code, including Identifying Signs, General Advertising Signs, and Business Signs. 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. A Projecting Sign generally extends beyond a street property line or a building setback line. An Awning Sign is often on multiple faces of the Awning. 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. The Department’s executive summary from the original Awning and Sign Amnesty ordinance goes into greater detail on Signs and Awnings, and their regulations. The report may be found at: [https://citypln-m-extnl.sfgov.org/Commissions/CPC/6\\_1\\_2023/Commission%20Packet/2023-003753PCA.pdf](https://citypln-m-extnl.sfgov.org/Commissions/CPC/6_1_2023/Commission%20Packet/2023-003753PCA.pdf).

### **Supporting Small Businesses**

The Controller’s Office of Economic Analysis released a report<sup>2</sup> in October of 2022 on the status of the re-opening of the City’s economy. Some of the key findings were:

- San Francisco continued to lag most other metro areas in office attendance, at just 40% of pre-pandemic levels.
- New business formation (tracked by the number of business registration certificates filed) remained far below pre-pandemic rates, especially in the retail trades and restaurant/bar categories.

The report revealed that visitors were beginning to return to San Francisco to shop, eat, and experience the City; however, the lack of daily commuters and lower than normal number of tourists has hurt small businesses. The

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<sup>2</sup> [https://sfcontroller.org/sites/default/files/Documents/Economic%20Analysis/October%20Re-Opening%20Report\\_final.pdf](https://sfcontroller.org/sites/default/files/Documents/Economic%20Analysis/October%20Re-Opening%20Report_final.pdf)

Controller's March 2024 report<sup>3</sup> on the state of San Francisco's economy indicates similar findings from the 2022 report on the status of the reopening: Although tourism and office vacancy rates are slowly improving, they are still below pre-pandemic levels. Many businesses are still attempting to recover from the pandemic amidst a period of slow economic growth both locally and nationally.

## 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 will help certain businesses stay afloat by extending a legalization program for their currently non-compliant Awning or Sign and waiving some fees associated with the permit process and enforcement of illegal Awnings and Signs.

## Racial and Social Equity Analysis

Staff research found some of the highest rates of noncompliance (i.e., businesses that contain either an unpermitted Awning or 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>4</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 the manufacturing and light industrial sector benefits from the City's brand and its strong association with diversity, history, and innovation.

At the same time, the individual character and culture of Cultural Districts has 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. Otherwise healthy businesses that act as anchors for the City's commercial corridors were forced to close<sup>5</sup>. The pandemic only further exacerbated the financial pressures on historic, small businesses.

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 often employed as a proxy to minimize the expression of cultural identity and diversity. More recent design guidelines in the Japantown and Calle 24 cultural districts recognize the importance of enhancing and celebrating these districts' unique aesthetics, and the diverse qualities of signage.

This amnesty program has assisted businesses that were not in compliance by creating a more affordable (and in some cases cost-free) path to legalization. This amnesty program helps to further equity and complements the

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<sup>3</sup> <https://www.sf.gov/sites/default/files/2024-04/Status%20of%20the%20San%20Francisco%20Economy%20March%202024.pdf>

<sup>4</sup> <https://oewd.org/tourism>

<sup>5</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)

goal of Cultural Districts to promote and protect businesses and industries that advance the culture and history of said districts; therefore, its extension should be supported.

### **Implementation**

The Department has determined that this ordinance will not have a material impact on our current implementation procedures.

### **Recommendation**

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

### **Basis for Recommendation**

The Department understands that non-compliant Awnings and Signs are common in the city. It also recognizes the many economic hardships that our small business community currently faces, and that replacing often long-standing Awnings and Signs only adds to that hardship. The program is only now becoming known to many business owners across the city, and the increase in applications in the last few months of the program prove that an extension of the program is warranted. The Department finds that the amnesty program balances the City's desire to support small businesses while still promoting vibrant public spaces.

### **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 not received any public comment regarding the proposed Ordinance.

### **Attachments:**



**BUILDING INSPECTION COMMISSION (BIC)**

**Department of Building Inspection**

**Voice (628) 652 -3510**

**49 South Van Ness Avenue, 5<sup>th</sup> Floor San Francisco, California 94103**

June 13, 2024

London N. Breed  
Mayor

**COMMISSION**

Alysabeth  
Alexander-Tut  
President

Earl Shaddix  
Vice-President

Evita Chavez  
Bianca Neumann  
Angie Sommer  
Kavin Williams

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors, City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

**RE: File No. 240474**

Sonya Harris  
Secretary

Monique Mustapha  
Asst. Secretary

Patrick O’Riordan,  
C.B.O., Director

**Ordinance (File No. 240474) amending the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025; 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.**

The Building Inspection Commission met and held a public hearing on June 12, 2024 regarding the proposed amendment to the Building and Planning Codes contained in Board File No. 240474. The Commissioners supported the time extension of waiving applicable fees for one fiscal year to allow owners of unpermitted awnings to come into compliance. In addition, the Director of the Office of Small Business Katy Tang also spoke in support of the legislation, and stated that her office encouraged departments to simplify the application process, and they have also done additional public outreach. The Commissioners voted unanimously to **recommend approval of the ordinance.**

|                         |         |
|-------------------------|---------|
| President Alexander-Tut | Excused |
| Vice-President Shaddix  | Yes     |
| Commissioner Chavez     | Excused |
| Commissioner Neumann    | Yes     |
| Commissioner Sommer     | Yes     |
| Commissioner Williams   | Yes     |

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,



Sonya Harris  
Commission Secretary

cc: Patrick O'Riordan, Director  
Mayor London N. Breed  
Supervisor Catherine Stefani  
Supervisor Joel Engardio  
Supervisor Aaron Peskin  
Supervisor Connie Chan  
Board of Supervisors



CITY AND COUNTY OF SAN FRANCISCO  
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS  
DIRECTOR KATY TANG

June 26, 2024

Ms. Angela Calvillo, Clerk of the Board  
City Hall Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**RE: BOS File No. 240474 – Existing Awning Amnesty Program - SUPPORT**

Dear Ms. Calvillo,

On June 24, 2024 the Small Business Commission (the Commission) heard BOS File 240474 – Existing Awning Amnesty Program. This legislation would make the Awning Amnesty Program permanent and extend fee waivers associated with the Awning Amnesty Program through July 1, 2025.

In 2023, the City received several hundred complaints regarding commercial awnings and signs installed without permits from the City. The Awning Amnesty Program offers a pathway for business and property owners to legalize existing awnings and signs without requiring professional, costly drawings of their existing awnings. The current Awning Amnesty Program expired June 1, 2024; this legislation would provide ongoing support for businesses to come into compliance using a simplified application.

The Commission strongly supports this proposal and any efforts to simplify the permitting process for small business owners.

Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Katy Tang". The signature is written in a cursive, flowing style.

Katy Tang  
Director, Office of Small Business

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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## MEMORANDUM

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Date: May 15, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 240474  
Building, Planning Codes - Existing Awning Amnesty Program

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
  - 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](mailto:john.carroll@sfgov.org).

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Patrick O’Riordan, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM: John Carroll, Assistant Clerk  
Land Use and Transportation Committee

DATE: May 15, 2024

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors’ Land Use and Transportation Committee has received the following legislation, introduced by Mayor Breed on May 7, 2024:

**File No. 240474**

Ordinance amending the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025; 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.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission’s recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

c:  
Offices of Chair Melgar and Mayor Breed  
Patty Lee, Department of Building Inspection

President, District 3  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Tel. No. 554-7450  
Fax No. 554-7454  
TDD/TTY No. 544-6546

**Aaron Peskin**

**PRESIDENTIAL ACTION**

Date: 5/29/24

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 240474 Mayor  
(Primary Sponsor)

Title. Building, Planning Codes - Existing Awning Amnesty Program

Transferring (Board Rule No 3.3)

File No. \_\_\_\_\_  
(Primary Sponsor)

Title. \_\_\_\_\_

From: \_\_\_\_\_ Committee

To: \_\_\_\_\_ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor: \_\_\_\_\_ Replacing Supervisor: \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Temporary Assignment:  Partial  Full Meeting

\_\_\_\_\_  
Aaron Peskin, President  
Board of Supervisors



**MYRNA MELGAR**

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DATE: June 26, 2024

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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*mm*

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, July 2, 2024.

- |                        |                                                                                                                                    |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <b>File No. 240687</b> | <b>Resolution of Intention - Street Name Change - Oakdale Avenue East of Third Street to James Richards Way</b><br>Sponsor: Walton |
| <b>File No. 240474</b> | <b>Building, Planning Codes - Existing Awning Amnesty Program</b><br>Sponsors: Mayor; Stefani, Engardio, Peskin and Chan           |
| <b>File No. 240696</b> | <b>Police Code - Tenderloin Retail Hours Restriction Pilot Program</b><br>Sponsor: Mayor                                           |

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 1, 2024.