

BOARD of SUPERVISORS



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MEMORANDUM

Date: October 4, 2023
To: Planning Department / Commission
From: John Carroll, Land Use and Transportation Committee Clerk
Subject: Board of Supervisors Legislation Referral - File No. 230834
Planning Code - Permits to Install Business Signs to Historic Buildings or Buildings in Conservation Districts in the C-3 (Downtown) Area

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

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

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

Ordinance amending the Planning Code to require compliance with the procedures of Planning Code, Article 10 for certain work involving a business sign on a designated landmark site or in a designated historic district, and to require a hearing before the Historic Preservation Commission rather than an administrative review by Planning Department staff of applications for a permit to install business signs to a Significant or Contributory building or a building in a Conservation District in the C-3 (Downtown) area, provided that the permit is for a Major Alteration; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

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

Section 1. Environmental and Planning Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this determination.

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

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

Section 2. Articles 10 and 11 of the Planning Code are hereby amended by revising Sections 1005 and 1111.1, to read as follows:

SEC. 1005. CONFORMITY AND PERMITS.

* * * *

(e) After receiving a permit application from the Central Permit Bureau in accordance with the preceding subsection, the Department shall ascertain whether a Certificate of Appropriateness is required or has been approved for the work proposed in such permit application. If a Certificate of Appropriateness is required and has been issued, and if the permit application conforms to the work approved in the Certificate of Appropriateness, the permit application shall be processed without further reference to this Article 10. If a Certificate of Appropriateness is required and has not been issued, or if the permit application

1 does not conform to what was approved, the permit application shall be disapproved or held
2 by the Department until such time as conformity does exist either through modifications to the
3 proposed work or through the issuance of an amended or new Certificate of Appropriateness.
4 Notwithstanding the foregoing, in the following cases the Department shall process the permit
5 application without further reference to this Article 10:

6 * * * *

7 (6) When the application is for a permit to install ~~business signs or~~ awnings as
8 defined in Section 602 of this Code to a landmark or district, provided that signage, awnings,
9 and transparency conform to the requirements outlined in Section 1006.6;

10 * * * *

11 12 **SEC. 1111.1. DETERMINATION OF MINOR AND MAJOR ALTERATIONS.**

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

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

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

23 (b) Upon receipt of a building permit application and delegation of its review to
24 Department staff, the Department will review and render a decision on a Permit for Minor
25 Alterations without a hearing before the HPC. The Department shall mail its written decision

1 approving a Permit for Minor Alteration to the applicant and any individuals or organizations
2 who have so requested in writing to the Department. The Department's decision may be
3 appealed to the HPC within 15 days of the date of the written decision. The HPC may also
4 review the decisions of the Department by its own motion if such motion is made within 20
5 days of the date of the written decision.

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

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

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

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

23 (43) When the application is for a permit to install an awning to a Significant or
24 Contributory building or any building within a Conservation District ~~provided that the awning~~
25 ~~conforms to the requirements outlined in Section 1111.6 of this Code.~~

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Peter R. Mijanich
PETER R. MILJANICH
Deputy City Attorney

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