

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

MEMORANDUM

Date: May 3, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240438
Planning Code, Zoning Map - Establishing the 555 9th Street Special Sign District

- 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.

1 [Planning Code, Zoning Map - Establishing the 555 9th Street Special Sign District]

2

3 **Ordinance amending the Planning Code and Zoning Map to establish the 555 9th Street**
 4 **Special Sign District encompassing the real property consisting of Assessor's Parcel**
 5 **Block No. 3781, Lot No. 003, and to modify sign controls for the existing shopping**
 6 **center; affirming the Planning Department's determination under the California**
 7 **Environmental Quality Act; making findings of consistency with the General Plan, and**
 8 **the eight priority policies of Planning Code, Section 101.1; and making findings of**
 9 **public necessity, convenience, and welfare under 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

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. ____ and is incorporated herein by reference. The Board affirms this
 23 determination.

23

24 (b) On _____, the Planning Commission, in Resolution No. _____,
 25 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

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

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that the
4 actions contemplated in this ordinance will serve the public necessity, convenience, and
5 welfare for the reasons set forth in Planning Commission Resolution No. _____, and
6 adopts such reasons by this reference thereto. A copy of said Resolution is on file with the
7 Clerk of the Board of Supervisors in File No. _____, and is incorporated herein by
8 reference.

9
10 Section 2. Article 6 of the Planning Code is hereby amended by revising Section 607.2
11 and adding a new Section 608.12, to read as follows:

12
13 **SEC. 607.2. MIXED USE DISTRICTS.**

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

19 * * * *

20 (g) **Special Sign Districts.** Additional controls apply within certain Mixed Use Districts
21 that are designated as Special Sign Districts. The designations, locations, and boundaries of
22 these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City
23 and County of San Francisco, and are described within Sections 608.1 through 608.106 of this
24 Code.

25 * * * *

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2 **SEC. 608.12. 555 9TH STREET SPECIAL SIGN DISTRICT.**

3 **(a) Establishment of Special Sign District.** The 555 9th Street Special Sign District (“555 9th
4 Street SSD” or “SSD”), consisting of Assessor’s Block 3781, Lot 003, bounded by Bryant Street to the
5 north, 9th Street to the west, Brannan Street to the south, and developed lots to the east, as shown on
6 Sectional Map SSD of the Zoning Map of the City and County of San Francisco, is hereby established
7 for the purposes and subject to the controls set forth in this Section 608.12.

8 **(b) Purpose.** The purpose of the 555 9th Street SSD is to modify the sign controls that otherwise
9 would apply within the SSD to allow for signage that is more typical for the type of structure that
10 occupies the SSD, a large-scale shopping center with multiple tenants and a mix of smaller and larger-
11 scale spaces (the “Shopping Center”).

12 **(c) Controls.** Signs within the 555 9th Street SSD shall be controlled by those provisions in
13 Article 6 of the Planning Code applicable to Signs in the C-3 Zoning District, except as otherwise
14 provided in this Section 608.12. In the event of a conflict between other provisions of the Planning
15 Code and this Section 608.12, this Section shall control.

16 (1) No Sign attached to second-story portions of the Shopping Center fronting the
17 internal parking structure shall exceed three square feet per foot of frontage along the parking
18 structure occupied by the Shopping Center tenant to which the Sign directs attention. Such Signs shall
19 be located along that occupied frontage and shall be no higher than 18 feet above the finished floor
20 height immediately below such Sign or the height of the wall to which it is attached, whichever is lower.

21 (2) Video Signs. Video Signs shall be allowed within 10 horizontal feet of any
22 pedestrian entrance from a street to an individual tenant space. Any such Video Sign shall not exceed
23 an Area of 24 square feet or 10 feet in height. Video Signs shall direct attention only to the occupancy
24 of the individual tenant space at which the Sign is located. Sign copy shall not be displayed in any
25

1 fashion whatsoever during times that such entrance is not open to the public and at all other times shall
2 not change copy in any way more frequently than once per hour.

3

4 Section 3. Zoning Map Amendment. Pursuant to Sections 106 and 302(c) of the
5 Planning Code, Sectional Map SSD of the Zoning Map of the City and County of San
6 Francisco are hereby amended, as follows:

7

<u>Description of Property</u>	<u>Special Sign District Hereby Created</u>
Assessor's Block 3781, Lot 003	555 9th Street Special Sign District

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

15

16 Section 5. Scope of Ordinance. Except as stated in Section 3, in enacting this
17 ordinance, the Board of Supervisors intends to amend only those words, phrases,
18 paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or
19 any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as
20 additions, deletions, Board amendment additions, and Board amendment deletions in

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22 ///

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1 accordance with the "Note" that appears under the official title of the ordinance.

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3 APPROVED AS TO FORM:
4 DAVID CHIU, City Attorney

5 By: /s/BRIAN CROSSMAN
6 BRIAN CROSSMAN
Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code, Zoning Map – Establishing the 555 9th Street Special Sign District]

Ordinance amending the Planning Code and Zoning Map to establish the 555 9th Street Special Sign District encompassing the real property consisting of Assessor’s Block No. 3781, Lot No. 003, and to modify sign controls for the existing shopping center; 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 under Planning Code, Section 302.

Existing Law

The existing retail commercial building located at 555 9th Street is currently subject to the land use regulations for the Urban Mixed Use District, including the sign controls in Article 6 of the Planning Code. General Advertising Signs are prohibited in the Urban Mixed Use District, but Identifying Signs and Business Signs are permitted, subject to limitations on the number per lot or business and size of signage, as set forth in Section 607.2, subsections (c) and (f)(3).

Amendments to Current Law

This ordinance would create the 555 9th Street Special Sign District (“555 9th Street SSD” or “SSD”) to establish sign controls that are more typical of the existing large-scale shopping center with multiple tenants and a mix of smaller and larger-scale spaces. Signs in the new 555 9th Street SSD, therefore, would be subject to the more relaxed sign controls applicable in C-3 zoning districts, except as modified by the ordinance. General Advertising Signs would continue to be prohibited in the 555 9th Street SSD and Identifying Signs and Business Signs would be permitted under the C-3 controls. The SSD would permit signage on the second-story fronting the internal parking structure, limited to three square feet of signage per foot of frontage along the parking structure, and located no more than 18 feet above the finished floor height immediately below the sign. Additionally, the SSD would permit Video Signs within 10 horizontal feet of any pedestrian entrance from a street to an individual tenant space. Such Video Signs would be limited to 24 square feet and no higher than 10 feet and would be required to direct attention to the individual tenant space at which the Sign is located. Video Signs would only be permitted to display copy when the entrance to the tenant space is open to the public and would not be permitted to change copy more frequently than once per hour.

Background Information

The shopping center at 555 9th Street was rezoned to the Urban Mixed Use (“UMU”) District as part of the Eastern Neighborhoods rezoning. The UMU zoning district is intended for commercial corridors and transitional neighborhoods; accordingly, its signage regulations are

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meant for ground floor commercial businesses that often contain a single tenant per lot, not large-scale shopping centers with multiple tenants and a mix of smaller and larger-scale spaces. The proposed Special Sign District would allow the two-story retail use at 555 9th Street to have signage that is more typical for a large-scale San Francisco shopping center.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor: