File No. 110277 Committee Item No. 1
Board Item No.

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** June 20, 2011

Board of Supervisors Meeting **Date**

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☒	☐	Environmental Review Determination
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Completed by: Alisa Somera **Date** June 17, 2011
Completed by: **Date**

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Planning Code - Historic Signs]

Ordinance amending the San Francisco Planning Code by amending Section 608.14 regarding the authorization of historic signs; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underlined; Board amendment deletions are strikethrough normal.

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

Section 1. 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 Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110277 and is incorporated herein by reference.

(b) These Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18376, and the Board incorporates those reasons herein by reference. A copy of Planning Commission Resolution No. 18376 is on file with the Clerk of the Board of Supervisors in File No. 110277.

(c) These Planning Code amendments are consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18376, and the Board incorporates those reasons herein by reference.

Section 2. The San Francisco Planning Code is hereby amended by amending Section 608.14, to read as follows:

SEC. 608.14. HISTORIC SIGNS *~~IN HISTORIC SIGN DISTRICTS.~~*

(a) **Restoration and Maintenance.** *Notwithstanding the provisions of Section 604(h) of ths Code, ~~S~~s*igns which depict in text or graphic form a particular residential, business, cultural, economic, recreational, or other valued resource which is deemed by the Planning Commission to be of historic value and contributes to the visual identity and historic character of *a City neighborhood or* the City *as a whole* shall be allowed to be restored, reconstructed, maintained and technologically improved on a property by Conditional Use authorization of the Planning Commission provided that: (a) *~~the proposed historic sign lies within an historic sign district designated pursuant to Section 302 of the Planning Code and shown on the Zoning Map of the City and County of San Francisco; (b)~~* the historic sign to be restored, reconstructed or technologically improved depicts a use, person, place, thing, cultural icon or other valued character or characteristics of the City *or a City neighborhood* that, at the time of the historic sign *authorization ~~permit application,~~* is at least 40 years old; *(b) at least 50 percent of the area of the sign remains legible,* (c) the sign does not visually obstruct or significantly impair or detract from, by glare or any other means, a City landmark or public vista; (d) the sign is not larger than the sign that existed prior to the historic *authorization ~~designation~~* of a sign that is proposed for restoration and does not appear to be more visually prominent than the sign that existed prior to the historic *authorization ~~designation~~*; and, (e) the sign is maintained in good condition, repair and working order.

*(b) **Application for Historic Sign Authorization.** Prior to the scheduling of the Conditional Use hearing before the Planning Commission required by subsection (a), the applicant for a historic sign authorization shall provide to the Department evidence in the form of photographs and/or documents demonstrating that:*

(1) the sign proposed for historic authorization is at least 40 years old; and

(2) the sign depicts a particular residential, business, cultural, economic, recreational, or other valued resource of historic value and contributes to the visual identity and historic character of a City neighborhood or the City as a whole.

(c) ***Application of Other Article 6 Requirements.*** Once a sign is *authorized* ~~*designated*~~ as historic under this Section, it~~s~~ *is subject only to the requirements of this Section 608.14 and is exempt from all other provision of Article 6. However, any change of copy from the historic copy authorized by the Planning Commission or any* enlargement*, or* alteration ~~*or*~~ *shall be considered an* abandonment *of the historic sign authorization and the sign shall then be considered a new sign subject to all the provisions of this Article 6* ~~*shall be governed by the provisions of Section 178 of this Code.*~~ *The addition of a frame to a painted wall sign shall not be considered an enlargement or alteration under this section.*

(d) ***Referral to Historic Preservation Commission.*** *If the application for a historic sign authorization under this Section 608.14 is not otherwise required to be referred to the Historic Preservation Commission under the San Francisco Charter or this Code, it is not required to be referred. However, the Department may refer the application to that Commission for an advisory opinion.*

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

FILE NO. 110277

LEGISLATIVE DIGEST

[Planning Code - Historic Signs]

Ordinance amending the San Francisco Planning Code by amending Section 608.14 regarding the authorization of historic signs; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

Existing Law

Planning Code Section 608.14 provides that the Planning Commission may authorize the restoration, reconstruction, maintenance, and technological improvement of a historic sign through the Conditional Use procedure. A historic sign is defined as one which depicts, in text or graphic form, a particular residential, business, cultural, economic, recreational, or other valued resource that the Commission finds to be of historic value and contributes to the visual identity and historic character of the City. The sign must (1) depict a use, person, place, thing, cultural icon, or other valued character or characteristic of the City, (2) be located within a historic sign district, (2) be at least 40 years old, (3) not visually obstruct or significantly detract from a City landmark or public vista, (4) not be larger than or appear to be more visually prominent than the sign that previously existed, and (5) is maintained in good condition, repair and working order.

Amendments to Current Law

This legislation would amend Section 608.14 to delete the requirement that the proposed historic sign be located within a historic sign district. Once authorized by the Planning Commission as a historic sign, the sign would not be subject to the other requirements of Article 6. However, other than the addition of a frame to a painted wall sign, any change of copy from the historic copy, or any enlargement or alteration would be considered an abandonment of the historic sign authorization and the sign would then be considered a new sign subject to all the requirements of Article 6. Unless the application for the sign is required to be referred to the Historic Preservation Commission by the Charter or the Planning Code, it need not be referred. However, the Department may refer the application to that Commission for an advisory opinion.

Background Information

The look and style of signs have evolved over time. For that reason, a sign that has existed in a particular place for years gives continuity to the public space and becomes part of the community memory. In an era where signs are mostly uniform, a historic sign can add some individuality to the neighborhood in which it exists and also to the City as a whole. Michael J. Auer, in his article "The Preservation of Historic Signs," notes:

> Signs often become so important to a community that they are valued long after their role as commercial markers has ceased. They become landmarks, loved because they have been visible at certain street corners – or from many vantage points across the city – for a long time. Such signs are valued for their familiarity, their beauty, their humor, their size, or even their grotesqueness. In these cases, signs transcend their conventional role as vehicles of information, as identifiers of something else. When signs reach this stage, they accumulate rich layers of meaning. They no longer merely advertise, but are valued in and of themselves. They become icons.

This legislation would allow a historic neighborhood sign to be restored and maintained whether or not it is located in a historic district. The Conditional Use process would allow neighborhood residents and other members of the public to provide input.

BOARD of SUPERVISORS

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

March 28, 2011

File No. 110277

Bill Wycko
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Mr. Wycko:

On March 8, 2011, Supervisor Campos introduced the following proposed legislation:

File No. 110277

Ordinance amending the San Francisco Planning Code by amending Section 608.14 regarding the authorization of historic signs; adopting findings, including environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and Planning Code Section 101.1.

The legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board

Alisa Somera

By: Alisa Somera, Committee Clerk
Land Use & Economic Development Committee

Attachment

c: Nannie Turrell, Major Environmental Analysis
Brett Bollinger, Major Environmental Analysis

Not a project per CEQA Guidelines Sections 15060 (c) (3) and 15378.

4/7/11
Received
dg

File 110277 Sup Campos AC

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2011 JUN -7 AM 9:35
BY

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

June 6, 2011

Ms. Angela Calvillo, Clerk
Honorable Supervisor David Campos
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 Case Number CASE NO. 2011.0295T to the Board of Supervisors File No. 11-0277: Historic Sign Ordinance**

Recommendation: **Approval with Modifications**

Dear Ms. Calvillo and Supervisor Campos,

On June 2, 2011, the San Francisco Planning Commission (hereinafter "Commission") conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance. At the hearing, the Commission voted 6-0 to recommend approval with modifications.

Supervisor Campos, please advise the City Attorney at your earliest convenience if you wish to incorporate any changes recommended by the Commission.

Attached is the resolution which provides more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron Starr
Legislative Affairs

Cc: City Attorneys: Judy Boyajian and Cheryl Adams

Attachments (one copy of the following):
Planning Commission Resolution No. 18376

SAN FRANCISCO
PLANNING DEPARTMENT

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

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Planning Commission Resolution No. 18376

HEARING DATE JUNE 2, 2011

Project Name:	**Amendments relating to the authorization of historic signs**
Case Number:	2011.0295T [Board File No. 11-0277]
Initiated by:	Supervisor Campos/ Introduced February 8, 2011
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 415-558-6362
Reviewed by:	AnMarie Rodgers, Manager Legislative Affairs anmarie.rodgers@sfgov.org, 415-558-6395
Recommendation:	**Recommend Approval with Modifications**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE SECTION 608.14 REGARDING THE AUTHORIZATION OF HISTORIC SIGNS; 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 February 8, 2011, Supervisors Campos introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 11-0277, which would amend Sections 608.14 of the Planning Code regarding the authorization of historic signs;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 2, 2011; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); 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 1650 Mission Street, Suite 400, San Francisco; and

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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Change the name of signs covered under this Code section from 'Historic Sign' to more appropriate word that does not imply that signs covered under this section of the Planning Code are designated as Historic Resources.
2. Remove the last sentence from the **Referral to Historic Preservation Commission** section, which says: "However, the Department may refer the application to that Commission for an advisory opinion" from the proposed legislation
3. Modify the proposed legislation to allow three-dimensional Commemorative Signs to be relocated to new locations with Conditional Use authorization. Also stipulate that if a general advertising sign is eligible to be relocated under Section 611(c), this section of the code can not be used to relocate the sign.
4. Specify in the proposed ordinance that designation under this section of the Planning Code does not by itself protect signs from being obscured or removed by future development projects, particularly when those projects advance the goals and policies in the City's General Plan.
5. Required conditional use authorization to remove a sign designated under this 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:

1. The proposed Ordinance will help preserve the cultural and visual identity of City neighborhoods.

2. The word "historic," when used in the City Planning Code, should be reserved for buildings or objects that have been determined City Landmarks or historic resources under CEQA.

3. The Historic Preservation Commission is the City's expert panel that provides advice on historic resources. Signs authorized under Section 608.14 are not being designated as historic resources; therefore these applications should not be sent to the Historic Preservation Commission for an advisory opinion.

4. Certain signs are cultural artifacts that have value, which transcend their location. Allowing these signs to be moved to new locations with Conditional Use authorization will help preserve these artifacts.

5. Authorization under this section of the Planning Code should not by itself protect a sign from being obscured or removed by future development, such as low-income housing or other projects that advance the goals and policies of the City's General Plan.

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

I. URBAN DESIGN ELEMENT

OBJECTIVE 2
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING

POLICY 2.4
Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

By allowing signs that contribute to the visual character of a City neighborhood to be preserved, the proposed amendments will help to promote the preservation of features within City neighborhoods that provide continuity with past developments.

8. **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 amendments will not have a negative impact on neighborhood serving retail uses and will not impact 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 amendments will help preserve existing neighborhood character by allowing signs that contribute to the visual character of a City neighborhood to be maintained and preserved. The amendments will not impact existing housing.

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

   The proposed amendments will have no 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 amendments will 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 amendments 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 will allow signs that contribute to the visual character of a City neighborhood to be repaired and retrofitted, improving the City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

   Landmarks and historic buildings would not be negatively impacted by the proposed amendments.

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

   The City's parks and open space and their access to sunlight and vistas would be unaffected by the proposed amendments. Any sign that is proposed for preservation or relocation would need to receive Conditional Use authorization, at which point impacts on sunlight access, to public or private property, would be reviewed.

8. **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 recommends that the Board ADOPT the proposed Ordinance as described in this Resolution and in the proposed Ordinance with the modification outlined above.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 2, 2011.

Linda D. Avery
Commission Secretary

AYES: Commissioners Olague, Fong, Miguel, Moore, Sugaya, Borden

NOES: none

ABSENT: Commissioner Antonini

ADOPTED: none