

BOARD of SUPERVISORS



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June 1, 2022

File No. 220643

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On May 24, 2022, Supervisor Preston submitted the following legislation:

File No. 220643

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Planning Code - Tenderloin Neon Special Sign District]

2

3 **Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign**
 4 **District within the North of Market Residential Special Use District; enacting zoning**
 5 **controls for neon signs within the Special Sign District; affirming the Planning**
 6 **Department's determination under the California Environmental Quality Act; and**
 7 **making findings of consistency with the General Plan, and the eight priority policies of**
 8 **Planning Code, Section, 101.1, and public necessity, convenience, and welfare findings**
 9 **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. Environmental and Planning Code 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. ____ and is incorporated herein by reference. The Board affirms this
 22 determination.

23 (b) On _____, the Planning Commission, in Resolution No. _____,
 24 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
 25 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 this
4 ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in
5 Planning Commission Resolution No. _____.

6
7 Section 2. The Planning Code is hereby amended by revising Sections 249.5, 602,
8 and 608, to read as follows:

9 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

10 (a) **General.** A special use district entitled the "North of Market Residential Special
11 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
12 Sectional Map No. SU01 of the Zoning Map of the City and County of San Francisco, is
13 hereby established for the purposes set forth below.

14 (b) **Purposes.** In order to protect and enhance important housing resources in an
15 area near downtown, conserve and upgrade existing low and moderate income housing stock,
16 preserve buildings of architectural and historic importance and preserve the existing scale of
17 development, maintain sunlight in public spaces, encourage new infill housing at a compatible
18 density, limit the development of tourist hotels and other commercial uses that could
19 adversely impact the residential nature of the area, *and* limit the number of commercial
20 establishments which are not intended primarily for customers who are residents of the area,
21 *and support neighborhood vitality and character.* the following controls are imposed in the North
22 of Market Residential Special Use District.

23 (c) **Controls.** The following zoning controls are applicable in the North of Market
24 Residential Special Use District. Certain controls are set forth in other Sections of this Code
25 and are referenced herein.

1 * * * *

2 (11) Tenderloin Neon Special Sign District.

3 (A) There shall be a special sign district known as the “Tenderloin Neon Special
4 Sign District,” with the same boundaries as the North of Market Residential Special Use District, as
5 such boundaries may be amended from time to time.

6 (B) Within the Tenderloin Neon Special Sign District, Neon Business Signs are
7 permitted, provided that they meet the requirements below. Terms defined in Article 6 and used herein
8 shall have the meanings specified in Article 6.

9 (i) Where a Business Sign is permitted pursuant to Article 6, such
10 Business Sign may be, but is not required to be, a Neon Sign.

11 (ii) A Neon Business Sign shall not exceed 24 square feet in area, except
12 as specified herein.

13 (iii) For a Residential Hotel, a Neon Business Sign must satisfy either of
14 the following dimensional requirements:

15 a. a Sign that is not a blade sign shall not exceed 40 square feet
16 in area; or

17 b. a blade Sign shall not exceed 25 feet in height and 5 feet in
18 width.

19 (iv) A Neon Business Sign may not have any physically moving parts.

20 (v) A Neon Business Sign may not include flashing or blinking features,
21 except that such Signs may include animated features.

22 (vi) Neon Business Signs shall be subject to any design guidelines
23 adopted by the Planning Commission, which shall promote compatibility of Neon Signs with the
24 aesthetics and historic character of the surrounding neighborhood.

1 (C) Signs permitted pursuant to this subsection (c)(11) shall be subject to all
2 other provisions of the Planning Code, as may be amended from time to time, except as specified in this
3 Section 249.5.

4 * * * *

5
6 **SEC. 602. SIGN DEFINITIONS.**

7 * * * *

8 **Nameplate.** A sign affixed flat against a wall of a building and serving to designate only
9 the name or the name and professional occupation of a person or persons residing in or
10 occupying space in such building.

11 **Neon Sign.** A Sign that is illuminated through the use of noble gas in a vacuum-sealed glass
12 tube.

13 **Nonilluminated Sign.** A Sign which is not illuminated, either directly or indirectly.

14 * * * *

15
16 **SEC. 608. SPECIAL SIGN DISTRICTS AND SIGNS IN SPECIAL USE DISTRICTS.**

17 * * * *

18 (b) **Signs in Special Use Districts.** The following Special Use Districts have sign
19 controls specific to the district:

20 * * * *

21 (3) Sec. 249.5. North of Market Residential Special Use District.

22
23 Section 3. **Effective Date.** This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Planning
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Victoria Wong
15 VICTORIA WONG
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Planning Code - Tenderloin Neon Special Sign District]

Ordinance amending the Planning Code to create the Tenderloin Neon Special Sign District within the North of Market Residential Special Use District; enacting zoning controls for neon signs within the Special Sign District; affirming the Planning Department’s determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section, 101.1, and public necessity, convenience, and welfare findings pursuant to Planning Code, Section 302.

Existing Law

Currently, signs in the North of Market Special Use District, created by Planning Code Section 249.5, are subject to the zoning controls for Residential-Commercial (RC) Districts in Planning Code Sec. 607.1.

Section 607.1(b) states, “No Sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all Signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.”

In addition, Section 607.1(f)(2), which regulates Business Signs in RC Districts, requires, in relevant part, that

- the total Area of all Window Signs shall not exceed one-third the area of the window on or in which the Signs are located, and that such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated;
- the Area of all Wall Signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached, or 100 square feet for each street frontage, whichever is less, and the Height of any Wall Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated; and
- Projecting Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be Directly Illuminated.

Amendments to Current Law

This ordinance would amend Sections 249.5 and 608 of the Planning Code to create the Tenderloin Neon Special Sign District, which would have the same boundaries as the North of

Market Special Use District. Within the Tenderloin Neon Special Sign District, Neon Business Signs would be permitted. A Neon Business Sign could not exceed 24 square feet in area, except that for a Residential Hotel, a Neon Business Sign could either be a non-blade sign not exceeding 40 square feet in area, or a blade Sign not exceeding 25 feet in height and 5 feet in width. A Neon Business Sign could not have any physically moving parts and could not include flashing or blinking features, except that such Signs could include animated features. Neon Business Signs would be subject to any design guidelines adopted by the Planning Commission.

This ordinance would also amend Section 602 of the Planning Code to define a Neon Sign as a Sign that is illuminated through the use of noble gas in a vacuum-sealed glass tube.

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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: