

1 [Planning Code - Interim Controls; Clarifying Definition of a Business Sign]

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3 **Resolution imposing interim zoning controls for an 18-month period to clarify the**
4 **definition of a Business Sign in Planning Code, Section 602.3, affirming the Planning**
5 **Department’s environmental determination; and making findings of consistency with**
6 **the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

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8 WHEREAS, Planning Code, Section 306.7, permits the imposition of interim zoning
9 controls that promote the public interest, including but not limited to (a) development and
10 conservation of the City’s commerce and industry to maintain the City’s economic vitality and
11 maintain adequate services for its residents, visitors, businesses and institutions, and (b)
12 preservation of neighborhoods and areas of mixed residential and commercial uses and their
13 existing character; and

14 WHEREAS, Section 601 of the Planning Code recognizes the important function of
15 signs as well as the need to regulate them in order to, among other things, (1) protect the
16 distinctive appearance of San Francisco, (2) provide an environment which will promote the
17 development of business in the City, and (3) encourage sound practices and lessen the
18 objectionable effects of competition in respect to size and placement of signs. and thereby to
19 promote the public health, safety, and welfare; and

20 WHEREAS, Section 602.3 of the Planning Code defines a “Business Sign” as “a sign
21 which directs attention to a business, commodity, service, industry or other activity which is
22 sold, offered, or conducted, other than incidentally, on the premises upon which such sign is
23 located, or to which it is affixed”; and

24 WHEREAS, In circumstances where a number of commodities are sold with different
25 brand names or symbols on the premises, Section 602.3 allows advertising for such

1 commodities to occupy up to one-third of the area of a business sign, or 25 square feet of sign
2 area, whichever is the lesser, as “an accessory function of the business sign,” provided that
3 such advertising is integrated with the remainder of the business sign; and

4 WHEREAS, Section 602.7 of the Planning Code defines a “General Advertising Sign”
5 as “a sign which directs attention to a business, commodity, industry or other activity which is
6 sold, offered or conducted elsewhere than on the premises upon which the sign is located, or
7 to which it is affixed, and which is sold, offered or conducted on such premises only
8 incidentally if at all”; and

9 WHEREAS, Planning Code, Section 602.3 was enacted in 1965 and never
10 subsequently amended, and therefore does not reflect current marketing conditions; and

11 WHEREAS, Planning Code, Section 602.7 was enacted in 1965, but amended in 2002
12 by a vote of the People to prohibit new general advertising signs; and

13 WHEREAS, The 2002 prohibition against new “General Advertising Signs” has, over
14 time, demonstrated the need to clarify and to update the limitations intended in the 1965
15 definition of “Business Sign”; and

16 WHEREAS, These proposed interim controls will allow time for the orderly completion
17 of a planning study and for the adoption of appropriate legislation; and

18 WHEREAS, These interim zoning controls further the City’s interests set forth in
19 Planning Code, Section 601; and

20 WHEREAS, The Board of Supervisors (“Board”) has considered the impact on the
21 public health, safety, peace and general welfare if the interim controls proposed herein are not
22 imposed; and

23 WHEREAS, The Board has determined that the public interest will best be served by
24 imposition of these interim controls in order to ensure that the comprehensive legislative
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1 scheme that may be ultimately adopted is not undermined during the planning and legislative
2 process for permanent controls; and

3 WHEREAS, By adding additional criteria to the definition of “Business Sign” in Section
4 602.3 of the Planning Code, these interim controls advance Priority Policy 1, that existing
5 neighborhood-serving retail uses be preserved and enhanced, and Policy 2, that existing
6 neighborhood character be conserved and protected in order to preserve the economic
7 diversity of our neighborhoods, in Section 101.1 of the Planning Code and do not conflict with
8 Priority Policies 3 through 8 or with the City’s General Plan; and

9 WHEREAS, The Planning Department has determined that the actions contemplated in
10 this Resolution are in compliance with the California Environmental Quality Act (California
11 Public Resources Code, Sections 21000 et seq.) and the Board hereby affirms that
12 determination. Said determination is on file with the Clerk of the Board of Supervisors in File
13 No. 140821 and is incorporated herein by reference; now, therefore, be it

14 RESOLVED, That the definition of a “Business Sign” in Planning Code, Section 602.3
15 is hereby amended to read as follows:

16 “**BUSINESS SIGN.** A sign which directs attention to ~~a~~ the primary business, commodity,
17 service, industry or other activity which is sold, offered, or conducted, ~~other than incidentally,~~ on
18 the premises upon which such sign is located, or to which it is affixed. Where a number of
19 businesses, services, industries, or other activities are conducted on the premises, or a number of
20 commodities, with different brand names or symbols are sold on the premises, up to 1/3 of the
21 area of a business sign, or 25 square feet of sign area, whichever is the lesser, may be
22 devoted to the advertising of one or more of those businesses, commodities, services, industries,
23 or other activities by brand name or symbol as an accessory function of the business sign,
24 provided that such advertising is integrated with the remainder of the business sign, and
25 provided also that any limits which may be imposed by this Code on the area of individual

1 signs and the area of all signs on the property are not exceeded. The primary business,
2 commodity, service, industry, or other activity on the premises shall mean the use which occupies the
3 greatest area on the premises upon which the business sign is located, or to which it is affixed"; and,
4 be it

5 FURTHER RESOLVED, That any proposed Business Sign which has not received a
6 final decision on any required approval action by any City department, board, commission, or
7 agency shall be covered by these interim controls; and, be it

8 FURTHER RESOLVED, That upon imposition of these interim controls, the Planning
9 Department shall conduct a study of the contemplated zoning proposal and propose
10 permanent legislation to address this identified problem with the "Business Sign" definition;
11 and, be it

12 FURTHER RESOLVED, That these interim controls shall remain in effect for a period
13 of 18 months unless extended in accordance with Planning Code, Section 306.7(h) or until
14 permanent controls are adopted, whichever occurs first; and, be it

15 FURTHER RESOLVED, That the Planning Department shall provide reports to the
16 Board pursuant to Planning Code, Section 306.7(i).

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

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21 By: _____
22 JUDITH A. BOYAJIAN
23 Deputy City Attorney

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