



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Change

HEARING DATE: FEBRUARY 28, 2013

*Project Name:* **Amendments relating to Sign Permits**  
*Case Number:* 2013.0109T [Board File No. 12-1199]  
*Initiated by:* Supervisor Chiu/ Introduced December 11, 2012  
*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**

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### PLANNING CODE AMENDMENT

The proposed Ordinance would amend Planning Code Section 604, to provide that changing the copy on a sign shall not be treated as a new sign; make environmental findings Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

#### The Way It Is Now:

A change in copy of a sign requires a sign permit and is considered a new sign subject to the current sign controls in the Planning Code.

#### The Way It Would Be:

A change in copy of a sign would still require a sign permit, but would not be considered a new sign; therefore, if the sign is a legal noncomplying sign, a change in copy would no longer require that the sign be taken down and a Code complying sign erected in its place.

### ISSUES AND CONSIDERATIONS

#### Planning Code Consistency

Over time, the Planning Code seeks to bring nonconforming uses and noncomplying structures into conformance and compliance with the existing rules in the Planning Code; new buildings are required to comply with existing Code regulations, existing noncomplying buildings are not permitted to increase their non-compliance, and non-conforming uses are prohibited from expanding. However, there is a lack of parity in how we treat a change in copy of a sign compared to how we treat changes to nonconforming uses and noncomplying buildings.

The Planning Code allows existing nonconforming uses to operate in perpetuity even if the business changes hands so long as the use isn't expanded. For example, if the nonconforming use is a restaurant, it can continue to operate as a restaurant so long as the occupied floor area doesn't increase; ownership can change, menus and themes can change, the entire inside of the restaurant can be remodeled and the name

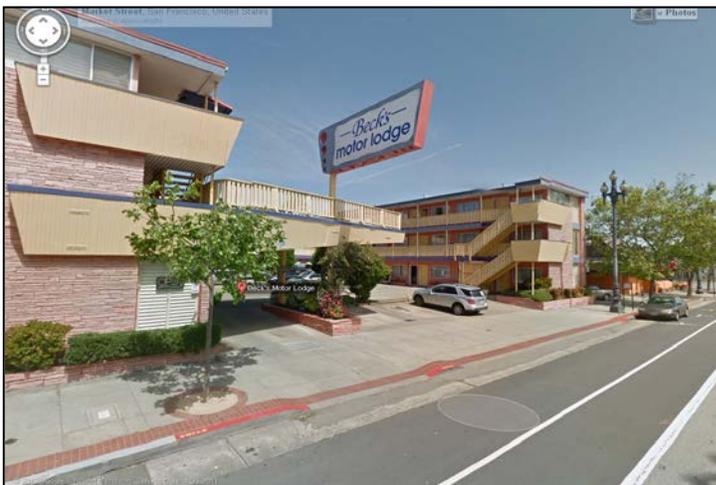
of the restaurant can change. Similarly with non-complying buildings, the owner can change the siding, completely remodel the interior, change the façade, or add new doors and windows so long as the building isn't enlarged in ways that make it more noncomplying. However, with signs a simple change in copy requires that a noncomplying sign be taken down and replaced with a new complying sign. This can present a practical difficulty for small business owners who want to rebrand a business they recently purchased, and in situations where a noncomplying sign has existed in a particular location or form since the building was constructed.

### **Rationalizing Sign Controls**

Given that the Code allows non-conforming uses to change and noncomplying structures to change so long as their discrepancy with the Code isn't intensified, it makes sense that it would allow a sign to change copy so long as it the sign's discrepancy with the Code isn't intensified. In most instances, these are signs that have existing for several decades and allowing them to remain will not have any negative impact on neighborhood character and can even help preserve the local esthetic. Further, most business and property owners are surprised to learn that a change in copy would require an entire sign if the sign does not comply with current Code standards. Allowing this change to the Code will help rationalize how the City treats signs compared to other structures and uses and it will also remove an unnecessary burden on businesses and property owners.

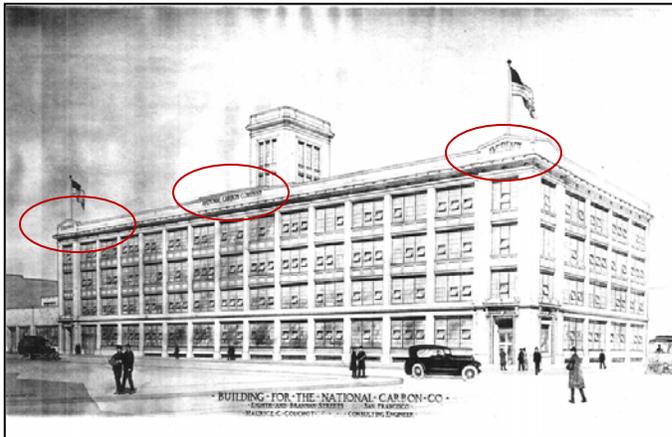
### **Architecturally Integrated Signs**

Signs are sometimes designed as an integral part of a building's architecture; a sign's placement, scale, design and even technology can add to the overall composition of a building. Some buildings constructed prior to our existing sign controls were designed with signs that are now considered noncomplying and would have to be replaced if a new business occupies the site. Other times a property's zoning has changed rendering the existing sign non-complying. While there are protections for Theater Signs, Vintage Signs and Landmark Buildings, the process and costs required to qualify for one of those exceptions is often expensive and cumbersome if the only desired outcome is to change the copy on a sign.



One example is the Becks Motor Lodge on Market Street. The motel was constructed in 1958 in the Goochie style and as is typical for that period of architecture, the sign was designed as an integral part of the building's architectural expression using the same architectural vocabulary. Free standing and projecting signs in the Upper Market NCT are limited to 20-24 sq. ft. and 24 feet in height. The Becks Motor Lodge sign stands about 30 feet tall and is larger than 24 sq. ft. Under the current Code, a new business owner would not be able to change the text of

this sign without bringing the sign into conformance.



Another example is the industrial building at 888 Brannon Street. Constructed in 1917 for the National Carbon Company, the building has always had a sign at the center and on either side of the parapet (circled on the picture). This building has had several sign changes over the years as the tenants have changed, but each time the height and placement of the sign was permitted by the Code. The zoning for this property was changed a few years ago from M-2, which had more permissive sign controls to UMU,

which has more restrictive sign controls. Signs in UMU districts can't be taller than 60' in height, but the base of the historic sign on this building starts at about 63'. This building recently changed hands, but the 60 foot height limit in the Code is preventing the new owner from changing the copy of the wall signs to reflect the new tenants, even though the proposed signs will be located in the same places that they have been located for close to 100 years.

### Past Commission Statements

Last year during the Planning Commission's review of Supervisor Chiu's NE Legislation [Board File No. 11-0548] some members of the Commission stated that they disagreed with the Planning Code's provision that required a new sign for a change in copy. However, Supervisor Chiu's Ordinance did not propose any changes to this provision at the time. This new legislation, also introduced by Supervisor Chiu, would address those concerns.

### REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

### RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications are as follows:

- Clarify in the Ordinance that any change in size, structure, technology, lighting or lighting intensity would require a new sign permit and would not be considered a "mere change in copy."

### BASIS FOR RECOMMENDATION

While the Planning Code seeks to bring non-conforming use and non-complying structures into compliance overtime, it does allow for those uses and structures to remain and modified so long as their non-compliance is not intensified. This Ordinance will bring parity to how we treat noncomplying signs with how we treat nonconforming uses and noncomplying buildings. This Ordinance will also help preserve existing neighborhood character by preserving existing signs and the architectural integrity of

building. Finally, the proposed change would also remove an unnecessary burden placed on business and property owners allowing them to more easily rebrand existing businesses or accommodate new tenants.

Staff is concerned that the proposed change may be interpreted too liberally and that the Ordinance needs to be clarified so that this exception is strictly for a change in copy; any change in size, structure, technology, lighting or lighting intensity would require a new sign permit and would not be considered a "mere change in copy." For example, the Department is concerned that internally lit individual box lettering signs, which are a very common type of sign found throughout the City, could be replaced under the proposed exception as a change in copy. The Department believes that the structure of these signs is integrated into the lettering itself, and once the individual letters are removed the entire structure of the sign is removed. Further, any cost savings gained from reusing an existing sign are eliminated because the entire sign is being replaced. In comparison, a painted sign is painted directly onto a building or wall and doesn't actually have a structure, other than the building it is attached to; therefore repainting an existing sign would not involve altering the structure of the sign and should be considered a mere change in copy.

The Department has discussed our recommendation with the Supervisor's office and they have agreed to include the proposed modification when the Ordinance comes to the Board of Supervisors.

## **ENVIRONMENTAL REVIEW**

The proposal to amend Planning Code Section 604 would result in no physical impact on the environment. The proposed amendment is exempt from environmental review under Section 15060(c)(2) of the CEQA Guidelines.

## **PUBLIC COMMENT**

As of the date of this report, the Planning Department has not received any comments about the proposed Ordinance.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval with Modifications</b>
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### **Attachments:**

Exhibit A: Draft Planning Commission Resolution  
Exhibit B: Board of Supervisors File No. 12-1199



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Resolution

HEARING DATE FEBRUARY 28, 2013

*Project Name:* **Amendments relating to Sign Permits**  
*Case Number:* 2013.0109T [Board File No. 12-1199]  
*Initiated by:* Supervisor Chiu/ Introduced December 11, 2012  
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE, SECTION 604, TO PROVIDE THAT CHANGING THE COPY ON A SIGN SHALL NOT BE TREATED AS A NEW SIGN; MAKING ENVIRONMENTAL FINDINGS PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.

WHEREAS, on December 11, 2012, Supervisors Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 12-1199, which would amend Section 604, to provide that changing the copy on a sign shall not be treated as a new sign;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 28, 2012; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c)(2); 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.

The proposed modifications include:

- Clarify in the Ordinance that any change in size, structure, technology, lighting or lighting intensity would require a new sign permit and would not be considered a “mere change in copy.”

## 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:

- The proposed Ordinance would bring parity with how we treat nonconforming uses and noncomplying buildings to with how we treat noncomplying signs.
- This Ordinance will also help preserve existing neighborhood character by preserving existing signs and the architectural integrity of building.
- The proposed Ordinance would remove an unnecessary burden placed on business and property owners allowing them to more easily rebrand existing businesses or accommodate new tenants.
- The Commission is concerned that the proposed Ordinance may be interpreted too broadly and is recommending language that clarifies that a new sign permit will be required if there is any change in size, structure, technology, lighting or lighting intensity.

1. **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.

*The proposed Ordinance will help to promote the preservation of features within City neighborhoods that provide continuity with past developments by allowing existing signs to remain on a building, particularly when they are integrated into the architectural character of the building.*

### II. COMMERCE AND INDUSTRY ELEMENT

#### OBJECTIVE 4

IMPROVE THE VIABILITY OF EXISTING INDUSTRY IN THE CITY AND THE ATTRACTIVENESS OF THE CITY AS A LOCATION FOR NEW INDUSTRY.

**Policy 4.1**

Maintain and enhance a favorable business climate in the city.

*The proposed Ordinance maintains and enhances a favorable business climate by removing a practical difficulty that business and property owners find when they attempt to change a business or tenant name on a sign.*

2. **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 allow new owners of existing neighborhood serving businesses to change the copy of their sign without having to come into compliance with existing sign regulations saving money for the business, which can then be used for other investments in the business.*

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 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 ordinance 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 have no impact on the City's preparedness to protect against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed ordinance would have no adverse effect on Landmarks and historic buildings.*

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.*

3. **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 February 28, 2013.

Jonas P. Ionin  
Acting Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: February 28, 2013

1 [Planning Code - Sign Permits]

2

3 **Ordinance amending the San Francisco Planning Code, Section 604, to provide that**  
4 **changing the copy on a sign shall not be treated as a new sign; making environmental**  
5 **findings and findings of consistency with the General Plan.**

6 NOTE: Additions are *single-underline italics Times New Roman*;  
7 deletions are ~~*strike-through italics Times New Roman*~~.  
8 Board amendment additions are double-underlined;  
9 Board amendment deletions are ~~strike through normal~~.

9

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

11 Section 1. Findings.

12 (a) The Planning Department has determined that the actions contemplated in this  
13 ordinance comply with the California Environmental Quality Act (California Public Resources  
14 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
15 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

16 (b) Pursuant to Planning Code Section 302, this Board finds that these amendments  
17 will serve the public necessity, convenience, and welfare for the reasons set forth in Planning  
18 Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons herein by  
19 reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the Clerk  
20 of the Board of Supervisors in File No. \_\_\_\_\_.

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22 Section 2. The San Francisco Planning Code is hereby amended by amending Section  
23 604, to read as follows:

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1 (f) A mere change of copy on a lawfully permitted sign ~~the customary use of which involves~~  
2 ~~frequent and periodic changes of copy~~ shall not be considered an alteration under, nor shall it be  
3 subject to the provisions of, this Section 604, except that (i) a change from general advertising  
4 to non-general advertising sign copy or (ii) a change from non-general advertising to general  
5 advertising sign copy or (iii) an increase in area including, but not limited to, any extensions in  
6 the form of writing, representation, emblem or any figure of similar character shall in itself  
7 constitute a new sign subject to the provisions of this Section 604. Notwithstanding the  
8 foregoing, in the case of lawfully permitted signs, the customary use of which does not involve  
9 frequent and periodic changes of copy, any change in copy shall require a permit, to be submitted  
10 as set forth in Subsection (g) below, provided that the change in copy shall not be considered a new  
11 sign. a change of copy shall in itself constitute a new sign subject to the provisions of this Section 604 if  
12 the new copy concerns a different person, firm, group, organization, place, commodity, product,  
13 service, business, profession, enterprise or industry. For purposes of this Subsection, a “lawfully  
14 permitted sign” shall be defined as a sign for which evidence of a building permit establishing the sign  
15 has been provided.

16 (g) Each application for a permit for a sign shall be accompanied by a scaled drawing  
17 of the sign, including the location of the sign on the building or other structure or on the lot,  
18 and including ~~(except in the case of a sign the customary use of which involves frequent and periodic~~  
19 ~~changes of copy)~~ such designation of the copy as is needed to determine that the location, area  
20 and other provisions of this Code are met.

21 Section 3. Effective Date. This ordinance shall become effective 30 days from the  
22 date of passage.

23 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to  
24 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
25

1 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
2 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
3 Board amendment deletions in accordance with the "Note" that appears under the official title  
4 of the legislation.

5  
6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By: \_\_\_\_\_  
9 KATE HERRMANN STACY  
10 Deputy City Attorney

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