



# NEW PLANNING CODE SUMMARY

## Planning, Building Codes - Existing Awning Amnesty Program

<b>Amended Sections:</b>	187.3
<b>Case Number:</b>	2024-004529PCA
<b>Board File/Enactment #:</b>	240474/177-24
<b>Initiated by:</b>	Mayor Breed
<b>Effective Date:</b>	August 16, 2024

The Ordinance amended the Building and Planning Codes to make permanent the streamlined permitting provisions for unpermitted awnings and extend the waiver of applicable fees for one fiscal year, until July 1, 2025.

### The Way It Was:

Section 106A.5 of the Building Code and Section 187.3 of the Planning Code created a temporary amnesty program for awnings installed without permits prior to August 29, 2023. The amnesty program streamlined the Planning Department and Department of Building Inspection's review of these awnings and waived all fees. The program sunset on June 1, 2024.

### The Way It Is Now:

The streamlined provisions for legalizing awnings installed prior to August 20, 2023, have been reinstated and made permanent, and the fee waivers from the amnesty program have been extended for eligible awnings until July 1, 2025. No enforcement fees will be charged for Awnings that qualify for the amnesty program, including fees from Notices of Violation issued by DBI or Planning. No Planning enforcement fees will be charged for Business Signs that qualify for the amnesty program.

### What Qualifies:

- Awnings serving a non-residential business installed without a permit that physically existed as of August 20, 2023, *except that buildings subject to Art. 11 do not qualify.*
- Business Signs installed without a permit that physically existed as of August 27, 2023, *except that buildings subject to Art. 11 do not qualify.* Signs that do not comply with current Building Code standards also do not qualify.

Note: Canopies and Marquees, as they are defined in Planning Code Sec. 102, are not eligible for legalization through this amnesty program.

## The Amnesty Program:

### Qualified Awnings:

- a. Are not subject to the Planning Code requirements for Awnings but *are* required to comply with the Building Code.
- b. If DBI determines that changes must be made to comply with their Code, the applicant must replace/repair the Awning so that it complies with the Building Code but may replace the Awning to be the same shape/size/level of nonconforming with the Planning Code that it was prior.
- c. “Professional drawings” (*drawings prepared by a state licensed contractor or architect*) are not required to accompany the application establishing the Awning as legal, non-conforming IF the existing Awning is compliant with the Building Code.
- d. For applications submitted before July 1, 2025, no fee will be charged for this permit by Planning or DBI (including for permits required by DBI to bring an Awning into compliance with the Building Code).

### Qualified Signs:

- a. Are not subject to Planning Code requirements for Business Signs (*except that Art. 6 illumination requirements still apply*) *only if* the existing sign currently complies with the Building Code. (*Signs that do not comply with the Building Code must be removed and replaced with a sign that meets both Building and Planning Codes and are not eligible for this amnesty program.*)
- b. “Professional drawings” are not required to accompany the application establishing the qualified Sign as legal, non-conforming.
- c. For applications submitted before July 1, 2025, no fee will be charged for this permit by Planning. DBI *will* charge their standard permit and inspection fee.

## **Links to Signed Legislation:**

<https://sfgov.legistar.com/View.ashx?M=F&ID=13162528&GUID=DE2D64C5-8D91-443A-854C-3C06BC3E95E0>