

BOARD of SUPERVISORS



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October 26, 2021

File No. 210999

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On October 19, 2021, Supervisor Catherine Stefani introduced the following legislation:

File No. 211099

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for the placement of up to 300 banners per year, for three years starting on November 20, 2021, by the Office of Economic and Workforce Development to publicize the City's "Shop & Dine in the 49" campaign; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Brent Jalipa

By: Brent Jalipa, Assistant Clerk
Budget and Finance Committee

Attachment

c: Devyani Jain, Environmental Planning
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning
Laura Lynch, Environmental Planning

1 [Waiver of Banner Fee - "Shop & Dine in the 49" Campaign]

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3 **Ordinance waiving the banner fees under Public Works Code, Section 184.78, for the**
 4 **placement of up to 300 banners per year, for three years starting on November 20,**
 5 **2021, by the Office of Economic and Workforce Development to publicize the City's**
 6 **"Shop & Dine in the 49" campaign; and affirming the Planning Department's**
 7 **determination under the California Environmental Quality Act.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
 9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
 10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
 11 **Board amendment additions** are in double-underlined Arial font.
 12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
 13 **Asterisks (* * * *)** indicate the omission of unchanged Code
 14 subsections or parts of tables.

12

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

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15 Section 1. Background and Findings.

16 (a) The Planning Department has determined that the actions contemplated in this
 17 ordinance comply with the California Environmental Quality Act (California Public Resources
 18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 19 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
 20 determination.

21 (b) Annually, in collaboration with Shop Small and San Francisco's Buy Local
 22 campaign, the Office of Economic and Workforce Development ("OEWD") coordinates the
 23 "Shop & Dine in the 49" campaign (the "Campaign") to promote local businesses and
 24 challenge local residents to do their shopping and dining within San Francisco. To help
 25 publicize the Campaign in major merchant corridors, OEWD has been posting banners

1 publicizing the Campaign in major merchant corridors, subject to approval by San Francisco
2 Public Works (“Public Works”), with banner fees otherwise required by Public Works Code
3 Section 184.78 waived in accordance with Ordinance No. 80-19. Small Business Saturday,
4 the annual marquee event of the Campaign aimed at promoting small businesses, takes place
5 on the first Saturday after the Thanksgiving holiday.

6 Section 2. Fee Waiver. The fees set forth in Public Works Code Section 184.78 shall
7 be waived for OEWD for up to 300 banners posted per year on City-owned utility poles to
8 publicize the Campaign in major merchant corridors, commencing November 20, 2021 and
9 concluding three years later, on November 19, 2024. All other provisions of Public Works
10 Code Section 184.78 shall remain in full effect for the duration of the fee waiver period
11 authorized in this ordinance.

12 Section 3. Effective Date; Retroactivity.

13 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
14 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
15 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
16 Mayor’s veto of the ordinance.

17 (b) It is the intent of the Board of Supervisors that, notwithstanding the November 19,
18 2021 end date of Ordinance No. 80-19, there be no gap in the waiver of banner fees
19 otherwise required under Public Works Code Section 184.78 for OEWD’s placement of
20 banners publicizing the Campaign in major market corridors. Accordingly, as indicated in
21 Section 2 of this ordinance, the ordinance shall be retroactive to November 20, 2021. It is the
22 intent of the Board of Supervisors that Public Works exercise administrative discretion to not
23 charge said banner fees to OEWD for placement of said banners in the period between the
24 termination of Ordinance No. 80-19 and the effective date of this ordinance. Upon the
25 effective date of this ordinance, Public Works shall be obligated to refund any fees collected

1 from OEWD pursuant to Public Works Code Section 184.78 for banners publicizing the
2 Campaign placed in major merchant corridors during that interim period.

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

6 By: /s/ Christopher T. Tom
7 CHRISTOPHER T. TOM
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Waiver of Banner Fee - “Shop & Dine in the 49” Campaign]

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for the placement of up to 300 banners per year, for three years starting on November 20, 2021, by the Office of Economic and Workforce Development to publicize the City’s “Shop & Dine in the 49” campaign; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Public Works Code Section 184.78 specifies a process and conditions under which banners may be placed on City-owned utility poles. Ordinance 80-19 waives the banner fees under this section from November 20, 2018 to November 19, 2021.

Amendments to Current Law

This ordinance would waive banner fees for an additional three years beginning on November 20, 2021.

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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):

Stefani

Subject:

Waiver of Banner Fee - "Shop & Dine in the 49" Campaign

The text is listed:

Ordinance waiving the banner fees under Public Works Code, Section 184.78, for the placement of up to 300 banners per year, for three years starting on November 20 , 2021, by the Office of Economic and Workforce Development to publicize the City's "Shop & Dine in the 49" campaign; for three years, starting retroactively on November 19, 2021 and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: /s/ Catherine Stefani

For Clerk's Use Only