

BOARD of SUPERVISORS



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October 21, 2022

File No. 221069

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

Dear Ms. Gibson:

On October 18, 2022, Supervisor Dorsey introduced the following Ordinance assigned to the Budget and Finance Committee:

File No. 221069

Ordinance amending the Public Works Code to exempt the Leather and Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Cultural District from banner permit fees and inspection fees for the placement of up to 200 banners on up to 200 City-owned poles within that Cultural District; and to codify the existing exemption of the SoMa Pilipinas - Filipino Cultural Heritage District from banner permit fees and inspection fees for the placement of up to 300 banners on up to 300 City-owned poles within that Cultural District; 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, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Public Works Code - Exemption of Banner Fees for Leather and LGBTQ Cultural District]

2

3 **Ordinance amending the Public Works Code to exempt the Leather and Lesbian, Gay,**
 4 **Bisexual, Transgender, Queer (LGBTQ) Cultural District from banner permit fees and**
 5 **inspection fees for the placement of up to 200 banners on up to 200 City-owned poles**
 6 **within that Cultural District; and to codify the existing exemption of the SoMa Pilipinas**
 7 **- Filipino Cultural Heritage District from banner permit fees and inspection fees for the**
 8 **placement of up to 300 banners on up to 300 City-owned poles within that Cultural**
 9 **District; and affirming the Planning Department's determination under the California**
 10 **Environmental Quality Act.**

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

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

19 Section 1. Background and Findings.

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

25 (b) In 2018, the Board of Supervisors adopted Resolution No. 129-18, which
 established the Leather and Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Cultural

1 District. Soon thereafter, the City enacted Ordinance No. 126-18, which codified the Cultural
2 District at Administrative Code Section 107.3(e). The purpose of establishing the Cultural
3 District was, and remains, to recognize, preserve, advance, and promote the area as a local,
4 national, and international resource, and as a culturally and commercially enriched
5 neighborhood and district in South of Market. San Francisco's South of Market area has been
6 a local and world capital for leather culture since the 1960s, as well as one of the city's most
7 significant and distinctive LGBTQ neighborhoods since the 1950s. It was also the West Coast
8 epicenter for printing and publishing leather-themed works, and most of San Francisco's gay
9 and leather printers, typesetters, lithographers, and publications were concentrated in the
10 neighborhood.

11 (c) The first gay leather bar in the South of Market, the Tool Box, opened in 1961 and
12 soon thereafter the neighborhood became most identified with the emerging leather
13 community in San Francisco when leather bars such as Fe-Be's, the Ramrod, and the In
14 Between (now the site of the Powerhouse) opened along Folsom Street, starting the formation
15 of a distinctive leather neighborhood.

16 (d) By the late 1960s, Folsom Street had acquired the nickname of "The Miracle Mile"
17 in maps and travel guides of San Francisco, acknowledging a leather character that expanded
18 dramatically throughout the 1970s, such that by 1980 there were at least 40 South of Market
19 bars, baths, shops, and restaurants serving the leather community, and the area had the
20 largest and most dense concentration of leather institutions anywhere in the world.

21 (e) To publicize and celebrate the history of the leather culture in the South of Market,
22 the Leather and LGBTQ Cultural District intends to post up to 200 banners on up to 200 City-
23 owned poles within the boundaries of the Cultural District. The banners will showcase the
24 iconic leather pride flag, which has been a symbol used by the leather subculture since the
25

1 1990s. This ordinance will exempt such banners from permit and inspection fees under the
2 Public Works Code.

3 (f) In 2019, the Board of Supervisors approved Ordinance No. 214-19, waiving the
4 banner fees under the Public Works Code for up to 300 banners placed on City-owned poles
5 by SOMA Pilipinas, for an indefinite period beginning September 24, 2018, to celebrate the
6 culture and visibility of the Filipino Cultural Heritage District. This ordinance places the
7 exemption established in Ordinance No. 214-19 in the Public Works Code.

8
9 Section 2. Article 5.7 of the Public Works Code is hereby amended by revising Section
10 184.78 to read as follows:

11 **SEC. 184.78. BANNERS.**

12 * * * *

13 (q) Fee Exemptions.

14 (1) The Cultural Districts specified in this subsection (q) (each an “Exempt Cultural
15 District”) shall be exempt from banner permit fees and inspection fees set forth in Section 184.78 with
16 respect to the Exempt Cultural District’s installation of one banner featuring that Exempt Cultural
17 District on one City-owned utility pole (each an “Exempt Banner Location”) within the geographic
18 boundaries of that Exempt Cultural District, on up to a prescribed number of Exempt Banner
19 Locations; provided, however, the Exempt Cultural District may modify the content or design of the
20 banners installed under this subsection (q) and remove and replace such banners without incurring
21 banner permit fees and inspection fees for up to two times per year at each Exempt Banner Location.
22 The Exempt Cultural District shall be required to pay the banner permit fees and inspection fees for the
23 removal and replacement of each banner more than two times per year at each Exempt Banner
24 Location. All other provisions of Public Works Code Section 184.78 shall remain in full effect and
25 shall apply to these banners.

1 (2) The Exempt Cultural Districts shall consist of the following Cultural Districts, each
2 as defined in Section 107.3 of the Administrative Code, and shall be exempted for the number of Banner
3 Locations specified below.

| <u>Exempt Cultural District</u> | <u>Number of Exempt Banner Locations</u> |
|---|--|
| <u>Leather and Lesbian, Gay, Bisexual, Transgender, Queer Cultural District</u> | <u>200</u> |
| <u>SoMa Pilipinas – Filipino Cultural Heritage District</u> | <u>300</u> |

9
10 Section 3. Effective Date.

11 This ordinance shall become effective 30 days after enactment. Enactment occurs
12 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
13 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
14 Mayor's veto of the ordinance.

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16
17 APPROVED AS TO FORM:
18 DAVID CHIU, City Attorney

19 By: /s/ Christopher Tom
20 CHRISTOPHER T. TOM
21 Deputy City Attorney

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LEGISLATIVE DIGEST

[Public Works Code - Exemption of Banner Fees for Leather and LGBTQ Cultural District]

Ordinance amending the Public Works Code to exempt the Leather and Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) Cultural District from banner permit fees and inspection fees for the placement of up to 200 banners on up to 200 City-owned poles within that Cultural District; and to codify the existing exemption of the SoMa Pilipinas – Filipino Cultural Heritage District from banner permit fees and inspection fees for the placement of up to 300 banners on up to 300 City-owned poles within that Cultural District; 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.

In 2019, the Board of Supervisors approved Ordinance No. 214-19, which waived the banner fees under the Public Works Code for up to 300 banners placed on City-owned poles by SoMa Pilipinas, for an indefinite period beginning September 24, 2018.

Amendments to Current Law

This ordinance would amend Public Works Code Section 184.78 to include an express exemption of the Leather and Lesbian, Gay, Bisexual, Transgender, Queer Cultural District from banner permit fees and inspection fees for the placement of one banner on one City-owned utility pole within the Leather and Lesbian, Gay, Bisexual, Transgender, Queer Cultural District, on up to up to 200 City-owned poles.

Also, this ordinance would codify the existing exemption of the SoMa Pilipinas – Filipino Cultural Heritage District from banner permit fees and inspection fees for the placement of one banner on one City-owned utility pole within the SoMa Pilipinas – Filipino Cultural Heritage District, on up to 300 City-owned poles.

In addition, this ordinance would authorize both Cultural Districts (each an “Exempt Cultural District”) to modify the content or design of the banners installed under Public Works Code Section 184.78(q) and to remove and replace such banners without incurring banner permit fees and inspection fees for up to two times per year with respect to each applicable City-owned utility pole.

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:

For Clerk's Use Only