

1 [Waiver of Banner Fees - "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.

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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. 211099 and is incorporated herein by reference. The Board affirms  
 20 this 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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