

1 [Public Works Code - Banner Fee Waiver]

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3 **Ordinance amending the Public Works Code to waive banner and inspection fees for**  
4 **certain nonprofit organizations in all Neighborhood Commercial Districts (NCDs),**  
5 **Neighborhood Commercial Transit Districts (NCTDs), and Residential Transit Oriented,**  
6 **Commercial (RTO-C) Districts; and affirming the Planning Department’s determination**  
7 **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. Environmental Findings. The Planning Department has determined that the  
16 actions contemplated in this ordinance comply with the California Environmental Quality Act  
17 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with  
18 the Clerk of the Board of Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.  
19 The Board affirms this determination.

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21 Section 2. Article 5.7 of the Public Works Code is hereby amended by revising Section  
22 184.78, to read as follows:

23

24 **SEC. 184.78. BANNERS.**

25

\* \* \* \*

1 (h) No banners may be installed in R (residential) districts, excepting RM-4  
2 (residential-mixed high density) and RTO-C (Residential Transit Oriented, Commercial) districts as  
3 defined in the San Francisco Planning Code, Article 2 and excepting the R (residential)  
4 districts contained with the area defined as the North of Market/Tenderloin Community Benefit  
5 District in Board of Supervisors Resolution No. 584-05, Clerk of the Board of Supervisors File  
6 No. 051192, including the street face opposite the boundaries of this District.

7 \* \* \* \*

8 (r) **Fee Exemptions for Certain Nonprofit Organizations in *Certain***  
9 **Neighborhood Commercial Districts, ~~and~~ Neighborhood Commercial Transit Districts,**  
10 **and Residential Transit Oriented, Commercial Districts.**

11 (1) **Exempt Nonprofit Organization.** For purposes of this subsection  
12 184.78(r), “Exempt Nonprofit Organization” shall mean any organization that (A) is exempt  
13 from income taxation under the Internal Revenue Code of 1986, as amended; (B) has an  
14 annual budget of no more than \$2500,000; and (C) is located in a Neighborhood Commercial,  
15 ~~District or~~ Neighborhood Commercial Transit, or Residential Transit Oriented, Commercial District  
16 ~~specified in subsection (r)(3) or~~ primarily serves one or more of the se districts ~~specified in~~  
17 ~~subsection (r)(3).~~

18 (2) An Exempt Nonprofit Organization shall be exempt from banner permit  
19 fees and inspection fees set forth in Section 184.78 with respect to the Exempt Nonprofit  
20 Organization’s installation of banners sharing the same content and design on City-owned  
21 utility poles within the geographic boundaries of the Neighborhood Commercial, ~~or~~  
22 Neighborhood Commercial Transit, or Residential Transit Oriented, Commercial District(s) that  
23 the Exempt Nonprofit Organization primarily serves, or in which the Exempt Nonprofit  
24 Organization is located. At the time of application for any banner permit, the Exempt Nonprofit  
25 Organization shall submit its budget for the current calendar or fiscal year, a copy of its most

1 recent federal tax return or Internal Revenue Service Form 990, if required to file such return,  
2 and except to the extent that such return is privileged, and any other information that the  
3 Department of Public Works determines is necessary to verify the Exempt Nonprofit  
4 Organization’s eligibility for the fee waivers contained in this subsection 184.78(r). The  
5 Exempt Nonprofit Organization may modify the content or design of the banners installed in  
6 conformance with this subsection (r) and remove and replace such banners without incurring  
7 banner permit fees and inspection fees for up to two times per year per banner permit. The  
8 Exempt Nonprofit Organization shall be required to pay the banner permit fees and inspection  
9 fees for the removal and replacement of each banner more than two times per year. All other  
10 provisions of ~~Public Works Code~~ this Section 184.78, including the investigation fees set forth in  
11 subsection (n), shall remain in full effect and shall apply to these banners.

12 ~~(3) The Neighborhood Commercial or Neighborhood Commercial Transit Districts to~~  
13 ~~which this subsection (r) applies are: Divisadero Street NCTD; Haight Street NCD; Lower Haight~~  
14 ~~Street NCD; Fillmore Street NCTD; Upper Fillmore NCD; Hayes NCT; Japantown NCD; and Lower~~  
15 ~~Polk Street NCD.~~

16 ~~—(4) This subsection (r) shall remain in effect through December 31, 2026. This subsection~~  
17 ~~(r) shall expire by operation of law on January 1, 2027, after which the City Attorney is authorized to~~  
18 ~~cause the subsection to be removed from the Public Works Code.~~

19  
20 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
24 additions, and Board amendment deletions in accordance with the “Note” that appears under  
25 the official title of the ordinance.

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Section 4. Effective Date. This ordinance shall become effective on the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:  
DAVID CHIU, City Attorney

By: /s/ Peter Miljanich  
PETER MILJANICH  
Deputy City Attorney

4900-6469-2659, v. 1