

BOARD of SUPERVISORS



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MEMORANDUM

Date: June 18, 2026
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 260683
Public Works Code - Banner Fee Waiver

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1 [Public Works Code - Banner Fee Waiver]

2

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.

12

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

14

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.

20

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

LEGISLATIVE DIGEST

[Public Works Code - Banner Fee Waiver]

Ordinance amending the Public Works Code to waive banner and inspection fees for certain nonprofit organizations in all Neighborhood Commercial Districts (NCDs), Neighborhood Commercial Transit Districts (NCTDs), and Residential Transit Oriented, Commercial (RTO-C) Districts; 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. Applicants for banner permits must pay permit and inspection fees. The Board of Supervisors has approved various waivers of these banner permit and inspection fees under the Public Works Code, including for nonprofit organizations with an annual budget of no more than \$250,000 that are located in or primarily serve certain Neighborhood Commercial Districts and Neighborhood Commercial Transit Districts.

Amendments to Current Law

This ordinance would expand the existing banner fee waiver to include nonprofit organizations with an annual budget of no more than \$500,000 that are located in or primarily serve all Neighborhood Commercial Districts, Neighborhood Commercial Transit Districts, and Residential Transit-Oriented, Commercial (RTO-C) Districts.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor:

