

File No. 231255

Committee Item No. 1

Board Item No. 16

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Government Audit and Oversight

Date: February 15, 2024

Board of Supervisors Meeting:

Date: February 27, 2024

Cmte Board

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- Legislative Digest **Version 2**
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- Youth Commission Report
- Introduction Form
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Prepared by: Monique Crayton

Date: February 22, 2024

Prepared by: _____

Date: _____

Prepared by: _____

Date: _____

1 [Public Works Code - Neighborhood Commercial Districts Banner Fee Waiver]

2

3 **Ordinance amending the Public Works Code to waive the banner and inspection fees**
4 **for nonprofit organizations in certain Neighborhood Commercial Districts (NCDs) and**
5 **Neighborhood Commercial Transit Districts (NCTDs) through December 31, 2026; and**
6 **affirming the Planning Department’s determination under the California Environmental**
7 **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.

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

16 Section 1. Findings. The Planning Department has determined that the actions
17 contemplated in this ordinance comply with the California Environmental Quality Act
18 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
19 the Clerk of the Board of Supervisors in File No. 231255 and is incorporated herein by
20 reference. The Board affirms this determination.

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 **SEC. 184.78. BANNERS.**

24 * * * * *

25

1 (g) The following shall apply to all Banners:

2 (1) Banners identifying the name of a commercial sponsor must limit that
3 identification to a logo or business name only, located in the top or bottom portion of the
4 banner, and comprising no more than 15% of the total area of the banner.

5 (2) Banners shall not be installed for longer than 30 days prior to the event or
6 series of events, nor remain posted for longer than 10 days after the event or series of events.

7 (3) Banners shall be limited in size to 36 inches in width by 72 inches in length.

8 (4) An application for a banner permit may be submitted to the Department no
9 earlier than 90 days prior to the first day for which the banner permit is sought.

10 (5) Renewal of a banner permit, and modification of the content or design of
11 installed banners, shall require the filing of a new banner permit application under this Section
12 184.78.

13
14 **(q) Fee Exemptions for Certain Cultural Districts.**

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

1 Location. All other provisions of Public Works Code Section 184.78 shall remain in full effect
2 and shall apply to these banners.

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

Exempt Cultural District	Number of Exempt Banner Locations
Leather and Lesbian, Gay, Bisexual, Transgender, Queer Cultural District	200
SoMa Pilipinas – Filipino Cultural Heritage District	300

12
13 **(r) Fee Exemptions for Certain Nonprofit Organizations in Certain Neighborhood**
14 **Commercial Districts and Neighborhood Commercial Transit Districts.**

15 **(1) Exempt Nonprofit Organization.** *For purposes of this subsection 184.78(r),*
16 *“Exempt Nonprofit Organization” shall mean any organization that (A) is exempt from income taxation*
17 *under the Internal Revenue Code of 1986, as amended; (B) has an annual budget of no more than*
18 *\$250,000; and (C) is located in a Neighborhood Commercial District or Neighborhood Commercial*
19 *Transit District specified in subsection (r)(3) or primarily serves one or more of the districts specified*
20 *in subsection (r)(3).*

21 **(2) An Exempt Nonprofit Organization shall be exempt from banner permit fees and**
22 **inspection fees set forth in Section 184.78 with respect to the Exempt Nonprofit Organization’s**
23 **installation of banners sharing the same content and design on City-owned utility poles within the**
24 **geographic boundaries of the Neighborhood Commercial or Neighborhood Commercial Transit**
25 **District(s) that the Exempt Nonprofit Organization primarily serves, or in which the Exempt Nonprofit**

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

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

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

21

22

23 Section 3. Effective Date; Retroactivity.

24 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
25 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2 Mayor’s veto of the ordinance.

3 (b) If the effective date of this ordinance is after January 1, 2024, this ordinance shall
4 upon its effective date be retroactive to January 1, 2024. Exempt Nonprofit Organizations that
5 obtained a banner permit under Public Works Code Section 184.78 between January 1, 2024
6 and the effective date of this ordinance shall receive a refund of any banner permit fees and
7 inspection fees paid to the Department of Public Works that meet the requirements for the fee
8 waivers set forth in Public Works Code subsection 184.78(r).

9
10 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

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

19 By: /s/ Peter R. Miljanich
20 PETER R. MILJANICH
21 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee, 2/15/2024)

[Public Works Code - Neighborhood Commercial Districts Banner Fee Waiver]

Ordinance amending the Public Works Code to waive the banner and inspection fees for nonprofit organizations in certain Neighborhood Commercial Districts (NCDs) and Neighborhood Commercial Transit Districts (NCTDs) through December 31, 2026; 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 the banner permit and inspection fees under the Public Works Code.

Amendments to Current Law

This ordinance would amend Public Works Code Section 184.78 to waive permit and inspection fees for certain Exempt Nonprofit Organizations for the installation of banners sharing the same content and design within the geographic boundaries of certain Neighborhood Commercial or Neighborhood Commercial Transit District(s) that the Exempt Nonprofit Organization primarily serves, or in which the Exempt Nonprofit Organization is located. For purposes of this fee waiver, Exempt Nonprofit Organization means any organization that (A) is exempt from income taxation under the Internal Revenue Code of 1986, as amended; (B) has an annual budget of no more than \$250,000; and (C) is located in or primarily serves certain Neighborhood Commercial or Neighborhood Commercial Transit Districts.

This ordinance would authorize Exempt Nonprofit Organizations to modify the content or design of the banners, and to remove and replace such banners, without incurring banner permit fees and inspection fees up to two times per year per banner permit.

Background Information

This legislative digest reflects amendments made to this ordinance by the Government Audit and Oversight Committee on February 15, 2024.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Carla Short, Director, Public Works
Rich Hillis, Director, Planning Department

FROM: Stephanie Cabrera, Assistant Clerk

DATE: December 15, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Dean Preston on December 5, 2023:

File No. 231255

Ordinance amending the Public Works Code to waive the banner and inspection fees for nonprofit organizations in certain Neighborhood Commercial Districts (NCDs) and Neighborhood Commercial Transit Districts (NCTDs) through December 31, 2026; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any additional comments or reports to be included with the file, please forward them to Alisa Somera at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: Alisa.Somera@sfgov.org.

cc:

- David Steinberg, Public Works
- Ian Schneider, Public Works
- Lena Liu, Public Works
- Dan Sider, Planning Department
- Aaron Starr, Planning Department
- Lisa Gibson, Planning Department
- Devyani Jain, Planning Department
- Joy Navarrete, Planning Department

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MEMORANDUM

Date: February 9, 2024
To: Planning Department/Planning Commission
From: Monique Crayton, Assistant Clerk, Government Audit and Oversight Committee
Subject: Board of Supervisors Legislation Referral - File No. 231255
Public Works Code - Neighborhood Commercial Districts 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 Monique Crayton at Monique.crayton@sfgov.org.

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Public Works Code - Neighborhood Commercial Districts Banner Fee Waiver

California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)

Ordinance / Resolution

Ballot Measure

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

2/9/2024

A handwritten signature in black ink, appearing to read "Monique Crayton".

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

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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 Monique Crayton at Monique.crayton@sfgov.org.



Dear Supervisor Preston,

We're writing to wholeheartedly support the ordinance that you have written to remove permit fees for street pole banners if the application is from a neighborhood group. We want to make sure our neighborhoods thrive. By removing the permitting fees for banners you can allow us to use the banner spaces to create place makers for our neighborhoods. The new banners will create a sense of place and community for the residents and merchants. We also believe

that they will help to slow traffic by making it more obvious that a car has entered an area with a lot of pedestrians.

Many thanks for your support,

Kittrick Mann, President, Divisadero Merchants Association

Ryan Booth, Vice President, Divisadero Merchants Association