

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DALY CITY
AMENDING CHAPTER 2.58 OF TITLE 2 OF THE DALY CITY MUNICIPAL CODE
REGARDING SMALL BUSINESS COMMISSION

The City Council of the City of Daly City, DOES ORDAIN as follows:

SECTION 1. Section 2.58.040(J) of Chapter 2.58 of the Daly City Municipal Code is hereafter added to read as follows:

2.58.040 Duties

- J. Nominate businesses to the City's Legacy Business Registry and provide advisory recommendations to City Council as to whether the business meets the criteria detailed in section 2.58.100.

SECTION 2. Section 2.58.100 is hereafter added to Chapter 2.58 of the Daly City Municipal Code to read as follows:

2.58.100 Legacy Business Registry.

- A. The Department of Economic and Community Development shall establish and maintain a registry of Legacy Businesses in City of Daly City (the "Registry"). The purpose of the Registry is to recognize and celebrate the longstanding community-serving, and culturally relevant businesses in the City. In addition, the City intends that the Registry be a tool for the provision of promotional assistance to Legacy Businesses to encourage their continued viability and success.
- B. For the purposes of this section 2.58.100, "Registry" means a qualified list of Legacy Businesses that is maintained by the Department of Economic and Community Development and provided to the public through the creation of a web page, accessible through the City's website, which may include interactive maps and information on the history and cultural relevance of included businesses.
- C. For the purposes of this Section 2.58.100, "Legacy Business" means a business that has been nominated by a member of the Small Business Commission in accordance with subsection (d) below, and that the City Council, after a noticed hearing, determines meets each of the following criteria:
1. The business has operated in City of Daly City for ten (10) or more years, with no break in Daly City operations exceeding two years. The business may have operated in more than one location and may have gone through an ownership change.
 2. The business has contributed to the history or identity of the neighborhood or community within which it is located.

3. The business is committed to maintaining the physical features or traditions that define the business, including craft, culinary, or art forms.
4. The business has no pending complaints with the City associated with its operations.
5. The business has a total of 100 or fewer employees across all locations.
6. The business reported less than \$1M in annual gross receipts in its first full year of operating in the City.

Prior to the City Council noticed hearing, the Department of Economic and Community Development shall request an advisory recommendation from the Small Business Commission, at a regularly scheduled meeting, as to whether the business meets the requirements in this subsection. If the Small Business Commission does not provide an advisory recommendation within 60 days of receipt of the nomination, City Council shall treat such nonresponse as an advisory recommendation that the business meets the requirements of this subsection.

If City Council confirms and makes all six findings, it shall include the business in the Registry as a Legacy Business.

- D. Nominations for the Registry shall be limited to a total of 10 businesses per year, with each Small Business Commissioner granted up to two annual nominations. If a Small Business Commission seat is vacant at the start of a given nomination year, starting on October 1, the Small Business Commission Chair will be granted additional nominations equal to two nominations per each empty Small Business Commission seat. Commissioners must submit nominations by September 30th of each year, with a new year of nominations commencing on October 1 of each year. A nomination is deemed to have been made on the date the Department of Economic and Community Development receives a nomination in writing from a member of the Small Business Commission. Nominations received after the close of business on September 30th shall be considered received in the following year. The nominations for any year shall be the first 10 received in that year (October 1 through September 30).

SECTION 2. Severability. If any section, subsection, provision or part of this Ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this Ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this Ordinance are severable.

SECTION 3. Environmental Determination. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and

that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

SECTION 4. Effective Date and Publication: Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk's office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk's office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall become effective thirty (30) days from and after its adoption.

Introduced this 24th day of April, 2023

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the 8th day of May, 2023, by the following vote:

AYES, Councilmembers: Daus-Magbual, DiGiovanni,

Manalo, Sylvester, Buenaventura

NOES, Councilmembers: None

ABSENT, Councilmembers: None

K. Annette Hipona
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

RAYMOND A. BUENAVENTURA
MAYOR OF THE CITY OF DALY CITY