

[Public Works Code - Public Works Graffiti Abatement Program]

Ordinance amending the Public Works Code to authorize Public Works to perform graffiti abatement on private properties in commercial areas at no cost to property owners, solely at property owners' request and upon property owners' authorization and property owners' waiver of claims associated with the graffiti abatement; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

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

Section 2. General Findings. On August 4, 2022, the City adopted Ordinance No. 174-22, which created a pilot program enabling the Department of Public Works ("Public Works") to perform graffiti abatement on private property following receipt of the owners' written consent, at no cost to the property owner. Commercial property owners and small

1 businesses have appreciated the services provided under this program and the program has
2 resulted in meaningful abatement of graffiti in commercial corridors. Based on the success of
3 the pilot program, the Board wishes to create a permanent graffiti abatement program in
4 commercial corridors.

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6 Section 3. Article 23 of the Public Works Code is hereby amended by revising
7 Section 2306, to read as follows:

8 **SEC. 2306. ABATEMENT BY DIRECTOR.**

9 * * * *

10 (e) **Graffiti Abatement Program in Commercial Corridors**~~Areas: Pilot Program. Within~~
11 ~~90 days of the effective date of the ordinance in Board File No. 220538 adding this subsection (e), the~~
12 ~~Director shall create a pilot program~~ As an alternative to the other abatement procedures in this
13 Article 23, the Director shall administer a Commercial Corridor Graffiti Abatement Program
14 ("Abatement Program") that allows property owners in Commercial Corridors to provide written
15 consent authorizing Public Works to enter onto their property and remove graffiti, as described
16 further below, provided that Public Works has sufficient funds to operate this program. The Director is
17 authorized to issue regulations consistent with the Abatement Program.

18 (1) Opt-In Program. Property owners in Commercial Corridors may elect to
19 participate in the Abatement Program by providing Public Works with written consent as set forth
20 herein. The scope of any graffiti abatement shall be consistent with the scope of abatement
21 provided in subsection (d)(1). Such removal and abatement shall be offered at no cost to the
22 property owner, provided that the owner waives any claims arising from the work, ~~other than~~
23 ~~any claims for damages arising from negligence or non-compliance with laws. The pilot program is an~~
24 ~~alternative to the other abatement procedures in this Article 23, and a~~ A property owner may enroll in
25 the ~~pilot~~ Abatement pProgram at any time, including upon receipt of a Notice of Violation;

1 provided, however, that a property owner who contests the Notice of Violation shall be
2 ineligible to participate in the program. ~~The Director is authorized to issue regulations consistent~~
3 ~~with this subsection (e).~~

4 ~~(2)(1)~~ **Commercial Corridors.** For purposes of the Abatement Program~~this~~
5 ~~subsection (e)~~, Commercial Corridors shall mean~~include~~ properties in the following areas:
6 Neighborhood Commercial Districts, Named Neighborhood Commercial Districts,
7 Neighborhood Commercial Transit Districts, and Named Neighborhood Commercial Transit
8 Districts, as listed in Section 201 of the Planning Code, and defined in Section 702 of the
9 Planning Code; the Chinatown Community Business District, as defined in Planning Code
10 Section 810; the Chinatown Residential/Neighborhood Commercial District as defined in
11 Planning Code Section 812; and the Chinatown Visitor Retail District, as defined in Planning
12 Code Section 811.

13 ~~(3)(2)~~ **Relationship to Community Benefits Districts and Green Benefits**
14 **Districts.** The owner of any property located in a Community Benefits District or Green
15 Benefits District, as defined in Articles 15 and 15A of the Business and Tax Regulations Code,
16 must first demonstrate to the Director's satisfaction that the relevant district lacks funding for
17 graffiti abatement or has exhausted all available funding for graffiti abatement, in order to
18 participate in the pilot Abatement p~~Program established in this subsection (e).~~

19 ~~(3) **Expiration of Pilot Program.** Unless the Board of Supervisors by ordinance~~
20 ~~extends the term of the Pilot Program, this subsection (e) shall expire by operation of law 27 months~~
21 ~~following the effective date of the ordinance in Board File No. 220538 establishing the Pilot Program.~~
22 ~~After that date, the City Attorney is authorized to remove this subsection (e) to be removed from the~~
23 ~~Public Works Code.~~

1 Section 4. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

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6 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

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14 APPROVED AS TO FORM:
DAVID CHIU, City Attorney

15
16 By: /s/ Christopher T. Tom
CHRISTOPHER T. TOM
17 Deputy City Attorney

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