

BOARD of SUPERVISORS



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March 17, 2021

File No. 210258

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, Ste. 400
San Francisco, CA 94103

Dear Ms. Gibson:

On March 9, 2021, Supervisor Ronen submitted the following legislation:

File No. 210258

Ordinance suspending provisions of the Graffiti Removal and Abatement Ordinance regarding issuance of certain violations and waiving certain unpaid assessed fees and fines due to the COVID-19 pandemic emergency, subject to specific conditions; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Public Works Code - Graffiti Abatement - Suspension on Issuance of Certain Violations;
2 Waiver of Certain Unpaid Fees and Fines]

3 **Ordinance suspending provisions of the Graffiti Removal and Abatement Ordinance**
4 **regarding issuance of certain violations and waiving certain unpaid assessed fees and**
5 **finances due to the COVID-19 pandemic emergency, subject to specific conditions; 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. Environmental Findings.

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

22 Section 2. Suspension of Certain Provisions of the Graffiti Removal and Abatement
23 Ordinance.

24 (a) Public Works Code Section 2304(a) is suspended, with the result that Public Works
25 shall not issue any violations under Section 2304(a). This suspension shall not affect Public

1 Works actions under the authority of Sections 2304(b) or 2304(c), which include, but are not
2 limited to, abatement of graffiti on public property and performance of immediate abatement
3 on private property if the amount, frequency, level, type, or scope of graffiti warrants such
4 action.

5 (b) Public Works Code Sections 2305 and 2306 are suspended, but only as those
6 sections apply to graffiti on private property. These suspensions shall not affect other Public
7 Works actions under the authority of Sections 2305 and 2306.

8 (c) The suspensions mandated in subsections (a) and (b) shall remain in place until 90
9 days after the expiration of the Mayor's Emergency Proclamation regarding the COVID-19
10 pandemic, issued on February 25, 2020, and amended or supplemented thereafter from time
11 to time.

12
13 Section 3. Waiver of Certain Unpaid Fees and Fines Assessed under the Graffiti
14 Removal and Abatement Ordinance.

15 (a) On or after January 1, 2021, if there are any pending unpaid fees or fines that
16 Public Works assessed under Public Works Code Sections 2304(a), 2306, and 2307.5(b),
17 and, in regard to private property only, under Public Works Code Section 2307.6, such fees
18 and fines are waived.

19 (b) After expiration of the Mayor's Emergency Proclamation regarding the COVID-19
20 pandemic, issued on February 25, 2020, and amended or supplemented thereafter from time
21 to time, Public Works shall resume the enforcement, issuance, and collection of fees and fines
22 identified under subsection (a) except for those fees and fines waived under subsection (a).

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1 Section 4. Notice of Ordinance and Waivers.

2 (a) Public Works shall notify in writing all persons or entities that have unpaid fees or
3 fines identified in section 3 of this ordinance as having been waived, to inform them of this
4 ordinance and the waiver.

5 (b) Public Works shall provide information on its website summarizing the provisions of
6 this ordinance.

7
8 Section 5. Effective Date; Retroactivity.

9 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
10 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
11 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
12 Mayor’s veto of the ordinance.

13 (b) This ordinance shall be retroactive to March 9, 2021, the date of introduction of the
14 ordinance. The Board of Supervisors intends that Public Works exercise administrative
15 discretion to suspend violations as specified in section 2 of this ordinance before the effective
16 date of the ordinance from March 9, 2021 forward. Otherwise, in light of this retroactivity
17 provision, upon the effective date of this ordinance, Public Works shall be obligated, as to
18 violations covered by this ordinance, to rescind those violations issued from March 9, 2021 to
19 the effective date of this ordinance. The Board of Supervisors intends that Public Works
20 exercise administrative discretion to waive the pending unpaid fees and fines as specified in
21 section 3 of this ordinance before the effective date of the ordinance from March 9, 2021
22 forward. Also, in light of this retroactivity provision, upon the effective date of this ordinance,
23 Public Works shall be obligated, as to fees and fines, to refund those fees and fines that are

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1 subject to the waiver provisions as specified in section 3 that Public Works collected from
2 March 9, 2021 to the effective date of this ordinance.

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4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6 By: /s/ John D. Malamut
7 JOHN D. MALAMUT
8 Deputy City Attorney

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LEGISLATIVE DIGEST

[Public Works Code - Graffiti Abatement - Suspension on Issuance of Certain Violations; Waiver of Certain Unpaid Fees and Fines]

Ordinance suspending provisions of the Graffiti Removal and Abatement Ordinance regarding issuance of certain violations and waiving certain unpaid assessed fees and fines due to the COVID-19 pandemic emergency, subject to specific conditions; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

The Graffiti Removal and Abatement Ordinance, Public Works Code Article 23, establishes a program for Public Works regulation and enforcement of the removal of graffiti on both private and public property. Enforcement involves the issuance of violations and in some cases imposition of fees and fines for the graffiti and/or failure to abate.

Amendments to Current Law

This ordinance would suspend Public Works’ issuance of certain violations of the Graffiti Removal and Abatement Ordinance and primarily would cover violations issued to property owners. The legislation would not affect enforcement against “Offending Parties” (known as taggers) or graffiti on public property. The ordinance would waive any pending unpaid fees or fines as of January 1, 2021. This legislation would apply until 90 days after the Mayoral Proclamation on the COVID-19 pandemic emergency expires and be retroactive to March 9, 2021, its introduction date.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only