

BOARD of SUPERVISORS



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November 15, 2021

File No. 211151

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Ave, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On November 2, 2021, Supervisor Peskin introduced the following legislation:

File No. 211151 [Public Works Code - Graffiti Abatement - Lifting Suspension of Issuance of Certain Violations; Reinstating Collection of Certain Fees and Fines]

Ordinance lifting the suspension of certain provisions of the Graffiti Removal and Abatement Ordinance regarding issuance of certain violations, and reinstating the collection of certain assessed fees and fines; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

A handwritten signature in blue ink that reads "Alisa Somera".

Angela Calvillo, Clerk of the Board

By: Alisa Somera, Clerk

Public Safety and Neighborhood Services Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planner
Don Lewis, Environmental Planner

1 [Public Works Code - Graffiti Abatement - Lifting Suspension of Issuance of Certain
2 Violations; Reinstating Collection of Certain Fees and Fines]

3 **Ordinance lifting the suspension of certain provisions of the Graffiti Removal and**
4 **Abatement Ordinance regarding issuance of certain violations, and reinstating the**
5 **collection of certain assessed fees and fines; and affirming the Planning Department's**
6 **determination under the California Environmental Quality Act.**

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

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

15 Section 1. Background and Findings.

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

21 (b) The City's Graffiti Removal and Abatement Ordinance ("Ordinance") is in Article 23
22 of the Public Works Code. Pursuant to Ordinance No. 64-21, Public Works Code Section
23 2304(a) has been suspended, with the result that Public Works may not issue any violations
24 under Section 2304(a). This suspension does not affect Public Works actions under the
25 authority of Sections 2304(b) or 2304(c), which include, but are not limited to, abatement of

1 graffiti on public property and performance of immediate abatement on private property if the
2 amount, frequency, level, type, or scope of graffiti warrants such action.

3 (c) Pursuant to Ordinance No. 64-21, Public Works Code Sections 2305 and 2306
4 have been suspended, but only as those sections apply to graffiti on private property. These
5 suspensions do not affect other Public Works actions under the authority of Sections 2305
6 and 2306.

7 (d) The suspensions mandated in Ordinance No. 64-21, referenced in subsections (b)
8 and (c) above, are set to remain in place until 90 days after the expiration of the Mayor's
9 Emergency Proclamation regarding the COVID-19 pandemic, issued on February 25, 2020,
10 and amended or supplemented thereafter from time to time (the "Mayor's Emergency
11 Proclamation").

12 (e) Ordinance No. 64-21 also waived the collection of certain unpaid fees and fines, as
13 of January 1, 2021, assessed under Public Works Code Sections 2304(a), 2306, and
14 2307.5(b). In addition, it waived fees and fines under Section 2307.6 to the extent they relate
15 to private property.

16 (f) Ordinance No. 64-21 authorizes Public Works to resume the enforcement,
17 issuance, and collection of fees and fines, referenced in subsection (e) above, except for
18 those that were waived by Ordinance No. 64-21, upon the expiration of the Mayor's
19 Emergency Proclamation.

20 (g) The date that the Mayor's Emergency Proclamation will expire is uncertain. There
21 are public health and safety benefits to reinstating in full enforcement of Public Works Code
22 Sections 2304(a), 2305, and 2306, and collection of fees and fines under the Graffiti Removal
23 and Abatement Ordinance, including promoting the uniform enforcement of laws, the
24 abatement of public nuisances, and the reduction of visual pollution.

1 Section 2. Terminating Suspension of Certain Provisions of the Graffiti Removal and
2 Abatement Ordinance.

3 The suspension of Public Works Code Sections 2304(a), 2305, and 2306 as set forth in
4 Ordinance 64-21 is hereby lifted. As a result of the suspension being lifted, those provisions
5 are fully operative.

6
7 Section 3. Reinstating the Collection of Certain Fees and Fines Assessed under the
8 Graffiti Removal and Abatement Ordinance.

9 The prohibition imposed by Ordinance No. 64-21 on Public Works collecting certain
10 fees and fines under Public Works Code Sections 2304(a), 2306, and 2307.5(b), and Section
11 2307.6, as it applies to private property, is hereby ended. As a result of the prohibition
12 ending, those provisions are fully operative. However, any fines or fees that were waived by
13 Ordinance No. 64-21 shall remain waived.

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15 Section 4. Notice of Ordinance.

16 (a) Public Works shall provide information on its website summarizing the provisions of
17 this ordinance.

18 (b) The Clerk of the Board of Supervisors shall include a copy of this ordinance in
19 Board File No. 210258, the file for Ordinance No. 64-21. In addition, the Clerk shall include
20 on the Board's website notice for Ordinance No. 64-21 a cross-reference to this ordinance.

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22 Section 5. Effective Date; Effect of Ordinance.

23 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
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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) The effect of this ordinance is to repeal Ordinance No. 64-21 in its entirety.
4 Accordingly, on the effective date of this ordinance, Ordinance No. 64-21 has no further force
5 and effect, except, as stated in Section 3, that any fines or fees that were waived by
6 Ordinance No. 64-21 shall remain waived.

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8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

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10 By: /s/ Austin M. Yang
11 AUSTIN M. YANG
12 Deputy City Attorney

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LEGISLATIVE DIGEST

[Public Works Code - Graffiti Abatement - Lifting Suspension of Issuance of Certain Violations; Reinstating Collection of Certain Fees and Fines]

Ordinance lifting the suspension of certain provisions of the Graffiti Removal and Abatement Ordinance regarding issuance of certain violations, and reinstating the collection of certain assessed fees and fines; 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.

Ordinance No. 64-21, suspended Public Works Code Section 2304(a), with the result that Public Works may not issue any violations under Section 2304(a). Ordinance No. 64-21 also suspended Public Works Code Sections 2305 and 2306, but only as those sections apply to graffiti on private property. Ordinance No. 64-21 also waived the collection of certain unpaid fees and fines, as of January 1, 2021, assessed under Public Works Code Sections 2304(a), 2306, and 2307.5(b). In addition, it waived fees and fines under Section 2307.6 to the extent they relate to private property. Ordinance No. 64-21 is effective until the expiration of the Mayor's Emergency Proclamation.

Amendments to Current Law

This ordinance repeals Ordinance No 64-21.

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