



Council Meeting: December 1, 2009

SUBJECT: Study to Explore City Assistance with Graffiti Abatement on Private Property (Study Issue)

REPORT IN BRIEF

The purpose of this Study Issue is to apprise Council of staff's continuing efforts to reduce and remove graffiti in our community. This Study Issue was proposed by staff in 2008 to ensure the City's graffiti prevention and removal programs are aggressive, contemporary, and employ tactics that have proven effective.

Staff research revealed a diverse approach by our neighboring cities to reduce the impact of graffiti on their communities and the cost to private property owners to remove the graffiti. This report includes information, analysis and statistics to support broadening the scope of the City's involvement in providing graffiti removal assistance.

Staff continues to explore ways to find, investigate, and abate graffiti vandalism on private and public property and is implementing the following enhancements to our program in an effort to maintain a community free from graffiti vandalism. Staff will:

- Create a comprehensive and dedicated graffiti education and assistance program. Staff is developing a webpage for posting on the City's website that will provide resources for community members to access, including educational brochures focusing on prevention strategies, resources for parents and educators that help them determine whether or not their child might be involved in graffiti vandalism, access to a simplified on-line reporting format, and an on-line request for an on-site prevention assessment. This new Neighborhood Preservation program will be managed by the Department of Public Safety.
- Develop a "pilot program" to assist property owners with graffiti removal that includes the offer of a free graffiti removal kit that is provided in partnership with a local business.

- Oversee a coordinated effort to ensure graffiti is reported to DPS by all City departments to ensure the acts of vandalism are investigated, appropriately tracked, and removed quickly.

BACKGROUND

Graffiti negatively affects property values, quality of life and damages the City's reputation for livability. When graffiti is allowed to remain, it invites more graffiti and has been shown to increase vandalism and other criminal activity. Studies have shown that removal of graffiti within 24 to 48 hours significantly reduces the rate of reoccurrence and is a key objective for graffiti abatement programs.

Sunnyvale Municipal Code Section 9.26 makes it unlawful to create or maintain graffiti on private property and allows for the abatement of graffiti by the City when property owners fail to remove graffiti within 72 hours.

Providing prevention education and clean up assistance to property owners who are victims, will ensure graffiti is removed promptly and has been demonstrated to instill a sense of neighborhood and community. Aggressive efforts have also been shown to send an important message of intolerance to those committing the acts of vandalism.

EXISTING POLICY

Housing and Community Revitalization Sub-Element

GOAL C: Ensure A High Quality Living and Working Environment.

Policy C.2 Continue to encourage and assist property owners to maintain existing developments in a manner that is aesthetically pleasing, free from nuisances, and safe from hazards.

Action Statements

C.2.a Continue to offer technical assistance to homeowners to aid them in maintaining, upgrading and improving their property.

Policy C.3 Improve and continue to implement a citizen-oriented, proactive education program regarding neighborhood preservation.

Action Statements

C.3.a Continue to implement the Neighborhood Preservation Program. The Neighborhood Preservation Program consists of three key elements: (1) public education, (2) proactive staff action, and (3) neighborhood specific programs. The City periodically reviews existing codes, ordinances, and use permit conditions to determine their current applicability to neighborhood and community preservation issues. The Neighborhood Preservation Program is coordinated with other programs, to avoid duplication of activity and to maximize efficiency.

Land Use and Transportation Element

GOAL C1: Preserve and enhance an attractive community, with a positive image and a sense of place, that consists of distinctive neighborhoods, pockets of interest, and human-scale development.

Policy C1.1 Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

DISCUSSION

At the time this Study Issue was approved by Council, Neighborhood Preservation staff (Code Enforcement) was assigned to the Department of Community Development. The City Manager recently reassigned Neighborhood Preservation staff to the Department of Public Safety to leverage resources and to combine similar duties. This reorganization will provide better coordination of many enforcement activities, including graffiti investigations and abatement.

Although Sunnyvale does not have a serious or pervasive graffiti problem, incidences of graffiti have risen sharply in the last three years. The Community Development Department handled 226 graffiti cases last year, as compared to 194 in FY 06/ 07; the Department of Public Works removed 1198 graffiti tags last year, as opposed to 747 in FY 06/07; and the Department of Public Safety arrested 74 individuals for a total of 363 acts of vandalism last year, as opposed to 88 arrests in FY 06/07 for 330 acts of vandalism. As can be seen in the wide variety of data collected in the various City Departments, there is a need to identify a single collection point to ensure interdepartmental coordination. DPS will be assuming that role to ensure all cases are tracked and investigated, and the coordination between departments facilitates the prompt removal of graffiti vandalism.

Overview of the Graffiti Reporting and Enforcement Processes

At present, graffiti can be reported by telephone to any City answer point or by calling the City's Graffiti Hotline (730-7680), by email, or by internet using an on-line complaint form. Additionally, City staff assigned to field duties routinely report graffiti to the Department of Public Safety for investigation. Public Safety Officers investigate all incidents involving graffiti and Neighborhood Preservation Specialists coordinate abatement efforts.

Private property owners and businesses are held responsible for graffiti removal. Property owners and businesses are provided with one 72 hour warning notice to remove graffiti. Neighborhood Preservation staff and Neighborhood Resource Officers contact property owner to offer advice and assistance as needed to expedite removal of the graffiti and to prevent future occurrences. Administrative citations can be issued if the graffiti is not removed in a timely manor.

Graffiti on City property is typically investigated and removed within 24 hours of receiving a report by DPW or Community Services. Incidents of graffiti on public structures not owned by the City are reported to the appropriate agency to ensure timely removal and compliance.

Finally, Public Safety participates in a multi-agency law enforcement database that tracks gang related graffiti patterns and gang migration, and frequently results in the identification of the individuals or groups responsible for the graffiti (tagging). This partnership also allows local law enforcement to develop anti-graffiti strategies across the region.

What Are Other Cities Doing About Graffiti on Private Property?

Staff surveyed more than 50 cities and found that almost all have a municipal code ordinance prohibiting graffiti on private property. The typical ordinance places the responsibility for removal on the property owner or business. Many of the cities surveyed do not offer City assistance for graffiti removal; however staff found that many cities do provide some level of assistance, ranging from education and prevention programs, to the City providing the equipment and labor for graffiti removal.

Expanded Graffiti Abatement in Sunnyvale

1. General Education and Prevention

Public Safety staff is creating a comprehensive and dedicated graffiti education and assistance program, complete with a webpage prominently displayed on the City's website.

This education and assistance program will be managed within Public Safety by Neighborhood Preservation staff. This program will include a list of graffiti removal resources; educational brochures focusing on prevention strategies; and a simplified on-line resource called "Report Graffiti Here."

The website will offer educational information to assist parents and educators in determining if their children or students might be involved in graffiti vandalism and will offer "on-site prevention assessment" by city staff to provide a customized strategy to prevent graffiti vandalism. The website will be advertised to businesses, neighborhood associations and the community.

2. Graffiti Removal Kits

Staff has developed a list of contents for a graffiti removal kit that could be utilized by property owners and businesses; fifteen kits have been assembled at City expense and will be provided to property owners to test their viability and to ensure all of the appropriate contents are included. Staff will provide this information on the new website and is actively looking for an opportunity to partner with businesses in town to provide these or similar kits as a donation or at a reduced cost. The current cost per kit is \$10.37.

3. Coordination Between City Departments

This Study Issue brought to light the need for improved coordination between City departments. Neighborhood Preservation will oversee a coordinated effort to ensure graffiti is reported to DPS by all City departments to ensure these acts of vandalism are investigated, appropriately tracked, and removed quickly.

FISCAL IMPACT

All associated costs have been absorbed in the Public Safety Operating Budget.

PUBLIC CONTACT

Public contact was made by staff attending the Neighborhood Association Quarterly meeting on August 10, 2009. In attendance were representatives and officers from neighborhood associations throughout the City. Staff answered several questions related to our current graffiti enforcement process and did not receive feedback related to alternative graffiti abatement assistance programs.

Staff also sent an email to over 187 business contacts provided by Economic Development. Staff received one response requesting that the City pay for graffiti removal on private property.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

RECOMMENDATION

Council Accept the Staff Report.

Reviewed by:



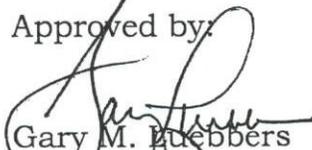
Don Johnson, Chief, Department of Public Safety

Prepared by: Kelly Fitzgerald Deputy Chief, Department of Public Safety

Prepared by: Christy Gunvalsen, Neighborhood Preservation Manager

Prepared by: Steve Frias, Neighborhood Preservation Specialist

Approved by:



Gary M. Buebbbers
City Manager

Attachment

A. Study Issue Paper