



SAN FRANCISCO PLANNING DEPARTMENT

ADMINISTRATIVE PENALTIES Planning Code Change Summary:

Code Change: Amended existing Planning Code Section 176 and added new Planning Code Section 176.1.

Case Number: Board File Number 07-1651

Initiated By: Supervisors Sandoval and Maxwell, December 4, 2008.

Effective Date: May 11, 2008

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The Ordinance made two changes:

- 1) Amended Planning Code Section 176 authorizes the Zoning Administrator to access appealable administrative penalties of up to \$250 a day for each day a Planning Code violation remains unabated. It is anticipated that this enforcement tool will be used for complex Planning Code Violations, such as illegal commercial uses, or failure to abide by conditions of approval. The appeals process will remain with the Board of Appeals.
- 2) Added Planning Code Sections 176.1 authorizes the Director of Planning to access appealable administrative penalties up to a maximum of \$500 with an appeal through an Administrative Law Judge. It is anticipated that this enforcement tool will be used for minor Planning Code violations such as illegal paved front setbacks or illegal construction of a garden shed.

The Way It Was:

Previously the Planning Department lacked an effective enforcement tool to instill compliance and abate violations of the Planning Code. Penalties of no less than \$200 a day were available as an enforcement tool; however, these penalties are only recoverable through a civil process and with the assistance of the City Attorney's Office. Staff believed that this enforcement method was costly, time consuming, and overkill for most minor Planning Code violations.

The Way It Is Now:

The proposed changes would empower the Planning Department with two forms of administrative penalties. Neither of these enforcement mechanisms would require a civil action process in order to collect penalties. It is anticipated that the additional enforcement tools will instill compliance in a timely manner for all types of Planning Code violations.

View the Adopted Ordinance:

<http://www.sfgov.org/site/uploadedfiles/bdsupvrs/ordinances08/o0057-08.pdf>

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