



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 17674

HEARING DATE: AUGUST 8, 2008

Date: July 31, 2008
Case Number: 2008.0642T [Board File No. 08-0525]
Project Name: **Amendments relating to Administrative Code Section 10.100-166 and Planning Code Sections 303, 358 and 604.2:
Expand the sources and uses of the Code Enforcement Fund, increase fee for the GA sign program, and make clarifying changes.**

Initiated by: Supervisor Peskin/ Introduced April 15, 2008
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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE ADMINISTRATIVE CODE TO EXPAND SOURCES AND USES OF THE PLANNING DEPARTMENT'S CODE ENFORCEMENT FUND AND WOULD AMEND THE PLANNING CODE TO INCREASE THE ANNUAL MAINTENANCE FEE FOR GENERAL ADVERTISING SIGNS AND WOULD UPDATE AND CLARIFY PROCEDURES AND REQUIREMENTS RELATED TO GENERAL ADVERTISING SIGNS AND MAKING AND ADOPTING ENVIRONMENTAL FINDINGS AND FINDINGS OF CONSISTENCY WITH THE PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND THE GENERAL PLAN.

WHEREAS, on April 15, 2008, Supervisor Peskin introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 080525 which would amend Administrative Code Section 10.100-166 to expand sources and uses of the Planning Department's Code Enforcement Fund beyond general advertising signs to receive revenues from all code enforcement activities, including monetary judgments, and authorize expenditure of the funds for administration and enforcement of all Planning Code violations. The Ordinance would also amend Planning Code Section 303(l) concerning relocation of general advertising signs to delete the requirement to submit a site map, clarify that wall signs are included in the requirements and make technical changes to the language of the section; amend Section 358 to increase the annual inventory maintenance fee from \$48 to \$75, clarify use of general advertising sign inventory fees and clarify that wall signs are included in the requirements; amend Section 604.2 to provide that violation of the Planning Code's general advertising sign inventory requirements is a public nuisance, to clarify that the definition of the term "general advertising sign company" includes the operator of the sign and that wall signs are included in the requirements, to modify language required to be in the affidavit submitted with the sign inventory, to delete the requirement to submit a site map, to conform the penalty and appeal procedure with Section 610, and to make other clarifying and technical changes to the language of the section; adopting CEQA and Planning Code Section 302 findings; and

The Department recommends that the Commission recommend approval with the following amendment:

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Page 7, line 2 Add: \$145 in FY 2009 and FY2010 and [\$75 per sign] in FY2011 and beyond

This amendment would increase the annual maintenance fee amount from \$75 to \$145 in FY2009 and FY2010, reverting to the proposed \$75 in FY2011 and beyond, in order to support completion of the General Advertising Sign Program by the end of FY2010 and avoid deficits during completion, and to support maintenance of the sign inventory after 2010, and

The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a special meeting to consider the proposed Ordinance on August 8, 2008; and,

The Planning Department has determined the proposed Planning Code amendment is subject to a Categorical Exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15273 (Rates, Fares and Charges) and Section 15060(c)2 of the Guidelines for Implementation of the California Environmental Quality Act for activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment; and,

The proposal will promote the following relevant objectives and policies of the General Plan:

Urban Design Element:

OBJECTIVE 1: EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.9: Increase the clarity of routes for travelers.

Further clarification of general advertising sign enforcement provisions could facilitate simplification of the roadway environment by allowing the removal or modification of illegal signs that are distracting and unsightly elements of the public landscape. The proposal clarifies that wall signs are included in the enforcement provisions.

OBJECTIVE 2: CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.4: Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.

Policy 2.5: Use care in remodeling of older buildings, in order to enhance rather than weaken the original character of such buildings.

The proposed amendments could assist in supporting departmental resources for enforcement related to preservation of notable landmarks and areas of historic, architectural or aesthetic value by facilitating enforcement against violations of the Planning Code including, but not limited to, violations of Planning Code Articles 10 (Preservation of Historical Architectural and Aesthetic Landmarks) and 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts).

OBJECTIVE 4: IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY

Policy 4.12: Install, promote and maintain landscaping in public and private areas.

Policy 4.14: Remove and obscure distracting and cluttering elements.

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The proposed amendments could assist in supporting departmental resources to address many of these issues, including but not limited to, landscaping and visual clutter by facilitating actions against Planning Code violations.

Housing Element:

Policy 1.6: Create incentives for the inclusion of housing, particularly permanently affordable housing, in new commercial development projects.

The proposed amendments could assist in supporting departmental resources for insuring enforcement related to inclusionary requirements for affordable housing.

OBJECTIVE 11: IN INCREASING THE SUPPLY OF HOUSING, PURSUE PLACE MAKING AND NEIGHBORHOOD BUILDING PRINCIPLES AND PRACTICES TO MAINTAIN SAN FRANCISCO'S DESIRABLE URBAN FABRIC AND ENHANCE LIVABILITY IN ALL NEIGHBORHOODS.

Policy 11.3: Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing affordable housing displacement.

The proposed amendments could assist in supporting departmental resources for enforcement actions related to inappropriate neighborhood-serving commercial uses.

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed amendment could positively affect the viability of existing neighborhood serving retail uses by facilitating resources for enforcement against the proliferation of illegal uses and inappropriate alterations in San Francisco's neighborhoods.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed amendment could conserve, protect and improve physical neighborhood character by facilitating resources for enforcement actions related to illegal uses or alterations.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed amendment could facilitate resources for enhanced enforcement capabilities for the City to preserve existing affordable housing and ensure that required affordable housing is provided.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

While the proposed amendment would not impede MUNI transit service or adversely impact street circulation or parking, the proposed amendment could facilitate resources for the enforcement against Planning Code violations that adversely impact transit service, circulation and parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

The proposed amendment could facilitate resources for enforcement efforts against Planning Code

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violations including, but not limited to, illegal commercial office development; thereby, promoting and enhancing the economic diversity of San Francisco.

- 6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

While the proposed amendment would not modify any physical parameters of the Planning Code or other Codes, the proposal could improve resources for effective enforcement efforts against violations of the Planning Code. Therefore, the proposed amendment would promote the greatest possible preparedness to protect against injury and loss of life in an earthquake.

- 7. That the landmarks and historic buildings be preserved;

The proposed amendment could facilitate resources for enforcement action against violations of the Planning Code, including, but not limited to, violations of Planning Code Articles 10 (Preservation of Historical Architectural and Aesthetic Landmarks) and 11 (Preservation of Buildings and Districts of Architectural, Historical, and Aesthetic Importance in the C-3 Districts); thereby preserving and protecting the City's landmark and historic resources.

- 8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed amendment could facilitate resources for enforcement actions against violations of the Planning Code that have an adverse impact on parks and open spaces and their access to sunlight and vistas.

The Department has not received any letters or phone calls in support or in opposition to the proposed Ordinance.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance with amendment as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on August 8, 2008.

Linda Avery
Commission Secretary

- AYES: Olague, Miguel, Lee, Moore, Sugaya, Antonini, and Borden
- NOES: none
- ABSENT: none
- ADOPTED: August 8, 2008