

1 [Building Code - Vacant Storefronts and Infrastructure Construction]

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3 **Ordinance amending the Building Code to exempt storefronts that are vacant due to**  
 4 **public infrastructure construction from vacant storefront registration requirements;**  
 5 **and affirming the Planning Department's determination under the California**  
 6 **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.

11

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

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14 Section 1. Findings.

15 (a) The Planning Department has determined that the actions contemplated in this  
 16 ordinance comply with the California Environmental Quality Act (California Public Resources  
 17 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 18 Supervisors in File No. 240499 and is incorporated herein by reference. The Board affirms  
 19 this determination.

20 (b) On \_\_\_\_\_, at a duly noticed public hearing, the Building Inspection  
 21 Commission considered this ordinance in accordance with Charter Section 4.121 and Building  
 22 Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection  
 23 Commission regarding the Commission's recommendation is on file with the Clerk of the  
 24 Board of Supervisors in File No. \_\_\_\_\_.

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1 (c) No local findings are required under California Health and Safety Code Section  
2 17958.7 because the amendments to the Building Code contained in this ordinance do not  
3 regulate materials or manner of construction or repair, and instead relate in their entirety to  
4 administrative procedures for implementing the Code, which are expressly excluded from the  
5 definition of a “building standard” by California Health and Safety Code Section 18909(c).

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7 Section 2. Chapter 1A of the Building Code is hereby amended by revising Section  
8 103A.5 (specifically, Section 103A.5.1), to read as follows:

9 **103A.5 Vacant or Abandoned Commercial Storefronts – Annual Registration;  
10 Registration Fees; Maintenance and Security Requirements.**

11 **103A.5.1 Definitions.** For the purposes of Section 103A.5, including Sections  
12 103A.5.1-103A.5.7:

13 \* \* \* \*

14 **VACANT OR ABANDONED.** A Commercial Storefront shall be Vacant or Abandoned  
15 if it (1) is unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other  
16 similar means; or (3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4)  
17 is unoccupied and has multiple code violations; or (5) has been unoccupied for over 30 days.  
18 Notwithstanding the foregoing sentence, a Commercial Storefront shall not be considered  
19 Vacant or Abandoned if

20 (1) There is a valid building permit for repair, rehabilitation, or construction of the  
21 Commercial Storefront and the owner completes the repair, rehabilitation, or construction  
22 within one year from the date the initial permit was issued, unless the Department, in its sole  
23 discretion, determines that the owner needs additional time to complete the repair,  
24 rehabilitation, or construction of the Commercial Storefront; or

1 (2) The owner or leaseholder has filed an application for, and is actively seeking to  
2 obtain, authorization, permits, or a license required by state or local law permitting the lawful  
3 use and occupancy of the Commercial Storefront; or

4 (3) The owner or leaseholder submits evidence, and the Department verifies, that vacancy is  
5 due to public infrastructure construction or maintenance activity impacting the Commercial  
6 Storefront's access to the nearest public right-of-way or essential utilities. Where the Department  
7 verifies a Commercial Storefront is vacant due to infrastructure construction or maintenance activity,  
8 the Commercial Storefront shall not be subject to the requirements in subsections 105A.5.2 through  
9 105A.5.6 for 180 calendar days from the date of the Department's verification. The initial exemption  
10 period may be extended by the Department where it verifies infrastructure construction or maintenance  
11 activity continues to impact the Commercial Storefront. The owner or leaseholder shall alert the  
12 Department within 30 days of the conclusion of infrastructure construction or maintenance activity.

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14 Section 3. Effective Date. This ordinance shall become effective 30 days after  
15 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
16 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
17 of Supervisors overrides the Mayor's veto of the ordinance.

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19 APPROVED AS TO FORM:  
20 DAVID CHIU, City Attorney

21 By: /s/ Robb Kapla  
22 ROBB KAPLA  
23 Deputy City Attorney

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