

BOARD of SUPERVISORS



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MEMORANDUM

Date: August 3, 2023
To: Planning Department / Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230862
Building Code - Vacant or Abandoned Commercial Storefronts Fee Waiver

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan
 - Planning Code, Section 101.1
 - Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

1 [Building Code - Vacant or Abandoned Commercial Storefronts Fee Waiver]

2

3 **Ordinance amending the Building Code to allow the Department of Building Inspection**
4 **to waive the annual registration fee for Vacant or Abandoned Commercial Storefronts;**
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:

13

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. ___ and is incorporated herein by reference. The Board affirms this
19 determination.

20 (b) On _____, at a duly noticed public hearing, the Building Inspection
21 Commission considered this ordinance in accordance with Charter Section D3.750-5 and
22 Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building
23 Inspection Commission regarding the Commission's recommendation is on file with the Clerk
24 of the Board of Supervisors in File No. 230658.

25

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).

6
7 Section 2. Chapter 1A of the Building Code is hereby amended by revising Section
8 103A.5.2, to read as follows:

9 **103A.5.2 Property owner’s obligation to register a vacant or abandoned**
10 **commercial storefront; registration fee.** The owner of a Vacant or Abandoned Commercial
11 Storefront shall, within 30 days after it has become vacant or abandoned, register the
12 Commercial Storefront with the Department on a form provided by the Department. The form
13 shall describe the methods by which the owner has secured the Commercial Storefront
14 against unauthorized entry, provide a contact phone number for the Commercial Storefront
15 owner or party responsible for maintenance of the Commercial Storefront, state the most
16 recent legal use of the Commercial Storefront, state the square footage of the Commercial
17 Storefront, declare any future plans for the Commercial Storefront, state whether there is fire
18 and liability insurance coverage, and provide such other information as the Department may
19 require. The owner shall pay an annual registration fee, which shall be due when the owner
20 submits the registration form to the Department (“registration payment deadline”). The
21 registration payment deadline will serve as the date for subsequent annual renewals of
22 registration each year the Commercial Storefront remains Vacant or Abandoned (“annual
23 renewal date”). The annual registration fee shall be paid on or before the annual renewal date.
24 However, if the owner rents the Commercial Storefront to a tenant who occupies the premises
25 in a manner that complies with all provisions of state and local law prior to the registration

1 payment deadline, the Commercial Storefront shall be removed from the Department's
2 registry and the owner shall be refunded up to half of the registration fee based on any
3 remaining days before the Commercial Storefront's annual renewal date. The registration fee
4 shall be equal to the amount due under Section 103A.4.2 of this Code. See Section 110A,
5 Table 1A-J for applicable fees. At the registration payment deadline, the Director or the Director's
6 designee may waive the annual registration fee for a Vacant or Abandoned Commercial Storefront that
7 complies with all provisions of state and City law, does not contribute to blight as defined in Chapter
8 80 of the Administrative Code, and is ready for occupancy, and for which the owner provides evidence
9 satisfactory to the Director or designee that the Commercial Storefront is actively being offered for
10 sale, lease, or rent. Satisfactory evidence may include, but is not limited to, evidence that the owner has
11 hired a real estate agent or other rental agent who advertises and promotes the Commercial Storefront
12 for sale, lease, or rent, or evidence that the Commercial Storefront is offered for sale on the Multiple
13 Listing Service or any other comparable real estate listing service.

14

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

19

20 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24 additions, and Board amendment deletions in accordance with the "Note" that appears under
25 the official title of the ordinance.

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APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Peter R. Miljanich
PETER R. MILJANICH
Deputy City Attorney

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LEGISLATIVE DIGEST

[Building Code - Vacant or Abandoned Commercial Storefronts Fee Waiver]

Ordinance amending the Building Code to allow the Department of Building Inspection to waive the annual registration fee for Vacant or Abandoned Commercial Storefronts; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Building Code Section 103A.5.2 requires the owner of a Vacant or Abandoned Commercial Storefront to register the Commercial Storefront with the Department of Building Inspection within 30 days after it has become vacant or abandoned, and to renew the registration annually. Building Code Section 103A.5.2 also requires the owner of a Vacant or Abandoned Commercial Storefront to pay an annual registration fee.

Amendments to Current Law

This ordinance would amend Building Code Section 103A.5.2 to allow the Director of the Department of Building Inspection to waive the annual registration fee for a Vacant or Abandoned Commercial Storefront that complies with all provisions of state and City law, does not contribute to blight as defined in Chapter 80 of the Administrative Code, and is ready for occupancy, and for which the owner provides evidence satisfactory to the Director that the Commercial Storefront is actively being offered for sale, lease, or rent.

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