

File No. 151079

Committee Item No. 1

Board Item No. 22

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date January 25, 2016

Board of Supervisors Meeting

Date February 2, 2016

### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

### OTHER (Use back side if additional space is needed)

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination, dtd 11/23/15</u>                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Building Inspection Commission Recommendation, dtd 12/17/15</u> |
| <input type="checkbox"/>            | <input type="checkbox"/>            | _____  |
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Completed by: Alisa Somera Date January 21, 2016

Completed by: JM Date 01/28/2016

1 [Building Code - Definition of Vacant or Abandoned Buildings]

2  
3 Ordinance amending the Building Code to provide that a building in probate shall not  
4 be considered vacant or abandoned for purposes of the annual registration  
5 requirement for a period not to exceed two years if it complies with all codes and does  
6 not contribute to blight; and affirming the Planning Department's determination under  
7 the California Environmental Quality Act.

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in ~~*striketrough italics Times New Roman font*~~.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~striketrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

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

16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this  
18 ordinance comply with the California Environmental Quality Act (California Public Resources  
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
20 Supervisors in File No. 151079 and is incorporated herein by reference. The Board affirms  
21 this determination.

22 (b) The Building Inspection Commission considered this ordinance on December 16,  
23 2015, at a duly noticed public hearing, pursuant to Charter Section D3.750-5.

24 Section 2. The Building Code is hereby amended by revising Section 103A.4.1, to read  
25 as follows:

1 103A.4 Vacant or Abandoned Buildings – Annual Registration; Registration Fee;  
2 Maintenance and Security Requirements.

3 103A.4.1 Definition. A building shall be defined as a vacant or abandoned if it (1) is  
4 unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar  
5 means; or (3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4) is  
6 unoccupied and has multiple code violations; or (5) has been unoccupied for over 30 days. A  
7 building which is partially unoccupied and has been cited for blight under Chapter 80 of the  
8 San Francisco Administrative Code, shall also be deemed a vacant or abandoned building  
9 that is subject to this Section. Commercial Storefronts, as defined in Section 103A.5.1 of this  
10 Code, located within vacant or abandoned buildings shall be subject to the enforcement  
11 provisions in Sections 103A.5-103A.5.6 of this Code.

12 For purposes of this Section 103A.4. a building shall not be considered vacant or  
13 abandoned if:

14 (1) There is a valid building permit for repair, rehabilitation, or construction of a building  
15 on the parcel and the owner completes the repair, rehabilitation, or construction within one  
16 year from the date the initial permit was issued; or

17 (2) The building complies with all codes, does not contribute to blight as defined in  
18 Chapter 80 of the San Francisco Administrative Code, is ready for occupancy, and is actively  
19 being offered for sale, lease, or rent.

20 (3) The building complies with all codes, does not contribute to blight as defined in Chapter  
21 80 of the San Francisco Administrative Code, and is undergoing included in an estate that is in an  
22 active and ongoing a probate process proceeding that does not exceed two years. Upon  
23 expiration of the two-year period, the building shall become subject to the requirements of  
24 Section 103A.4.

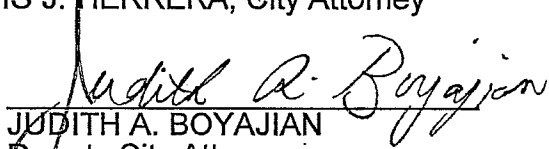
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Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,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

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

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
JUDITH A. BOYAJIAN  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**

(1/25/2016, Amended in Committee)

[Building Code - Definition of Vacant or Abandoned Buildings]

**Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement for a period not to exceed two years if it complies with all codes and does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Building Code Section 103A.4 requires the owner of a vacant or abandoned building to register the building with the Department of Building Inspection and pay an annual registration fee. A sign meeting certain requirements must be posted on the property, and the property is subject to specified maintenance and security requirements. A building is not considered vacant or abandoned if (1) there is a valid building permit for repair, rehabilitation, or construction of a building on the site and the work is completed within one year from issuance of the permit or (2) the building complies with all codes, does not contribute to blight, is ready for occupancy, and is actively being offered for sale, lease, or rent.

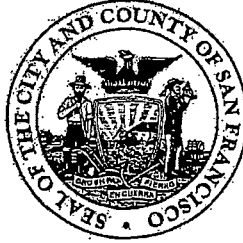
Amendments to Current Law

Section 103A.4 is amended to provide that a building is not considered vacant or abandoned if it complies with all codes, does not contribute to blight, and is undergoing a probate process that does not exceed two years. Upon expiration of the two-year period, the building shall become subject to the requirements of Building Code Section 103A.4.

Background Information

The intent of Section 103A.4 is to prompt owners of buildings that are vacant or abandoned to improve the buildings, restore them to a code-complying state, and return them to community use. Section 103A.4 currently requires that properties in probate be registered with the Department of Building Inspection as vacant or abandoned and pay an annual registration fee. The transition in ownership through the probate process can be a difficult and lengthy process. If the property is not blighted, it should be exempt from the Building Code's registration requirements.

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

October 27, 2015

File No. 151079

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Jones:

On October 20, 2015, Supervisor Tang introduced the following proposed legislation:

**File No. 151079**

**Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement if it does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Galvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

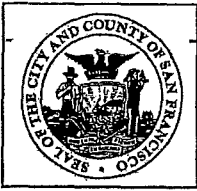
Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2015.11.23 12:02:41 -08'00'



**BUILDING INSPECTION COMMISSION (BIC)**

Department of Building Inspection      Voice (415) 558-6164 - Fax (415) 558-6509  
1660 Mission Street, San Francisco, California 94103-2414

December 17, 2015

Edwin M. Lee  
Mayor

**COMMISSION**

Angus McCarthy  
President

Warren Mar  
Vice-President

Kevin Clinch  
Frank Lee  
Dr. James McCray, Jr.  
Myrna Melgar  
Debra Walker

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors, City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4694

**RE: File No. 151079**

Dear Ms. Calvillo:

**RE: Ordinance (File No. 151079) amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement for a period not to exceed two years if it complies with all codes and does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Sonya Harris  
Secretary

Tom C. Hui  
Director

The Building Inspection Commission met and held a public hearing on December 16, 2015 regarding File No. 151079 on the proposed amendment to the San Francisco Building Code referenced above. The Commissioners voted unanimously to support this proposed amendment.

The Commissioners voted as follows:

President McCarthy	Yes	Vice-President Mar	Yes
Commissioner Lee	Yes	Commissioner McCray	Yes
Commissioner Clinch	Yes	Commissioner Walker	Yes

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

Sonya Harris  
Commission Secretary

cc: Tom C. Hui, S.E., Director  
Supervisor Katy Tang  
Board of Supervisors

BOARD of SUPERVISORS



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October 27, 2015

File No. 151079

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Jones:

On October 20, 2015, Supervisor Tang introduced the following proposed legislation:

**File No. 151079**

**Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement if it does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning




BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
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## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM:  Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

DATE: October 27, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Tang on October 20, 2015:

**File No. 151079**

**Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement if it does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.**

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection


BOARD of SUPERVISORS



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# MEMORANDUM

TO: Regina Dick-Endrizzi, Director  
Small Business Commission, City Hall, Room 448

FROM:  Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

DATE: October 27, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 151079**

**Ordinance amending the Building Code to provide that a building in probate shall not be considered vacant or abandoned for purposes of the annual registration requirement if it does not contribute to blight; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

- No Comment
- Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Katy Tang

**Subject:**

Building Code - Definition of Vacant or Abandoned Buildings

**The text is listed below or attached:**

[Empty box for text listing]

Signature of Sponsoring Supervisor: *Katy Tang*

For Clerk's Use Only:

