

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

2 **Ordinance amending the Building Code to establish a procedure for maintaining and**
3 **registering vacant or abandoned commercial storefronts, including imposition of a**
4 **registration fee.**

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

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

13 Section 1. Findings. The Board of Supervisors hereby finds and determines that:

14 Every commercial corridor in San Francisco has longstanding and blighted vacant
15 commercial storefronts. In addition to being eyesores, these vacant commercial storefronts
16 have a detrimental impact on the economic viability of the commercial corridors in which they
17 are located. Vacant storefronts often attract illegal activity, such as squatting, vandalism, and
18 dumping. Such activity not only repels would-be customers and patrons from commercial
19 corridors, but also places an undue burden on City agencies. The Police Department and the
20 Department of Public Works drain their resources by routinely responding to the same vacant
21 commercial storefronts to remove trespassers, clean up graffiti, and remove illegally discarded
22 refuse and debris.

23 Section 2. Pursuant to Charter Section D3.750-5, the Building Inspection Commission
24 considered this ordinance on June 18, 2014 at a duly noticed public hearing.

25 Section 3. Findings under the California Health and Safety Code. The Board of
Supervisors hereby finds that this ordinance does not modify a State "building standard," as
that term is defined in Section 18909 of the California Health and Safety Code. Therefore, the

1 finding of local climactic, geological, or topographical conditions required by Sections 18941.5
2 and 17958.7 of the California Health and Safety Code is not required.

3 Section 4. The Building Code is hereby amended by amending Section 103A.4.1 to
4 read as follows:

5 103A.4.1 Definition. A building shall be defined as a vacant or abandoned if it (1) is
6 unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar
7 means; or (3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4) is
8 unoccupied and has multiple code violations; or (5) has been unoccupied for over 30 days. A
9 building which is partially unoccupied and has been cited for blight under Chapter 80 of the
10 San Francisco Administrative Code, shall also be deemed a vacant or abandoned building
11 that is subject to this Section. Commercial Storefronts, as defined in Section 103A.5.1 of this Code,
12 located within vacant or abandoned buildings shall be subject to the enforcement provisions in Sections
13 103A.5-103A.5.6 of this Code.

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

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

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

22 Section 5. The Building Code is hereby amended by adding Section 103A.5 including
23 Sections 103A.5.1 through 103A.5.6, to read as follows:

1 **SEC. 103A.5.: VACANT OR ABANDONED COMMERCIAL STOREFRONTS—ANNUAL**
2 **REGISTRATION; REGISTRATION FEES; MAINTENANCE AND SECURITY**
3 **REQUIREMENTS.**

4 **SEC. 103A.5.1. DEFINITIONS.**

5 *For the purposes of Section 103A.5, including Sections 103A.5.1-103A.5.3.6:*

6 *”Commercial Storefront” A Commercial Storefront shall be any area within a building that may be*
7 *individually leased or rented for any purpose other than Residential Use as defined in Planning Code*
8 *Sections 790.88 and 890.88.*

9 *“Vacant or Abandoned.” A Commercial Storefront shall be Vacant or Abandoned if it (1) is*
10 *unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar means; or*
11 *(3) is unoccupied and unsafe as defined in Section 102A of this Code; or (4) is unoccupied and has*
12 *multiple code violations; or (5) has been unoccupied for over 30 days. Notwithstanding the foregoing*
13 *sentence, a Commercial Storefront shall not be considered Vacant or Abandoned if:*

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

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

22 *(3) The Commercial Storefront complies with all provisions of state and local law, does not*
23 *contribute to blight as defined in Chapter 80 of the Administrative Code, is ready for occupancy, and*
24 *the owner provides evidence satisfactory to the Department that the Commercial Storefront is actively*
25 *being offered for sale, lease, or rent. Satisfactory evidence shall include, but is not limited to, evidence*

1 that the owner has hired a real estate agent or other rental agent who advertises and promotes the
2 Commercial Storefront for rent, lease or sale, or proof that the Commercial Storefront is offered for
3 sale on the Multiple Listing Service or any other comparable real estate listing service.

4 **SEC. 103A.5.2. PROPERTY OWNER'S OBLIGATION TO REGISTER A VACANT OR**
5 **ABANDONED COMMERCIAL STOREFRONT; REGISTRATION FEE.**

6 The owner of a Vacant or Abandoned Commercial Storefront shall, within 30 days after it has
7 become vacant or abandoned, register the Commercial Storefront with the Department on a form
8 provided by the Department. The form shall describe the methods by which the owner has secured the
9 Commercial Storefront against unauthorized entry, provide a contact phone number for the
10 Commercial Storefront owner or party responsible for maintenance of the Commercial
11 Storefront, state the most recent legal use of the Commercial Storefront, state the square
12 footage of the Commercial Storefront, declare any future plans for the Commercial Storefront, state
13 whether there is fire and liability insurance coverage, and provide such other information as the
14 Department may require. A registration fee shall be due 270 days after the Commercial Storefront has
15 become vacant or abandoned, unless the Director has issued a notice to register under Section
16 103A.5.4, in which case the registration fee shall be due 270 days after the issuance of the
17 notice (“registration payment deadline”). The registration payment deadline will serve as the date for
18 calculating an annual renewal fee which shall be paid every year the Commercial Storefront remains
19 Vacant or Abandoned. However, if the owner rents the Commercial Storefront to a tenant who
20 occupies the premises in a manner that complies with all provisions of state and local law prior to the
21 registration payment deadline, the Commercial Storefront shall be removed from the Department’s
22 registry and the owner need not pay the registration fee. The registration fee shall be equal to the
23 amount due under Section 103A.4.2 of this Code. See Section 110A, Table 1A-J for applicable fees.

24 **SEC. 103A.5.3. MAINTENANCE OF VACANT OR ABANDONED COMMERCIAL**
25 **STOREFRONT REGISTRY.**

1 The Department shall maintain a registry of all Vacant or Abandoned Commercial Storefronts
2 within the City and shall furnish a copy of the registry to the Office of Economic and Workforce
3 Development at least once per fiscal quarter.

4 **SEC. 103A.5.4. NOTICE.**

5 Whenever the Director has probable cause to believe, based upon an inspection, complaint, or
6 report from another agency of the City or other governmental agency, that a Commercial Storefront is
7 Vacant or Abandoned and has not been registered as required by Section 103A.5.2, the Director shall
8 serve the owner of record, as shown on the Assessor's Records, or authorized agent with a written
9 notice requiring the owner to register the Commercial Storefront with the Department as Vacant or
10 Abandoned within the period of time specified in the notice, which shall be no greater than 30 days.
11 Additionally, the owner shall pay the associated registration fee within 270 days of the issuance of the
12 notice to register if required by Section 103A.5.2. If the owner rents the Vacant or Abandoned
13 Commercial Storefront to a tenant who meets all requirements provided in Section 103A.5.2
14 before the registration payment deadline lapses, then the owner need not pay the registration
15 fee.

16 **SEC. 103A.5.5. SIGN POSTING, MAINTENANCE, SECURITY, AND INSURANCE.**

17 All requirements listed in Sections 103A.4.4-103A.4.6 of this Code shall also apply to Vacant or
18 Abandoned Commercial Storefronts. All such requirements shall be fulfilled by the owner within 30
19 days of the Commercial Storefront becoming Vacant or Abandoned, or within 30 days of the issuance
20 of notice to register, regardless of the owner's intentions to rent the Commercial Storefront before the
21 registration payment deadline lapses.

22 **SEC. 103A.5.6. VIOLATION A PUBLIC NUISANCE; ENFORCEMENT.**

23 A Commercial Storefront in violation of this Section 103A.5, including Sections 103A.5.1-
24 103A.5.6, is deemed to be a public nuisance and subject to enforcement by the Department and
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1 penalties under Sections 102A and 103A of this Code or other applicable sections of the Municipal
2 Code.

3 Section 6. Uncodified Provisions.

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

8 (b) Undertaking for the General Welfare. In enacting and implementing this
9 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
10 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
11 would be liable in money damages to any person who claims that such breach proximately
12 caused injury.

13 (c) No Conflict with State or Federal Law. Nothing in this ordinance shall be
14 interpreted or applied so as to create any requirement, power, or duty in conflict with any
15 State or federal law.

16 (d) Severability. If any of section, subsection, sentence, clause, phrase or word of
17 this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
18 court of competent jurisdiction, such decision shall not affect the validity of the remaining
19 portions of the ordinance. The Board of Supervisors hereby declares that it would have
20 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
21 word not declared invalid or unconstitutional without regard to whether any other portion of
22 this ordinance would be subsequently declared invalid or unconstitutional.

23 (e) Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
2 additions, and Board amendment deletions in accordance with the “Note” that appears under
3 the official title of the ordinance.

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

7 By: _____
8 NICHOLAS COLLA
9 Deputy City Attorney

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