

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 blue ink 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.

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 if it does not contribute to blight; and affirming the Planning Department’s**
6 **determination under the California 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 ~~*italics Times New Roman font*~~.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Findings.

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

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

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

25

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 does not contribute to blight as defined in Chapter 80 of the San Francisco
21 Administrative Code, and is included in an estate that is in an active and ongoing probate proceeding.

22 * * * *

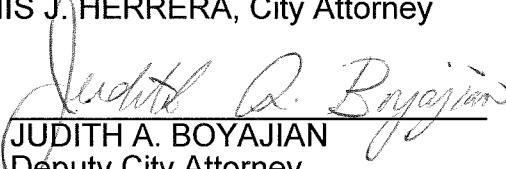
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24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 APPROVED AS TO FORM:
12 DENNIS J. HERRERA, City Attorney

13 By:


14 JUDITH A. BOYAJIAN
Deputy City Attorney

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