

File No. 230862

Committee Item No. 8

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date January 10, 2024

Board of Supervisors Meeting Date _____

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	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"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>PLN CEQA Determination 12/11/2023</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>BIC Transmittal 12/14/2023</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Referral BIC 11/17/2023</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Referral CEQA 11/17/2023</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Presidential Action Memo – Transfer 8/11/2023</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>DBI Presentation 1/10/2024</u>
<input type="checkbox"/>	<input type="checkbox"/>	_____
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Completed by: Brent Jalipa Date January 4, 2024

Completed by: Brent Jalipa Date _____

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

Ordinance amending the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts through December 31, 2024; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

Section 1. Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 230862 and is incorporated herein by reference. The Board affirms this determination.

(b) On December 13, 2023, at a duly noticed public hearing, the Building Inspection Commission considered this ordinance in accordance with Charter Section D3.750-5 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection Commission regarding the Commission's recommendation is on file with the Clerk of the Board of Supervisors in File No. 230862.

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 adding Section
8 103A.5.8, to read as follows:
9

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

12 **103A.5.1 Definitions.** For the purposes of Section 103A.5, including Sections
13 103A.5.1-103A.5.7:

14 **COMMERCIAL STOREFRONT.** A Commercial Storefront shall be any area within a
15 building that may be individually leased or rented for any purpose other than Residential Use
16 as defined in Planning Code Sections 790.88 and 890.88.

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

23 (1) There is a valid building permit for repair, rehabilitation, or construction of the
24 Commercial Storefront and the owner completes the repair, rehabilitation, or construction
25 within one year from the date the initial permit was issued, unless the Department, in its sole

1 discretion, determines that the owner needs additional time to complete the repair,
2 rehabilitation, or construction of the Commercial Storefront; or

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

6 **103A.5.2 Property owner's obligation to register a vacant or abandoned**
7 **commercial storefront; registration fee.** The owner of a Vacant or Abandoned Commercial
8 Storefront shall, within 30 days after it has become vacant or abandoned, register the
9 Commercial Storefront with the Department on a form provided by the Department. The form
10 shall describe the methods by which the owner has secured the Commercial Storefront
11 against unauthorized entry, provide a contact phone number for the Commercial Storefront
12 owner or party responsible for maintenance of the Commercial Storefront, state the most
13 recent legal use of the Commercial Storefront, state the square footage of the Commercial
14 Storefront, declare any future plans for the Commercial Storefront, state whether there is fire
15 and liability insurance coverage, and provide such other information as the Department may
16 require. The owner shall pay an annual registration fee, which shall be due when the owner
17 submits the registration form to the Department ("registration payment deadline"). The
18 registration payment deadline will serve as the date for subsequent annual renewals of
19 registration each year the Commercial Storefront remains Vacant or Abandoned ("annual
20 renewal date"). The annual registration fee shall be paid on or before the annual renewal date.
21 However, if the owner rents the Commercial Storefront to a tenant who occupies the premises
22 in a manner that complies with all provisions of state and local law prior to the registration
23 payment deadline, the Commercial Storefront shall be removed from the Department's
24 registry and the owner shall be refunded up to half of the registration fee based on any
25 remaining days before the Commercial Storefront's annual renewal date. The registration fee

1 shall be equal to the amount due under Section 103A.4.2 of this Code. See Section 110A,
2 Table 1A-J for applicable fees.

3 **103A.5.3 Annual Report.** The owner of a registered Vacant or Abandoned
4 Commercial Storefront shall provide a report from a licensed professional confirming the
5 storefront's interior and exterior has been maintained, as specified in Sections 103A.4.5.1 and
6 103A.4.5.2 of this Code ("annual report"). The annual report shall be provided to the
7 Department when the owner renews the storefront's registration and pays the annual renewal
8 fee.

9 **103A.5.4 Maintenance of vacant or abandoned commercial storefront registry.**
10 The Department shall maintain a registry of all Vacant or Abandoned Commercial Storefronts
11 within the City and shall furnish a copy of the registry to the Office of Economic and Workforce
12 Development at least once per fiscal quarter.

13 **103A.5.5 Notice.** Whenever the Director has probable cause to believe, based upon
14 an inspection, complaint, or report from another agency of the City or other governmental
15 agency, that a Commercial Storefront is Vacant or Abandoned and has not been registered as
16 required by Section 103A.5.2, the Director shall serve the owner of record, as shown on the
17 Assessor's Records, or authorized agent with a written notice requiring the owner to register
18 the Commercial Storefront with the Department as Vacant or Abandoned and pay the
19 registration fee within the period of time specified in the notice, which shall be no greater than
20 30 days. The Department shall issue a Notice of Violation ("NOV") pursuant to Section 102A.4
21 of this Code to owners that fail to register within the period of time specified in the notice. See
22 Section 110A, Table 1A-K, Failure to register vacant commercial storefront, for the applicable
23 penalty.

24 **103A.5.6 Sign posting, maintenance, security, and insurance.** All requirements
25 listed in Sections 103A.4.4-103A.4.6 of this Code shall also apply to Vacant or Abandoned

1 Commercial Storefronts. All such requirements shall be fulfilled by the owner within 30 days of
2 the Commercial Storefront becoming Vacant or Abandoned, or within 30 days of the issuance
3 of notice to register.

4 **103A.5.7 Violation a public nuisance; enforcement.** A Commercial Storefront in
5 violation of this Section 103A.5, including Sections 103A.5.1-103A.5.7, is deemed to be a
6 public nuisance and subject to enforcement by the Department and penalties under Sections
7 102A and 103A and Section 110A, Table 1A-K of this Code or other applicable sections of the
8 Municipal Code.

9 **103A.5.8 Temporary suspension of annual registration and registration fee.** The
10 requirements of Sections 103A.5.2-103A.5.5 shall be suspended through December 31, 2024. Sections
11 103A.5.1 and 103A.5.6-103A.5.7 shall remain in effect during such period, provided, however that any
12 failure to satisfy the annual registration and fee requirements in Section 103A.5.2, and any failure to
13 provide the annual report required by Section 103A.5.3, shall not subject a Commercial Storefront to
14 enforcement under Section 103A.5.7. This Section 103A.5.8 shall expire by operation of law on January
15 1, 2025, after which the City Attorney is authorized to cause the Section to be removed from the
16 Building Code.

17
18 Section 3. Effective Date; Retroactivity.

19 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs
20 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
21 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
22 Mayor's veto of the ordinance.

23 (b) If the effective date of this ordinance is after January 1, 2024, this ordinance shall
24 upon its effective date be retroactive to January 1, 2024.

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

7
8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

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

12 n:\legana\as2023\2400007\01716413.docx

REVISED LEGISLATIVE DIGEST
(Substituted, November 14, 2023)

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

Ordinance amending the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts through December 31, 2024; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Building Code Section 103A.5 sets forth controls for Vacant or Abandoned Commercial Storefronts. 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, renew the registration annually, and pay an annual registration fee. Building Code Section 103A.5.3 requires the owner to submit an annual report to the Department confirming maintenance of the property. Building Code Section 103A.5.4 requires the Department to maintain a registry of Vacant or Abandoned Commercial Storefronts.

Amendments to Current Law

This ordinance would suspend, through December 31, 2024, the requirements of Building Code Sections 103A.5.2 through 103A.5.5, including the requirements for property owners to register Vacant or Abandoned Commercial Storefronts, pay an annual registration fee, and submit an annual report to the Department.

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Item 8 File 23-0862	Department: Department of Building Inspection (DBI)
EXECUTIVE SUMMARY	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> The proposed ordinance would retroactively amend the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts from January 1, 2024 through December 31, 2024, as well as suspend the requirements for property owners of a vacant or abandoned storefront to submit an annual report, for DBI to maintain a registry of vacant or abandoned commercial storefronts, and for the DBI Director to submit a Notice of Violation when there is probable cause that a commercial storefront is vacant or abandoned (Building Code Sections 103A.5.2 through 103A.5.5). <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> The City's Building Code requires the owner of a vacant or abandoned commercial storefront (generally defined as vacant for over 30 days) to register with DBI within 30 days of vacancy and pay an annual registration fee, which is currently \$818.19. The Building Code also requires the property owner to provide an annual report to DBI documenting that the storefront's interior and exterior have been maintained, DBI to maintain a registry of all vacant or abandoned commercial storefronts in the city and provide a copy of the registry to the Office of Economic and Workforce Development (OEWD) once per fiscal quarter, and the DBI Director to serve a Notice of Violation to the owner of a property when there is probable cause to believe that a commercial storefront is vacant or abandoned. The proposed ordinance would suspend these requirements for the 2024 calendar year. According to DBI, DBI staff would still need to inspect vacant properties to respond to complaints and ensure safety, even if inspection fees and registration requirements are suspended by the proposed ordinance. DBI would still be able to issue Notices of Violation as enforcement against a public nuisance or for failure to comply with sign posting, maintenance, security, and insurance requirements. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> In FY 2022-23, DBI received approximately \$364,000 in registration fees for the 513 storefronts that registered. This amount equates to approximately \$419,000 per year under the new fee schedule, which would be spread between FY 2023-24 and FY 2024-25. To make up for potential revenue reductions, DBI would have to reduce expenditures, exceed projected revenues in other areas, or utilize its reserve funds. Since the Treasurer-Tax Collector's Office uses its own database to make Commercial Vacancy Tax assessments, the proposed ordinance likely would not impact tax revenues. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> Approval of the proposed ordinance is a policy matter for the Board of Supervisors. 	

MANDATE STATEMENT

City Charter Section 2.105 states that all legislative acts shall be by ordinance, approved by a majority of the members of the Board of Supervisors.

BACKGROUND

Section 103A.5.2 of the City's Building Code requires the owner of a vacant or abandoned commercial storefront (generally defined as vacant for over 30 days) to register with the Department of Building Inspection (DBI) within 30 days of vacancy and pay an annual registration fee. The registration fee is charged at the standard inspection hourly rate, which is currently \$181.82 per hour, with a minimum of 4.5 hours (total fee of \$818.19).¹ The registration form requires the owner to describe how the storefront is secured against unauthorized entry, provide a contact phone number for the party responsible for maintenance, state the most recent legal use of the storefront, state the square footage of the storefront, declare any future plans of the storefront, state whether there is fire and liability insurance coverage, and provide other required information. If the storefront is occupied before the annual registration renewal date, the owner is refunded up to half of the registration fee based on the remaining days before the renewal date. Section 103A.5.3 requires the owner of a registered vacant or abandoned commercial storefront to provide an annual report to DBI from a licensed professional confirming that the storefront's interior and exterior have been maintained. Section 103A.5.4 requires DBI to maintain a registry of all vacant or abandoned commercial storefronts in the city and provide a copy of the registry to the Office of Economic and Workforce Development (OEWD) once per fiscal quarter. Section 103A.5.5 requires the DBI Director to serve a Notice of Violation to the owner of a property when there is probable cause to believe that a commercial storefront is vacant or abandoned.

In March 2020, San Francisco Voters approved Proposition D, which authorized a Commercial Vacancy Tax in certain commercial corridors. In June 2020, the Board of Supervisors approved an ordinance suspending the tax on vacancies through calendar year 2021 due to the COVID-19 pandemic (File 20-0420). The tax is imposed on properties with commercial storefronts that are vacant for at least 182 days in a calendar year. The tax rate begins at \$250 per linear foot of storefront per year and increases to \$500 and \$1,000 per linear foot per year for the next two years if the property remains vacant.² According to DBI staff, the Treasurer-Tax Collector (TTX) staff has access to DBI's registry of vacant commercial storefronts to assess the tax.

DETAILS OF PROPOSED LEGISLATION

The proposed ordinance would retroactively amend the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts from January 1, 2024 through December 31, 2024, as well as suspend the

¹ The inspection fee increased by 15 percent on August 28, 2023. Prior to August 28, 2023, the inspection fee was \$158.10 per hour, or a total annual registration fee of \$711.45 (for 4.5 hours).

² The tax remains at \$1,000 per linear foot of storefront per year if the property remains vacant more than three consecutive years.

requirements for a property owner of a vacant or abandoned storefront to submit an annual report, for DBI to maintain a registry of vacant or abandoned commercial storefronts, and for the DBI Director to submit a Notice of Violation when there is probable cause that a commercial storefront is vacant or abandoned (Building Code Sections 103A.5.2 through 103A.5.5). The proposed ordinance would also approve the Planning Department's determinations under the California Environmental Quality Act (CEQA). Approval of the proposed ordinance would be retroactive to January 1, 2024, regardless of the date of Board of Supervisors and Mayoral approval.

According to Carl Nicita, DBI Legislative Affairs Manager, the purpose of the proposed fee waiver is to provide temporary relief to property owners struggling to fill commercial storefront space given the current economic environment. DBI staff would still need to inspect vacant properties to respond to complaints and ensure safety, even if inspection fees and registration requirements are suspended by the proposed ordinance. Vacant properties are typically either self-reported by property owners or referred to DBI by complaints. DBI would still be able to issue Notices of Violation as enforcement against a public nuisance or for failure to comply with sign posting, maintenance, security, and insurance requirements that are not suspended by the proposed ordinance.

FISCAL IMPACT

As stated above, the current vacant or abandoned commercial storefront annual registration fee is \$818.19. In FY 2022-23, DBI received approximately \$364,000 in registration fees for the 513 storefronts that registered. This amount equates to approximately \$419,000 per year under the new fee schedule, which would be spread between FY 2023-24 and FY 2024-25.

According to Alex Lewis-Koskinen, DBI Deputy Director of Administrative Services, the DBI FY 2023-24 budget did not contemplate the proposed fee waiver. To make up for potential revenue reductions, the department would have to reduce expenditures, exceed projected revenues in other areas, or utilize its reserve funds. Despite introduction of this ordinance in July 2023, DBI has not finalized a funding plan for the proposed reduction in revenue.

The proposed ordinance also suspends registration requirements for vacant or abandoned commercial storefronts and for DBI to maintain a vacant storefront registry. According to Treasure & Tax Collector (TTX) staff, TTX maintains its own commercial storefront database. Therefore, the proposed ordinance will likely not result in less commercial vacancy tax revenue.

RECOMMENDATION

Approval of the proposed ordinance is a policy matter for the Board of Supervisors.

Ordinance: One-Year Temporary Suspension of Vacant Commercial Storefront Registration and Fee

Budget & Finance Committee

January 10, 2024

Background

- The San Francisco Building Code (SFBC) sets forth controls for vacant or abandoned commercial storefronts, requiring the owner of a vacant or abandoned commercial storefront to:
 - Register the commercial storefront with the Department of Building Inspection (DBI) within 30 days after it has become vacant or abandoned
 - Renew the registration annually
 - Pay annual registration fee
 - Submit an annual report to DBI confirming maintenance of the property
- SFBC also requires DBI to maintain a registry of vacant or abandoned commercial storefronts.

Proposed Ordinance

- The Mayor's Office has proposed an ordinance to temporarily suspend the registration, fee and annual report requirements of the SFBC.
- The suspension would be for one year, from January 1, 2024 through December 31, 2024.

What Would be Suspended

- Property owner's obligation to register a vacant or abandoned commercial storefront and pay the registration fee. (SFBC 103A.5.2)
- Annual report from a licensed professional confirming storefront's interior/exterior has been maintained. (SFBC 103A.5.3)
- DBI's vacant storefront registry. (SFBC 103A.5.4)
- NOVs issued because a property owner hasn't registered, paid the registration fee, and/or filed an annual report. (SFBC 103A.5.5)

What Would Not be Suspended

- All sign posting, maintenance, security and insurance requirements listed in SFBC 103A.4.4 – 103A.4.6:
 - Sign posting in a conspicuous location that provides contact information
 - Exterior maintenance of the building so it does not contribute to blight
 - Interior maintenance to keep the building safe from the elements
 - Secured against unauthorized entry
 - Fire and liability insurance coverage
- NOVs issued and enforcement for public nuisance for failure to comply with the sign posting, maintenance, security and insurance requirements.

Other Factors

- DBI staff would use the one-year suspension period to create a better data-capture and reporting system based on the existing list of vacant commercial storefronts.
- In FY 2022-23, DBI received approximately \$364,000 in registration fees for the 513 storefronts that registered.
- DBI would welcome General Fund reimbursement for lost revenue from registration fees (similar to First Year Free).
- DBI's vacant commercial storefront registry and registration fee is separate from the tax assessed on vacant commercial storefronts by the Treasurer & Tax Collector.

Building Inspection Commission Recommendation

- The Building Inspection Commission met on December 13, 2023 and voted to make a recommendation of approval of the proposed ordinance to the Board of Supervisors.



THANK YOU

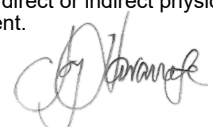
BOARD of SUPERVISORS



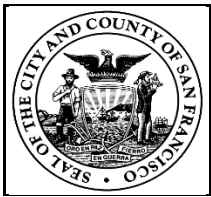
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: November 17, 2023
To: Planning Department / Commission
From: Brent Jalipa, Clerk of the Budget and Finance Committee
Subject: Board of Supervisors Legislation Referral - File No. 230862
Building Code - Vacant or Abandoned Commercial Storefronts Registration and Fee
Suspension

-
- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
☒ Ordinance / Resolution
☐ Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
12/11/2023 
- ☐ 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 Brent Jalipa at Brent.Jalipa@sfgov.org.



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection

Voice (628) 652 -3510

49 South Van Ness Avenue, 5th Floor San Francisco, California 94103

December 14, 2023

London N. Breed
Mayor

COMMISSION

Alysabeth
Alexander-Tut
Interim President

Evita Chavez
Bianca Neumann
Earl Shaddix
Angie Sommer
Kavin Williams

Sonya Harris
Secretary

Monique Mustapha
Asst. Secretary

Patrick O'Riordan,
C.B.O., Director

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

Dear Ms. Calvillo:

RE: File No. 230862-2

Ordinance amending the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts through December 31, 2024; and affirming the Planning Department's determination under the California Environmental Quality Act.

The Code Advisory Committee (CAC) considered this Ordinance on December 7, 2023 and voted unanimously to recommend that the Building Inspection Commission approve the changes to the San Francisco Building Code as written in File No. 230862-2 with additional recommendations for the Department of Building Inspection.

The Building Inspection Commission met and held a public hearing on December 13, 2023 regarding the proposed amendment to the Building Code contained in Board File No. 230862-2. The Commissioners voted 5 to 1, with Commissioner Williams dissenting, to **recommend approval of the ordinance.**

Interim President Alexander-Tut	Yes
Commissioner Chavez	Yes
Commissioner Neumann	Yes
Commissioner Shaddix	Yes
Commissioner Sommer	Yes
Commissioner Williams	No

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,

A handwritten signature in blue ink that reads "Sonya Harris". The signature is fluid and cursive, with the first name "Sonya" and last name "Harris" clearly distinguishable.

Sonya Harris
Commission Secretary

cc: Patrick O'Riordan, Director
Mayor London N. Breed
Board of Supervisors

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Patrick O'Riordan, Director, Department of Building Inspection
Sonya Harris, Commission Secretary, Building Inspection Commission

FROM: Brent Jalipa, Assistant Clerk, Budget and Finance Committee

DATE: November 17, 2023

SUBJECT: SUBSTITUTE ORDINANCE INTRODUCED

The Board of Supervisors' Budget and Finance Committee has received the following substitute Ordinance, introduced by Mayor London Breed:

File No. 230862-2

Ordinance amending the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts through December 31, 2024; and affirming the Planning Department's determination under the California Environmental Quality Act.

The substitute Ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Budget and Finance Committee and will be scheduled for hearing upon receipt of your response.

Please forward the Commission's recommendation and reports to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: brent.jalipa@sfgov.org

c: Patty Lee, Department of Building Inspection

BOARD of SUPERVISORS



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MEMORANDUM

Date: November 17, 2023
To: Planning Department / Commission
From: Brent Jalipa, Clerk of the Budget and Finance Committee
Subject: Board of Supervisors Legislation Referral - File No. 230862
Building Code - Vacant or Abandoned Commercial Storefronts Registration and Fee Suspension

- ☒ 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 Brent Jalipa at Brent.Jalipa@sfgov.org.

From: [Paulino, Tom \(MYR\)](#)
To: [BOS Legislation. \(BOS\)](#)
Cc: [Nicita, Carl \(DBI\)](#)
Subject: Mayor -- Substitute Ordinance -- Vacant or Abandoned Commercial Storefronts
Date: Tuesday, November 14, 2023 2:15:48 PM
Attachments: [2023-11-07 SUBSTITUTE ORD Vacant or Abandoned Commercial Storefronts Registration and Fee Suspension.DOCX](#)
[2023-11-09 LEG DIGEST Vacant or Abandoned Commercial Storefronts Registration and Fee Suspension.DOCX](#)

Hello Clerks,

Attached for introduction to the Board of Supervisors is a substitute Ordinance for File No. 230862 that would amend the Building Code to temporarily suspend the annual registration requirement and registration fee for Vacant or Abandoned Commercial Storefronts through December 31, 2024; and affirming the Planning Department's determination under the California Environmental Quality Act.

Cheers,

Tom Paulino

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco