

LEGISLATIVE DIGEST

[Building Code -- Use of Repair and Demolition Fund for Telegraph Hill Stabilization]

Ordinance amending the Building Code to authorize use of the Repair and Demolition Fund specified in Building Code Section 102A.13 to address costs associated with private property owner responsibility to stabilize Telegraph Hill as part of the Rock Slope Improvement Project, and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Building Code Sections 102A.11 et seq. address the process under which the Department of Building Inspection (DBI) can address unsafe conditions and impose penalties when a private property owner does not comply with a DBI Order to abate a Building Code violation. Building Code Section 102A.13 establishes the DBI Repair and Demolition Fund. DBI can use this Fund to remedy unsafe conditions when a responsible property owner fails or is unable to do so. Building Code Section 102A.16 governs the procedures that DBI shall follow to address serious and imminent hazards and other emergency situations, including those that may involve use of the Repair and Demolition Fund. However, this Section imposes a limit on use of such funds when the cost of the work to abate the unsafe condition exceeds 50% of the value of the property of the responsible owner, as defined by the Assessor.

For many years the steeply sloped and unimproved portion of Lombard Street below Coit Tower and between Telegraph Hill Boulevard and Montgomery Street and adjacent properties have witnessed severe erosion and rock slides. The Departments of Public Works and Building Inspection and their professional experts agree that work to stabilize this portion of Telegraph Hill must begin immediately to avoid significant risk to persons and property. The Department of Public Works has developed the Telegraph Hill Rock Slope Improvement Project to address this risk and stabilize the hillside.

Amendments to Current Law

The Ordinance would authorize DBI to use approximately \$1.8 million in the Repair and Demolition Fund for the Telegraph Hill Rock Slope Improvement Project in order to address the costs of this Project that the City has allocated to the responsible private property owner, even though the assessed value of this private property is less than triggering amount under Building Code Section 102A.16. The legislation would condition use of these Funds on the City's ability to recoup whatever costs may be available from this property owner. The legislation also would affirm the Planning Department's determination under the California Environmental Quality Act.

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