

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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MEMORANDUM

TO: Building Inspection Commission
Planning Commission
Historic Preservation Commission

FROM: Linda Laws
Board of Supervisors

DATE: July 23, 2009

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors Land Use & Economic Development Committee has received the following legislation, which is being referred to your department for informational purposes only.

If you wish to submit any comments or reports please return this memorandum with your response to: Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

File: 090554 Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings.

cc: Ann Aherne, Building Inspection Commission
Vivian Day, Department of Building Inspection
John Rahaim, Director of Planning
AnMarie Rodgers, Legislative Affairs
Tara Sullivan, Legislative Affairs
Sophie Middlebrook, Historical Preservation Commission

1 [Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security
2 Requirements; Annual Fee and Penalties for Violation.]

3 Ordinance amending the San Francisco Building Code by adding Section 103A.4 to
4 require the owner of a vacant or abandoned building to register the building with the
5 Department of Building Inspection, require the owner to maintain the grounds and the
6 exterior and interior of the building secured and in good condition, and provide that a
7 property in violation of the requirements is a public nuisance; and by amending
8 Section 110, Table 1A-J to establish an annual registration fee; adopting environmental
9 and other findings.

10 NOTE: Additions are single-underline italics Times New Roman;
11 deletions are ~~strike-through italics Times New Roman~~.
12 Board amendment additions are double-underlined;
13 Board amendment deletions are ~~strikethrough-normal~~.

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

15 Section 1. Findings.

16 (a) Environmental Findings. The Planning Department has determined that the
17 actions contemplated in this Ordinance are in compliance with the California Environmental
18 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
19 on file with the Clerk of the Board of Supervisors in File No. 090554 and is
20 incorporated herein by reference.

21 (b) General Findings.

22 (1) Abandoned or vacant buildings are a major cause and source of blight in both
23 residential and nonresidential neighborhoods, especially when the owner of the property fails
24 to actively maintain and manage it.
25

1 (2) Boarded buildings, substandard or unkempt properties, and long-term vacancies
2 discourage economic development, lower property values or retard their appreciation, and
3 constitute a public nuisance.

4 (3) Vacant properties are often overgrown with weeds and other vegetation, used
5 as a dumping ground for debris, toxic or other hazardous substances, and used drug needles.
6 Blighted vacant properties also attract vagrants, gang members, and other criminal elements
7 as prime locations to conduct their illegal activities.

8 (4) When the owner of a vacant or abandoned building allows the building to
9 deteriorate to such an extent that the building must be demolished, persons and neighboring
10 properties could be endangered. In these circumstances, the owner of the building can often
11 evade Planning Code notice and hearing procedures that would otherwise be required, and
12 the neighborhood and the City as a whole lose an important and sometimes historically
13 significant resource.

14 Section 2. The San Francisco Building Code is hereby amended by adding Section
15 103A.4, to read as follows:

16 103A.4. Vacant or Abandoned Buildings – Annual registration; registration fee; maintenance
17 and security requirements.

18 103A.4.1. Definition. A building shall be defined as a vacant or abandoned if it (1) is
19 unoccupied and unsecured; or (2) is unoccupied and secured by boarding or other similar means; or
20 (3) is unoccupied and unsafe as defined in Section 102 of this Code; or (4) is unoccupied and has
21 multiple code violations; or (5) has been unoccupied for over 30 days. A building which is partially
22 unoccupied and has been cited for blight under Chapter 80 of the San Francisco Administrative Code,
23 shall also be deemed a vacant or abandoned building that is subject to this Section.

24 For purposes of this Section 103A.4, a building shall not be considered vacant or abandoned if:
25

1 (1) There is a valid building permit for repair, rehabilitation, or construction of a building
2 on the parcel and the owner is progressing diligently to complete the repair, rehabilitation, or
3 construction; or

4 (2) The building complies with all codes, does not contribute to blight as defined in Chapter
5 80 of the San Francisco Administrative Code, is ready for occupancy, and is actively being offered for
6 sale, lease, or rent.

7 103A.4.2. Property owner's obligation to register a vacant or abandoned building. The owner
8 of a building defined as vacant or abandoned under Section 103A.4.1 shall register that building with
9 the Department 30 days after it has become vacant or abandoned on a form provided by the
10 Department. The form shall describe the methods by which the owner has secured the property against
11 unauthorized entry, declare any future plans for the property, state whether or not there is fire and
12 liability insurance coverage, and provide such other information as the Department may require. A
13 registration fee shall be paid at the time of registration and annually thereafter. See Section 110A,
14 Table 1A-J for applicable fee.

15 103A.4.3. Notice. Whenever the Director has probable cause to believe, based upon an
16 inspection, complaint, or report from another agency of the City and County of San Francisco or other
17 governmental agency, that a building is vacant or abandoned and it has not been registered as required
18 by this Section 103A.4, the Director shall serve the owner of record, as shown on the Assessor's
19 Records, or authorized agent with a written notice requiring the owner to register the building with the
20 Department as vacant or abandoned and pay the registration fee within the period of time specified in
21 the notice, which shall be no greater than 30 days.

22 103A.4.4. Sign posting. The owner of record of the vacant or abandoned building is required
23 to post a sign at the front of the building, in a conspicuous location protected from the weather, that
24 provides the current name, address, and phone number of the owner of record or an authorized agent.

1 If a notice of default or foreclosure has been recorded for the property, the lender's name, address, and
2 telephone number must also be provided. The sign shall be no smaller than 8 1/2 inches by 11 inches.

3 103A.4.5. Maintenance and security requirements. The following maintenance and security
4 requirements shall apply to a vacant or abandoned building. The Director has the discretion to modify
5 these requirements in the case of a partially vacant building, and to modify or waive some or all of
6 these requirements in the case of a building that has been damaged by fire, a natural disaster, or other
7 calamity.

8 104A.4.5.1. Maintenance of property - exterior. The property owner shall actively maintain
9 and monitor the exterior of the building and the grounds so that they remain in continuing compliance
10 with all applicable codes and regulations, and do not contribute to and are not likely to contribute to
11 blight as defined in Chapter 80 of the Administrative Code. Active maintenance and monitoring shall
12 include, but not be limited to:

13 (1) Maintenance of landscaping and plant materials in good condition;

14 (2) Regular removal of all exterior trash, debris, and graffiti;

15 (3) Maintenance of the exterior of the building in a good condition that is structurally safe
16 and preserves the physical integrity of the structure, including but not limited to paint and finishes,
17 foundation, roof, chimneys, flues, gutters, downspouts, scuppers, flashing, skylights, windows, exterior
18 stairs and decks;

19 (4) Prevention of criminal activity on the premises and trespass by unauthorized persons;

20 and

21 (5) Turning off all utilities that are not necessary for the upkeep and maintenance of the
22 building.

23 103A.4.5.2. Maintenance of property – interior. The property owner shall preserve the interior
24 of the building from damage by the elements or plumbing leaks, and keep it free from accumulation of
25 garbage and other debris, and from infestation by rodents, insects, or other pests.

*burglar alarm
just you and windows plywood panels*

1 103A.4.5.3. Security. The building shall be secured against unauthorized entry. The methods
2 of security shall be as approved by the Director, who shall take into consideration whether the property
3 has been cited for nuisance activities or criminal conduct by another department of the City and
4 County of San Francisco or other government agency.

5 103A.4.6. Insurance. The owner of record shall maintain whatever fire and liability insurance
6 coverage the Director determines is necessary. Any insurance policy shall require notice to the
7 Department in the event of cancellation of insurance or a reduction in coverage.

8 104A.4.7. Violation a public nuisance; enforcement. A property in violation of the provisions
9 of this section is deemed to be a public nuisance and subject to enforcement by the Department and
10 penalties under Section 102A and 103A of this Code or under other applicable sections of the San
11 Francisco Municipal Code.

12 Section 3. The San Francisco Building Code is hereby amended by amending Section
13 110, Table 1A-J, to read as follows:

14 TABLE 1A-J – MISCELLANEOUS FEES

15	1. Central Permit Bureau Processing Fee for	Standard Administrative Hourly Rate –
16	Miscellaneous Permits from other disciplines	Minimum One-Half Hour
17	2. Building numbers (each entrance)	\$210.00
18	3. Extension of time: application cancellation and	
19	permit expiration:	
20	Each application extension (in plan review)	\$160.00 plus 20% of All Plan Review
21		Fees
22	Each permit extension	\$160.00 plus 10% of all Permit
23		Issuance Fees
24	4. Product approvals	
25	General approval – initial or reinstatement	Standard Hourly Plan Review Rate –

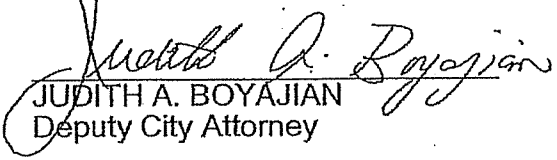
Supervisor Chiu
BOARD OF SUPERVISORS

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	Minimum Three Hours
General approval – modification or revision	Standard Hourly Plan Review Rate – Minimum Three Hours
General approval – biannual renewal	Standard Hourly Plan Review Rate – Minimum Three Hours
<u>5. Vacant building –initial and annual registration fee</u>	<u>Standard Inspection Hourly Rate –</u> <u>Minimum Six Hours</u>

Section 4. Statement of General Welfare. In undertaking the enforcement of this ordinance, the City is assuming an undertaking only to promote the general welfare. It is not assuming, or is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney

LEGISLATIVE DIGEST

[Building Code - Registration of Vacant/Abandoned Buildings; Maintenance and Security Requirements; Annual Fee and Penalties for Violation.]

Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the property with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the building secured and in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an initial and annual registration fee; adopting environmental and other findings.

Existing Law

Section 102A of the San Francisco Building Code defines unsafe buildings, structures or property and declares them to be public nuisances. They are defined as "[a]ll buildings, structures, property, or parts thereof, regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, safety, or health of the occupants or the occupants of adjacent properties or the public by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or by reason of occupancy or use in violation of law or ordinance, or were erected, moved, altered, constructed or maintained in violation of law or ordinance." Building Code Section 103A sets forth notice and hearing procedures for the abatement of unsafe conditions.

Amendments to Current Law

This legislation would add Section 103A.4 to the San Francisco Building Code to require the owner of a building that is vacant or abandoned, as defined, to register the building with the Department of Building Inspection within 30 days of becoming vacant or abandoned. A registration fee shall be paid annually. An unoccupied building would not be considered vacant for purposes of this requirement if either (1) there is a valid building permit for repair, rehabilitation, or construction and the owner is progressing diligently to complete the work 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.

The owner of a registered vacant or abandoned building is required to monitor and maintain the grounds and the interior and exterior of the building in a condition that is structurally safe and preserves the physical integrity of the building. The owner must also secure the building, post a sign with contact information, and maintain fire and liability insurance if required by the Director.

FILE NO.

A violation of the provisions of Section 103A.4 is deemed to be a public nuisance subject to enforcement and penalties under the provisions of Section 102A or other applicable sections of the San Francisco Municipal Code.

Background Information

Abandoned or vacant buildings are a major cause and source of blight in both residential and nonresidential neighborhoods, especially when the owner of the property fails to actively maintain and manage it. Boarded buildings, substandard or unkempt conditions, and long-term vacancies discourage economic development, and lower property values or retard their appreciation. Vacant properties are often overgrown with weeds and other vegetation, used as a dumping ground for debris, toxic or other hazardous substances, and used drug needles. Blighted vacant properties also attract vagrants, gang members, and other criminal elements as prime locations to conduct their illegal activities.

When the owner of a vacant or abandoned building allows the building to deteriorate to such an extent that the building must be demolished, persons and neighboring properties could be endangered. Moreover, the owner of the building can often evade Planning Code notice and hearing procedures that would otherwise be required, and the neighborhood and the City as a whole lose an important and sometimes historically significant resource.



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection
1660 Mission Street, San Francisco, California 94103-2414

Voice (415) 558-6164 - Fax (415) 558-6509

June 15, 2009

Gavin Newsom
Mayor

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Ann Aherne
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Vivian L. Day
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

RE: Ordinance amending the San Francisco Building Code by adding Section 103A.4 to require the owner of a vacant or abandoned building to register the building with the Department of Building Inspection, require the owner to maintain the grounds and the exterior and interior of the buildings in good condition, and provide that a property in violation of the requirements is a public nuisance; and by amending Section 110, Table 1A-J to establish an annual registration fee; adopting environmental and other findings. (File No. 090554)

Dear Ms. Calvillo:

On June 12, 2009 the Building Inspection Commission held a public hearing on the proposed ordinance referenced above.

This Ordinance is being forwarded with non-support. The Commissioners voted 5 -1 on this recommendation, with Commissioner Walker dissenting. Commissioner Romero was excused from this meeting.

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

Sincerely,

Ann Marie Aherne
Commission Secretary

Attachment

cc: Mayor Gavin Newsom
Supervisor David Chiu
Linda Laws, Clerk, Land Use & Economic Development Comm.
Rick Caldeira, BOS
Deputy City Attorney Judith Boyajian
Director Vivian L. Day
Deputy Director Laurence Kornfield
Gail Johnson, BOS