



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Change Summary:

Building Code: Vacant & Abandoned Buildings

Code Change: Adding Building Code Section 103A.4 to create an Vacant & Abandoned Building Registry & Require Maintenance of Building

Case Number: Board File No. 09-0554

Initiated By: Supervisor Chiu, May 8, 2009

Effective Date: September 29, 2009

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The Way It Was:

Building Code:

Section 103A (Violations)¹ does not define a vacant or abandoned building. There are no enforcement procedures or guidelines for properties with vacant/abandoned structures.

Planning Code:

The Planning Code² does not define a vacant or abandoned building, nor does it contain enforcement procedures directly dealing with them.

Public Works Code:

Section 174 (Nuisance)³ does outline what items constitute a nuisance – items *on any public sidewalk, public stairway, or other public right-of-way* [emphasis added] that constitute a threat to public health and safety are deemed to be a nuisance. Things such as the accumulation of “filth, garbage, decaying vegetable or animal matter, waste paper, vegetation overgrowth, litter, and trash...”⁴ are considered to be nuisance issues and the owner of the premises or unit nearest the public area is held liable for the cleanliness and safety of such areas. This Section allows the Department of Public Works to issue violations and abatement notices to the property owner, and contains a series of enforcement procedures.

Section 735 (Blighted Vacant Lots as Constituting Public Nuisance)⁵ is similar to Section 174 described above. Rather than apply to public areaways, it applies to *vacant lots*. A clear definition of a vacant lot is given and what constitutes a nuisance (it is similar to the one in Section 174). This Section also allows the Department of Public Works to issue violations and abatement notices to the property owner and contains a series of enforcement procedures.

¹ Building Code, Chapter 1A: Administration. Section 103A – Violations.

² Planning Code, Article 1.7: Compliance.

³ Public Works Code, Article 5.1: Anti-Litter Receptacles. Section 174 – Nuisance.

⁴ *Ibid.*

⁵ Public Works Code, Article 15: Miscellaneous. Section 735: Blighted Vacant Lots as Constituting Public Nuisance.

Administrative Code:

Chapter 80 (Anti-Blight Enforcement Procedure) of the Administrative Code establishes a definition of blight.⁶ It references the Public Work Code definitions in Sections 174 and 735, but broadens it to include private properties. Properties that 1) are not kept substantially clean and free of accumulations (debris, garbage, etc); 2) unpainted buildings; 3) buildings with substantially deteriorated features (such as awnings, windows, walls, graffiti), and 4) properties with appliances or machinery in the yard, all constitute blight.⁷ The Department of Public Works is charged with enforcing these properties.

It should be noted that this Chapter explicitly carves out unsafe buildings: “Notwithstanding the [above] definition, public nuisances pertaining to unsafe buildings, structure, or property conditions, as defined by Section 102A of the Building Code, shall not constitute blight for the purposes of this Chapter and shall remain within the exclusive enforcement authority of the Department of Building Inspection to the extent required by state and local law.”⁸

The Way It Is Now:

The Ordinance would amend the Building Code by:

1. Adding Section 103A.4 (Vacant or Abandoned Buildings, Annual registration; registration fee)⁹ to require the owner of a vacant or abandoned building (as defined) to register the building with the Department of Building Inspection;
2. Requiring that a sign be posted on the vacant/abandoned building site with the owner’s contact information on it;
3. Requiring that the owner to maintain the grounds and the exterior and the interior of the building in good condition, including preventing criminal activity on the premises;
4. Requiring that a commercial 24-hour security system be installed on a vacant/abandoned building after one year;
5. Requiring that the owner of a vacant/abandoned building maintain fire and liability insurance coverage for the site;
6. Declaring that and provide that a property in violation of the above requirements constitutes a public nuisance; and
7. Amending Section 110, Table 1A-J to establishment an annual vacant/abandoned registration building fee.

For a copy of the legislation, please go here:

<http://www.sfgov.org/site/uploadedfiles/bdsupvrs/ordinances09/o0194-09.pdf>

⁶ Administrative Code, Chapter 80: Anti-Blight Enforcement Procedure. Sec. 80.3(b) Definitions. Added by Ordinance 256-08, approved 11/07/08.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Building Code Section 103A: Violations.