



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: May 27, 2010
TO: Historic Preservation Commission
FROM: Tim Frye, Acting Preservation Coordinator, (415) 575-6822
RE: "Demolition by Neglect"

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

The Planning Department (Department) has calendared a discussion regarding a Historic Preservation Commission (HPC) policy to address situations of "Demolition by Neglect" and related actions that allow historic properties to fall into disrepair. The HPC's purview regarding the maintenance and upkeep of historic resources is limited to those buildings identified under Articles 10 and 11 of the Planning Code. The Department believes that the recent request by the Planning Commission for involvement of the HPC in specific projects provides an opportunity to for the HPC to discuss this issue in greater detail.

On August 18, 2009 the Board of Supervisors passed a "Blight Ordinance" to amend the Building Code to create a Vacant-Abandoned Building Registry and to require owners of vacant/abandoned buildings to maintain the structures in good condition. The HPC reviewed the legislation at its June 3, 2009 hearing and the final ordinance is attached for your reference. The letter drafted by President Chase on behalf of the HPC regarding the informational presentation at its May 20, 2009 hearing on the demolition of 1268 Lombard Street is also attached for your reference.



SAN FRANCISCO PLANNING DEPARTMENT

September 2, 2009

John Rahaim, Planning Director
Larry Badiner, Zoning Administrator
San Francisco Planning Department
1650 Mission Street
San Francisco, CA 94103

Vivian L. Day, Director
Department of Building Inspection
1660 Mission Street
San Francisco, CA 94103

RE: Demolition of 1268 Lombard Street, San Francisco

Dear Mr. Rahaim, Mr. Badiner and Ms. Day:

At the May 20, 2009 meeting, the Historic Preservation Commission heard a presentation, at our request, from Planning and Building Departments' staff as well as testimony from the public regarding the demolition of the residential building at 1268 Lombard Street.

In consideration of the findings of the staff presentations and the depth of the public concern about this case, the Commission requests that the Planning and Building Departments prepare a written report documenting exactly what happened in this case so that any further public concern that proper procedures were not followed may be adequately and formally responded to. Included in this report should be a statement of why the Planning Department has found that there are no grounds for review of this case by the City Attorney's Office.

The Commission also requests that the Planning and Building Departments consider ways to revise existing emergency procedures in order to avoid the future loss of historic resources such as 1268 Lombard, and to include any suggestions for improvements to the process in their report.

The Commission heard or considered several procedural improvements to the emergency demolition process during the hearing, the feasibility of which should be considered in the report. One suggestion was to have a peer review procedure for demolition cases within the Building Department. Another Commission recommendation for consideration is to require that when engineers visit a site in an emergency demolition situation, that they not only inspect whether or not the structure is an imminent danger to safety, but that they also report their opinion as to the reasons for the structural failure, to the extent that they are able to safely ascertain the reasons. Finally, one commissioner felt when an emergency

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Mr. Rahaim, Mr. Badiner, Ms. Day

1268 Lombard Street

September 2, 2009

Page Two

demolition occurs, a provision be added to the Municipal Code restricting additional square footage that may be built on the property.

Our aim is to bring some clarity to the public record about what happened, and to try and learn from the circumstances of this case the best way to avoid a similar situation in the future.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Miller".

President
Historic Preservation Commission

Cc: HPC members
HPC file

[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 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.

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

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

Section 1. Findings.

(a) Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance 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. 090554 and is incorporated herein by reference.

(b) General Findings.

(1) 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.

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 within one year from the date the initial permit was issued; 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
25 agent if different from the owner. If a notice of default or foreclosure has been recorded for the

1 property, the lender's name, address, and telephone number must also be provided. The sign shall be
2 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.

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

	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>
	Four and One-Half
	<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

Supervisor Chiu
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 090554

Date Passed:

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.

August 11, 2009 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

August 18, 2009 Board of Supervisors — FINALLY PASSED


Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Elsbernd, Mar, Maxwell, Mirkarimi
Excused: 1 - Dufty

File No. 090554

I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on August 18, 2009
by the Board of Supervisors of the City and
County of San Francisco.

8.27.09

Date Approved


Angela Calvillo
Clerk of the Board


Mayor Gavin Newsom