

1 [Definition of Builder/Developer]
2 AMENDING ARTICLE 12-B OF PART III OF THE SAN FRANCISCO MUNICIPAL CODE
3 (REVENUE AND FINANCE/BUSINESS REGULATIONS) BY AMENDING SECTION
4 1002.15(A)(3), PROVIDING THAT A PERSON SHALL BE DEEMED TO BE ENGAGED IN
5 THE BUSINESS OF DEVELOPING AND SELLING REAL PROPERTY IF SUCH PERSON
6 CONSTRUCTS AN APARTMENT HOUSE OR COMMERCIAL BUILDING.

7 Note: Additions are underlined; deletions are in ((double parentheses)).

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

9 Section 1. Article 12-B of Part III of the San Francisco Municipal Code is hereby
10 amended by amending Section 1002.15, to read as follows:

11 **SEC. 1002.15. "ENGAGED IN THE BUSINESS OF DEVELOPING AND SELLING**
12 **REAL PROPERTY."** (a) A person shall be deemed to be engaged in the business of
13 developing and selling real property who:
14

15 (1) As a subdivider, as that term is defined in Section 66423 of the Government
16 Code, has sold subdivided property within San Francisco pursuant to a permit or
17 authorization from the State Real Estate Commissioner; or
18

19 (2) Sells two or more pieces of real property within a calendar year and upon each
20 of which a building was constructed or caused to be constructed by the seller; provided such
21 sales were within three years of the recordation by anyone of a subdivision map respecting
22 the property sold pursuant to the Subdivision Map Act; or
23

24 (3) Sells any real property upon which said person has constructed((,)) or caused to
25 be constructed((, or substantially rehabilitated)) an apartment house or commercial building;

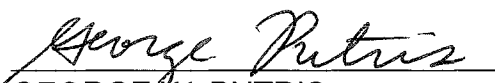
1 provided such sale ((is)) occurs either prior to or within three years after the date ((25 percent
2 or more of the square footage of the building is first occupied by a tenant or tenants after said
3 construction or rehabilitation)) upon which (i) a Certificate of Occupancy or its equivalent
4 respecting such property is issued, or (ii) a paying tenant or tenants first occupy such property
5 or any portion thereof after completion of such construction.
6

7 (b) For the purposes of this Section, the term "gross receipts" shall not include
8 proceeds realized from the sale of property through foreclosure, to an Agency proposing to
9 take the land under eminent domain proceedings, the exercise of a power of sale contained
10 in a deed of trust or mortgage; bankruptcy, assignment for the benefit of creditors or by court
11 order; or the unpaid balance of any encumbrance of record upon the property (i) existing prior
12 to the sale and remaining in existence between the same parties following the sale; (ii) with
13 respect to which a deficiency judgment is prohibited under the provisions of Code of Civil
14 Procedure Section 580(b), whether or not it is extinguished by reason of the sale.
15
16

17 APPROVED AS TO FORM:

18 LOUISE H. RENNE, City Attorney
19

20
21 By:


22 GEORGE W. PUTRIS
23 Deputy City Attorney
24
25

SUPERVISOR KAUFMAN
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: 990306

Date Passed:

Ordinance amending Municipal Code, Part III, Article 12-B (Revenue and Finance/Business Regulations), by amending Section 1002.15(A)(3), providing that a person shall be deemed to be engaged in the business of developing and selling real property if such person constructs an apartment house or commercial building.

April 12, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Katz, Kaufman, Leno, Newsom, Teng,
Yaki, Yee

Absent: 1 - Brown

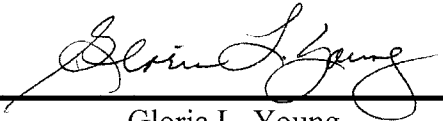
April 19, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 8 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Yaki, Yee

Absent: 3 - Bierman, Newsom, Teng

File No. 990306

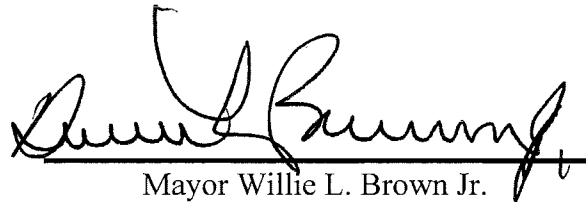
I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on April 19, 1999 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

APR 30 1999

Date Approved



Mayor Willie L. Brown Jr.