

1 [Building Code – Pilot Project Requiring Amended Certificates of Final Completion and  
2 Occupancy for Existing Buildings in the RTO and NCT zoned portions of the Market & Octavia  
3 Area Plan Within the Boundaries of District Five.]

4 **Ordinance amending the San Francisco Building Code by amending Section 109A to**  
5 **provide that in the RTO and NCT zoned portions of the Market & Octavia Area Plan**  
6 **within the boundaries of District Five, an Amended Certificate of Final Completion and**  
7 **Occupancy shall be issued for an existing building where a Certificate of Occupancy**  
8 **would be issued under the Code, and to require the Amended Certificate of Final**  
9 **Completion and Occupancy to include a reference to the date of the first certificate of**  
10 **occupancy and any subsequent certificates of occupancy that have been issued for the**  
11 **building.**

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13 Note: Additions are *single-underline italics Times New Roman*;  
14 deletions are *strikethrough italics Times New Roman*.  
15 Board amendment additions are double underlined.  
16 Board amendment deletions are ~~strikethrough normal~~.

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

18 Section 1. The Planning Department has determined that the actions contemplated in  
19 this Ordinance are in compliance with the California Environmental Quality Act (California  
20 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of  
21 the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by  
22 reference.

23 Section 2. The San Francisco Building Code is hereby amended by amending Section  
24 109A.1, to read as follows:  
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1 SECTION 109A – CERTIFICATE OF OCCUPANCY; AMENDED CERTIFICATE OF  
2 OCCUPANCY FOR EXISTING BUILDINGS IN THE RTO AND NCT ZONED PORTIONS OF THE  
3 MARKET & OCTAVIA AREA PLAN WITHIN THE BOUNDARIES OF DISTRICT FIVE

4 109A.1 Use and Occupancy. No building or structure shall be used or occupied, and  
5 no change in the existing occupancy classification of a building or structure or portion thereof  
6 shall be made, until the building official has issued a certificate of final completion and  
7 occupancy or an amended certificate of final completion and occupancy therefor as provided  
8 herein, or otherwise has been approved for use by the Department of Building Inspection.

9 Issuance of a certificate of final completion and occupancy or an amended certificate of  
10 final completion and occupancy shall not be construed as an approval of a violation of the  
11 provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give  
12 authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction  
13 shall not be valid. It shall be the duty of the Police Department, when called upon by the  
14 Building Official, to enforce this provision.

15 109A.2 Change in Occupancy or Use. Changes in the character or use of a building  
16 shall not be made except as specified in Section 3406 of this code.

17 A Certificate of Final Completion and Occupancy shall be required for changes in use  
18 or occupancy as set forth in Section 3406, except for Group R-1 and R-2 Occupancies; Group  
19 R-1 and R-2 Occupancies shall be subject to the requirements of Sections 109A.7 and  
20 109A.8.

21 109A.3 Certificate Issued. The Building Official shall issue Certificates of Final  
22 Completion and Occupancy for buildings or structures erected or enlarged; for each change in  
23 occupancy classification in any building, structure or portion thereof; and for buildings or  
24 structures seismically upgraded in accordance with the provisions of this code. In the RTO and  
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1 NCT zoned portions of the Market & Octavia Area Plan within the boundaries of District Five, an  
2 Amended Certificate of Final Completion and Occupancy shall be issued for changes to an existing  
3 building that would require issuance of a Certificate of Occupancy under this Code. The Amended  
4 Certificate of Occupancy shall indicate the date the first certificate of occupancy and any subsequent  
5 certificates of occupancy for the building or structure were issued.

6 EXCEPTION: For Group R-1 and R-2 Occupancies, see Sections 109A.7 and 109A.8.  
7 109A.4 Temporary Certificate. Temporary Certificates of Occupancy may be issued if  
8 the Building Official finds that no substantial hazard will result from occupancy of any building,  
9 or portion thereof, before the same is completed and satisfactory evidence is submitted that  
10 the work could not have been completed prior to occupancy. The request for such temporary  
11 certificate shall be in writing, and no occupancy of the building shall be made until such  
12 certificate is issued. Such temporary certificate shall be valid for a period not to exceed 12  
13 months, unless an extension of time is approved by the Building Official. See Section 110A,  
14 Table 1A-G – Inspections, Surveys and Reports – for applicable fee.

15 109A.5 Posting. No requirements.

16 109A.6 Revocation. The building official may, in writing, suspend or revoke a  
17 certificate of occupancy or an amended certificate of occupancy issued under the provisions of  
18 this code whenever the certificate is issued in error, or on the basis of incorrect information  
19 supplied, or when it is determined that the building or structure or portion thereof is in violation  
20 of any ordinance or regulation or any of the provisions of this code.

21 109A.7 Certificate or Amended Certificate of Final Completion and Occupancy, Group  
22 R-1 and R-2 Occupancy. Before the Department may issue a Certificate of Final Completion  
23 and Occupancy for a newly-erected building or structure, an Amended Certificate of Final  
24 Completion and Occupancy for an existing building within the RTO and NCT zoned portions of the  
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1 Market & Octavia Area Plan within the boundaries of District Five pursuant to Section 109A.3, or  
2 Apartment House/Hotel License ~~may be issued~~, a written report of compliance with applicable  
3 codes, standards and regulations and any conditions of approval to the building, structure or  
4 property shall be obtained from those agencies having jurisdiction. An Amended Certificate of  
5 Final Completion and Occupancy issued for changes to an existing building shall indicate the date the  
6 first certificate of occupancy and any subsequent certificates of occupancy for the building or structure  
7 were issued.

8 Where any permit for the building, structure or property was appealed to the Board of  
9 Appeals and the Board imposed conditions on appeal, the Department may not issue a  
10 Certificate of Final Completion and Occupancy, an Amended Certificate of Final Completion and  
11 Occupancy, or Apartment House/Hotel License until it determines that the conditions have  
12 been met. A copy of the Certificate of Final Completion and Occupancy or Amended Certificate  
13 of Final Completion and Occupancy shall be forwarded to the Board of Appeals.

14 109A.8 Group R-1 and R-2 Occupancy, Apartment House/Hotel License. A license shall be  
15 required for every Group R-1 and R-2 Occupancy structure. The license shall be obtained by  
16 paying the necessary fees as set forth in Section 110A, Table 1A-P – Apartment House and  
17 Hotel License Fees.

18 The Apartment House/Hotel License is not transferable, and a new license must be  
19 applied for by the new owner within 30 days of change of ownership.

20 The Apartment House/Hotel License shall not be construed as authority to violate,  
21 cancel, alter or set aside any of the provisions or requirements of any laws or ordinances of  
22 the City and County of San Francisco, nor shall such issuance thereafter prevent requiring  
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1 corrections of errors or of violations of any applicable law or ordinance of the City and County  
2 of San Francisco.

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

5 By: \_\_\_\_\_  
6 JUDITH A. BOYAJIAN  
7 Deputy City Attorney

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