

1 [Building Code - Change of Use Designation]

2

3 **Ordinance amending the Building Code to excuse the requirement for professionally**
4 **prepared architectural drawings for building permits to change certain use**
5 **designations that do not increase occupant load or occupancy class, or include**
6 **alterations; and affirming the Planning Department’s determination under the California**
7 **Environmental Quality Act.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

12

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

14

15 Section 1. General Findings.

16 (a) The Planning Department has determined that the actions contemplated in this
17 ordinance comply with the California Environmental Quality Act (California Public Resources
18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
19 Supervisors in File No. 240798 and is incorporated herein by reference. The Board affirms
20 this determination.

21 (b) On September 18, 2024, the Building Inspection Commission considered this
22 ordinance at a duly noticed public hearing pursuant to Charter Section 4.121 and Building
23 Code Section 104A.2.11.1.1.

24 (c) No local findings are required under California Health and Safety Code Section
25 17958.7 because the amendments to the Building Code contained in this ordinance do not

1 regulate materials or manner of construction or repair, and instead relate in their entirety to
2 administrative procedures for implementing the code, which are expressly excluded from the
3 definition of a “building standard” by California Health and Safety Code Section 18909(c).

4
5 Section 2. Chapter 1A of the Building Code, Section 106A, is hereby amended by
6 revising Section 106A.1.12, to read as follows:

7 **106A.1.12 Permit and fees for change in occupancy or use.** Whenever a change in
8 occupancy or use, as defined in Section 302 of this Code, is made, a building permit shall be
9 required to legalize the changed occupancy or use ~~or occupancy~~. The fee shall be the minimum
10 fee required for filing for a permit and must be secured prior to the change of occupancy.

11 Building permit applications for a change of use shall not require plans prepared by a
12 registered design professional, provided all of the following apply:

13 (a) the previously established use designation is in A (Assembly), B (Business), and M
14 (Mercantile) occupancy classifications and remains within that classification;

15 (b) the occupant load remains the same or decreases;

16 (c) there are no alterations, as defined by section 202 of this Code;

17 (d) the tenant space does not require changes to the mechanical, electrical, or plumbing
18 systems; and

19 (e) the tenant will not be introducing new kitchen, service bar design or related equipment in
20 the space.

21 In the event any alteration work is required, the alteration permit with plans shall be
22 considered sufficient for this requirement and no additional permit will be required or
23 additional fee required for the change in use or occupancy except as set forth in Section
24 109A.8.

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Robb Kapla
15 ROBB KAPLA
16 Deputy City Attorney

17 n:\legana\as2024\2400478\01786858.docx