

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair
Land Use and Transportation Committee

FROM: John Carroll, Assistant Clerk

DATE: October 1, 2024

SUBJECT **COMMITTEE REPORT, BOARD MEETING**
Tuesday, October 1, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, October 1, 2024. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, September 30, 2024, at 1:30 p.m., by the votes indicated.

BOS Item No. 27

File No. 240798

[Building Code - Change of Use Designation]

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

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Myrna Melgar – Aye
Supervisor Dean Preston – Aye
Supervisor Aaron Peskin – Aye

Cc: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Brad Russi, Deputy City Attorney

File No. 240798

Committee Item No. 1

Board Item No. 27

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: Sept. 30, 2024

Board of Supervisors Meeting:

Date: Oct. 1, 2024

Cmte Board

- Motion
- Resolution
- Ordinance - VERSION 2
- Legislative Digest - VERSION 2
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- OSB Presentation – September 30, 2024
- SBC Response – September 24, 2024
- BIC Transmittal – September 23, 2024
- CEQA Determination – August 9, 2024
- Referrals, BIC and CEQA – September 23 and August 8, 2024
- Committee Report Request Memo – September 25, 2024
- _____
- _____
- _____

Prepared by: John Carroll

Date: September 26, 2024

Prepared by: John Carroll

Date: October 1, 2024

Prepared by: _____

Date: _____

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

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

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LEGISLATIVE DIGEST
(Substituted, 9/17/2024)

[Building Code - Change of Use Designation]

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

Existing Law

Section 106A.1.12 of the Building Code requires submission of a building permit application, including professionally prepared building plans, for a change of use regardless of whether any alterations are being done on site.

Amendments to Current Law

The Proposed Legislation would forego the requirement to submit professionally prepared building plans for permits to change the use designation of a property within the Assembly, Business, or Mercantile occupancy classifications, that do not involve alterations, changing the occupancy classification or increasing occupant load, or work on the property's electrical, mechanical, or plumbing systems. Applicant-prepared interior plans and drawings still be required to process applications, but the requirement of professionally prepared architectural drawings will be waived for eligible properties.

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Change of Use Designation and Permit Exemptions

BOS File 240798
Sponsor: Mayor Breed

Legislative goals

- **Reduce the number of barriers** small businesses experience when trying to open a new storefront
- **Remove costly architectural plan requirements** when businesses apply for a Change of Use permit and no alterations are involved
- **Clearly define when building permits are required** when businesses apply for a Change of Use permit

Summary of proposed legislation

Sec. 106A.1.12: Permit and fees for change in occupancy or use

Whenever a change in occupancy or use, as defined in Section 302 of this Code, is made, a building permit shall be required to legalize the changed use or occupancy.

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

- a) the previously established use designation is in A (Assembly), B (Business), and M (Mercantile) occupancy classifications and remains within that classification;
- b) the occupant load remains the same or decreases;
- c) there are no alterations, as defined by section 202 of this Code;
- d) the tenant space does not require changes to the mechanical, electrical, or plumbing systems; and
- e) the tenant will not be introducing new kitchen, service bar design or related equipment in the space.

Whenever construction work (alterations) is required, a building permit is still required.

Amendments to reflect this language in Planning Code will also be introduced.

Existing pilot program

This legislation codifies an existing pilot program to exempt certain small businesses undergoing a change of use from producing architectural plans

Step by step

Small business exception to plan requirements

For small businesses undergoing a change of use under the Planning Code

If you are a small business undergoing a change of use under the Planning Code and

- are not proposing any new construction / tenant improvements, and
- the occupant load for your business space remains the same or decreases, and
- there is no change of occupancy classification

you do not need to prepare plans from a licensed architect as part of your building permit application. Instead, follow the below steps.

- 1 Consult with the Office of Small Business about your project**

Discuss your business proposal with Small Business Permit Specialists by calling 628-652-4949, emailing sfosb@sfgov.org, or by visiting the [Permit Center](#).

The Office of Small Business can assist you with preparing information prior to you beginning the permitting process. To view the information you will need, [click here](#).

Learn about the [First Year Free](#) program and see if you qualify to have your permit fees waived.
- 2 Visit the Permit Center**

Once you are ready to begin the permitting process for your change of use (under the Planning Code), visit the [Permit Center](#) at 49 South Van Ness Ave.

After you have completed the intake process with the Department of Building Inspection, you will be routed to the Office of Small Business.



CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR
OFFICE OF SMALL BUSINESS
DIRECTOR KATY TANG

September 24, 2024

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 240798 – Change of Use Designations and Permit Exemptions - Support

Dear Ms. Calvillo,

On September 23, 2024 the Small Business Commission (the Commission) heard BOS File No. 240798 – Change of Use Designations and Permit Exemptions. Katy Tang, Director of the Office of Small Business, presented the legislation on behalf of the Mayor's Office.

The legislation removes costly architectural plan requirements under certain circumstances when businesses apply for a Change of Use with the Planning Department and make no interior alterations to the space. It also clarifies when building permits are required for a Change of Use permit. The Commission noted that this proposal furthers their ongoing effort to streamline and simplify small business permitting. By removing costly requirements, this proposal will save small businesses time and money.

Thank you for considering the Commission's recommendations. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Katy Tang". The signature is fluid and cursive.

Katy Tang
Director, Office of Small Business



BUILDING INSPECTION COMMISSION (BIC)

**Department of Building Inspection
49 South Van Ness Avenue, 5th Floor San Francisco, California 94103**

Voice (628) 652 -3510

September 23, 2024

London N. Breed
Mayor

COMMISSION

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Alexander-Tut
President

Earl Shaddix
Vice-President

Evita Chavez
Catherine Meng
Bianca Neumann
Kavin Williams

Sonya Harris
Secretary

Monique Mustapha
Asst. Secretary

Patrick O’Riordan,
C.B.O., Director

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: File No. 240798

Ordinance amending the Building Code to exempt the requirement for architectural drawings for building permits to change use designations that do not increase occupant load or occupancy class, or entail physical improvements; add to the list of work exempt from needing building permits; and affirming the Planning Department’s determination under the California Environmental Quality Act.

The Code Advisory Committee met on September 11, 2024 and discussed numerous possible changes to the ordinance. The Committee did not vote on a motion relating to the ordinance.

The Building Inspection Commission met and held a public hearing on September 18, 2024 regarding the proposed amendment to the Building Code contained in Board File No. 240798.

Ms. Katy Tang, Director of the Office of Small Business, presented the ordinance and answered clarifying questions from the Commissioners regarding the pilot program, change of use, and verifying occupancy. The Commissioners supported the legislation and positively discussed the proposed amendments.

The Commissioners voted unanimously to **recommend approval of the Ordinance.**

President Alexander-Tut	Yes
Vice-President Shaddix	Excused
Commissioner Chavez	Yes
Commissioner Meng	Yes
Commissioner Neumann	Yes
Commissioner Williams	Yes

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,

A handwritten signature in blue ink that reads "Sonya Harris". The signature is fluid and cursive, with the first name "Sonya" being more prominent than the last name "Harris".

Sonya Harris
Commission Secretary

cc: Patrick O'Riordan, Director
Mayor London N. Breed
Board of Supervisors

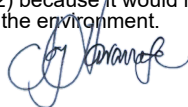
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MEMORANDUM

Date: August 5, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240798
Building Code - Change of Use Designation and Permit Exemptions

- California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.) Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
 Ordinance / Resolution
 Ballot Measure
8/9/2024 
- Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
 General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)
- General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 Landmark (Planning Code, Section 1004.3)
 Cultural Districts (Charter, Section 4.135 & Board Rule 3.23)
 Mills Act Contract (Government Code, Section 50280)
 Designation for Significant/Contributory Buildings (Planning Code, Article 11)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

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MEMORANDUM

TO: Patrick O’Riordan, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: John Carroll, Assistant Clerk
Land Use and Transportation Committee

DATE: September 23, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors’ Land Use and Transportation Committee has received the following legislation, introduced as a substitute by Mayor Breed on September 17, 2024:

File No. 240798

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

The proposed ordinance was transmitted on August 5, 2024 pursuant to Charter, Section D3.750-5, for public hearing and recommendation. The Building Inspection Commission heard this agenda item on September 18, 2024. For the sake of completeness of the record, I am forwarding this substitute version to the BIC.

Please forward me the Commission’s recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

c:
Offices of Chair Melgar and Mayor Breed
Patty Lee, Department of Building Inspection

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MEMORANDUM

TO: Patrick O’Riordan, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: John Carroll, Assistant Clerk
Land Use and Transportation Committee

DATE: August 5, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors’ Land Use and Transportation Committee has received the following legislation, introduced by Mayor Breed on July 30, 2024:

File No. 240798

Ordinance amending the Building Code to exempt the requirement for architectural drawings for building permits to change use designations that do not increase occupant load or occupancy class, or entail physical improvements; add to the list of work exempt from needing building permits; and affirming the Planning Department’s determination under the California Environmental Quality Act.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission’s recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

c:
Offices of Chair Melgar and Mayor Breed
Patty Lee, Department of Building Inspection



MYRNA MELGAR

DATE: September 25, 2024

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORT

mm

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, October 1, 2024, as a Committee Report:

File No. 240798

Building Code - Change of Use Designation

Sponsor: Mayor

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, September 30, 2024, at 1:30 p.m.

From: [Anthony Strong](#)
To: [Calvillo, Angela \(BOS\)](#); [Chan, Connie \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Engardio, Joel \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Ronen, Hillary \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Carroll, John \(BOS\)](#)
Subject: Support for BOS File 240798 Change of Use Designation and Permit Exemptions
Date: Friday, September 27, 2024 12:19:14 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

My business, Pasta Supply Co., which wanted to offer beer and wine with their food service, offers an example of how this legislation can positively impact small businesses. Both of our two locations required a "change-of-use" from a Limited Restaurant to a Full Restaurant. Offering beer and wine did not require any new construction at either of the properties, but the way current building codes are officially written, I would have needed to hire an architect and submit drawings of the new interior layouts to the Department of Building Inspection. Fortunately, since 2022 when the City began offering changes to streamline the process, businesses like mine have avoided the added time and saved thousands of dollars. This legislation makes those streamlining changes permanent. I hope you can support this legislation.

Sincerely,

Anthony Strong

From: [Sharky Laguana](#)
To: angela.cavillo@sfgov.org
Cc: [Chan, Connie \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [Engardio, Joel \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Melgar, Myrna \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Ronen, Hillary \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Carroll, John \(BOS\)](#)
Subject: Support for BOS File 240798 Change of Use Designation and Permit Exemptions
Date: Monday, September 23, 2024 3:10:09 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello friends,

As a small business advocate, I write in support of BOS File 240798 Change of Use Designation and Permit Exemptions. We need to do everything we can to make permitting simple and quick, and encourage more businesses to fill our neighborhood corridors. This legislation is common sense and saves businesses valuable time and money. I encourage you to support proposals like this to streamline permitting and help our small businesses thrive.

Sincerely,

Sharky

Sharky Laguana
Chief Executive Officer - [Bandago](#)
President - [American Car Rental Association](#)

Office: 415-401-7659 ext.101