

1 [Requiring Amended Certificates of Final Completion and Occupancy for Changes of  
2 Occupancy of Existing Buildings.]

3 **Ordinance amending the San Francisco Building Code by amending Section 109A to**  
4 **provide that an Amended Certificate of Final Completion and Occupancy shall be**  
5 **issued for an existing building where there is an increase in the number of legal**  
6 **dwelling units resulting in a change of occupancy, and to require the Amended**  
7 **Certificate of Final Completion and Occupancy to include a reference to the date of the**  
8 **first certificate of occupancy and any subsequent certificates of occupancy that have**  
9 **been issued for the building; amending the Planning Code by adding Section 359 to**  
10 **provide that a requirement to pay a development impact fee prior to issuance of a**  
11 **certificate of occupancy shall include payment of the fee prior to issuance of an**  
12 **amended certificate of occupancy.**

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~~.

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

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

22 Section 2. The San Francisco Building Code is hereby amended by amending Section  
23 109A.1, to read as follows:

24 SECTION 109A – CERTIFICATE OF OCCUPANCY; AMENDED CERTIFICATE OF  
25 OCCUPANCY FOR EXISTING BUILDING.

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

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

12           109A.2 Change in Occupancy or Use. Changes in the character or use of a building  
13 shall not be made except as specified in Section 3406 of this code.

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

18           109A.3 Certificate Issued. The Building Official shall issue Certificates of Final  
19 Completion and Occupancy for buildings or structures erected or enlarged; for each change in  
20 occupancy classification in any building, structure or portion thereof; and for buildings or  
21 structures seismically upgraded in accordance with the provisions of this code. An Amended  
22 Certificate of Final Completion and Occupancy shall be issued for an existing building where there is  
23 an increase in the number of legal dwelling units resulting in a change of occupancy. The Amended  
24 Certificate of Occupancy shall indicate the date the first certificate of occupancy and any subsequent  
25

1 certificates of occupancy for the building or structure were issued. If there is no original certificate of  
2 occupancy, the Amended Certificate of Occupancy shall refer to the date of initial construction on file  
3 in the records of the Department.

4 EXCEPTION: For Group R-1 and R-2 Occupancies, see Sections 109A.7 and 109A.8.

5 109A.4 Temporary Certificate. Temporary Certificates of Occupancy may be issued if  
6 the Building Official finds that no substantial hazard will result from occupancy of any building,  
7 or portion thereof, before the same is completed and satisfactory evidence is submitted that  
8 the work could not have been completed prior to occupancy. The request for such temporary  
9 certificate shall be in writing, and no occupancy of the building shall be made until such  
10 certificate is issued. Such temporary certificate shall be valid for a period not to exceed 12  
11 months, unless an extension of time is approved by the Building Official. See Section 110A,  
12 Table 1A-G – Inspections, Surveys and Reports – for applicable fee.

13 109A.5 Posting. No requirements.

14 109A.6 Revocation. The building official may, in writing, suspend or revoke a  
15 certificate of occupancy or an amended certificate of occupancy issued under the provisions of  
16 this code whenever the certificate is issued in error, or on the basis of incorrect information  
17 supplied, or when it is determined that the building or structure or portion thereof is in violation  
18 of any ordinance or regulation or any of the provisions of this code.

19 109A.7 Certificate or Amended Certificate of Final Completion and Occupancy, Group  
20 R-1 and R-2 Occupancy. Before the Department may issue a Certificate of Final Completion  
21 and Occupancy for a newly-erected building or structure, an Amended Certificate of Final  
22 Completion and Occupancy for an existing building pursuant to Section 109A.3, or Apartment  
23 House/Hotel License ~~may be issued~~, a written report of compliance with applicable codes,  
24 standards and regulations and any conditions of approval to the building, structure or property  
25

1 shall be obtained from those agencies having jurisdiction. An Amended Certificate of Final  
2 Completion and Occupancy issued for changes to an existing building shall indicate the date the first  
3 certificate of occupancy and any subsequent certificates of occupancy for the building or structure  
4 were issued. If there is no original certificate of occupancy, the Amended Certificate of Occupancy  
5 shall refer to the date of initial construction on file in the records of the Department.

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

12 109A.8 Group R-1 and R-2 Occupancy, Apartment House/Hotel License. A license shall be  
13 required for every Group R-1 and R-2 Occupancy structure. The license shall be obtained by  
14 paying the necessary fees as set forth in Section 110A, Table 1A-P – Apartment House and  
15 Hotel License Fees.

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

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

23 Section 3. The San Francisco Building Code is hereby amended by adding Section  
24 359, to read as follows:

25

1           SEC. 359. PAYMENT OF FEES PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.  
2           Whenever this Code requires a fee to be paid prior to the issuance of a certificate of occupancy, it shall  
3           also include issuance of an amended certificate of occupancy.

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

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

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25