

1 [Building Code – Certificate of Occupancy Issued for Changes to an Existing Building.]

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3 Ordinance amending the San Francisco Building Code by amending Section 109A to provide
4 that any certificate of occupancy for a building or structure that is issued subsequent to the
5 first certificate of occupancy shall be an amended certificate of occupancy that includes a
6 reference to the date of the first certificate of occupancy and any subsequent certificates of
7 occupancy that have been issued.

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9 Note: Additions are single-underline italics Times New Roman;
10 deletions are ~~strikethrough italics Times New Roman~~.
11 Board amendment additions are double underlined.
12 Board amendment deletions are ~~strikethrough normal~~.

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

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

19 Section 2. The San Francisco Building Code is hereby amended by amending Section
20 109A.1, to read as follows:

21 SECTION 109A – CERTIFICATE OF OCCUPANCY

22 109A.1 Use and Occupancy. No building or structure shall be used or occupied, and no
23 change in the existing occupancy classification of a building or structure or portion thereof
24 shall be made, until the building official has issued a certificate of final completion and
25 occupancy or an amended certificate of final completion and occupancy therefor as provided
herein, or otherwise has been approved for use by the Department of Building Inspection.

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

7 109A.2 Change in Occupancy or Use. Changes in the character or use of a building shall not
8 be made except as specified in Section 3406 of this code.

9 A An Amended Certificate of Final Completion and Occupancy shall be required for changes
10 in use or occupancy as set forth in Section 3406, except for Group R-1 and R-2 Occupancies;
11 Group R-1 and R-2 Occupancies shall be subject to the requirements of Sections 109A.7 and
12 109A.8.

13 109A.3 Certificate Issued. The Building Official shall issue Certificates of Final Completion
14 and Occupancy for newly-erected buildings or structures ~~erected~~. Amended Certificates of Final
15 Completion and Occupancy shall be issued for existing buildings or structures that are ~~or~~ enlarged;
16 for each change in occupancy classification in any existing building, structure or portion
17 thereof; and for existing buildings or structures seismically upgraded in accordance with the
18 provisions of this code. An Amended Certificate of Final Completion and Occupancy shall indicate
19 the date the first certificate of occupancy and any subsequent certificates of occupancy for the building
20 or structure were issued.

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

22 109A.4 Temporary Certificate. Temporary Certificates of Occupancy may be issued if the
23 Building Official finds that no substantial hazard will result from occupancy of any building, or
24 portion thereof, before the same is completed and satisfactory evidence is submitted that the
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1 work could not have been completed prior to occupancy. The request for such temporary
2 certificate shall be in writing, and no occupancy of the building shall be made until such
3 certificate is issued. Such temporary certificate shall be valid for a period not to exceed 12
4 months, unless an extension of time is approved by the Building Official. See Section 110A,
5 Table 1A-G – Inspections, Surveys and Reports – for applicable fee.

6 109A.5 Posting. No requirements.

7 109A.6 Revocation. The building official may, in writing, suspend or revoke a certificate of
8 occupancy or an amended certificate of occupancy issued under the provisions of this code
9 whenever the certificate is issued in error, or on the basis of incorrect information supplied, or
10 when it is determined that the building or structure or portion thereof is in violation of any
11 ordinance or regulation or any of the provisions of this code.

12 109A.7 Certificate or Amended Certificate of Final Completion and Occupancy, Group R-1 and
13 R-2 Occupancy. Before the Department may issue a Certificate of Final Completion and
14 Occupancy for a newly-erected building or structure, an Amended Certificate of Final Completion
15 and Occupancy for an existing building or structure subsequent to the first certificate of occupancy, or
16 Apartment House/Hotel License may be issued, a written report of compliance with applicable
17 codes, standards and regulations and any conditions of approval to the building, structure or
18 property shall be obtained from those agencies having jurisdiction. An Amended Certificate of
19 Final Completion and Occupancy issued for changes to an existing building shall indicate the date the
20 first certificate of occupancy and any subsequent certificates of occupancy for the building or structure
21 were issued.

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

4 109A.8 Group R-1 and R-2 Occupancy, Apartment House/Hotel License. A license shall be
5 required for every Group R-1 and R-2 Occupancy structure. The license shall be obtained by
6 paying the necessary fees as set forth in Section 110A, Table 1A-P – Apartment House and
7 Hotel License Fees.

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

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

15 APPROVED AS TO FORM:
16 DENNIS J. HERRERA, City Attorney

17 By: _____
18 JUDITH A. BOYAJIAN
19 Deputy City Attorney

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