

BOARD of SUPERVISORS



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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

[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.

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

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

Section 1. General Findings.

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

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

(c) No local findings are required under California Health and Safety Code Section 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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