

1 [Building Code - Change of Use Designation and Permit Exemptions]

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3 **Ordinance amending the Building Code to exempt the requirement for architectural**  
 4 **drawings for building permits to change use designations that do not increase**  
 5 **occupant load or occupancy class, or entail physical improvements; add to the list of**  
 6 **work exempt from needing building permits; and affirming the Planning Department's**  
 7 **determination under the California 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 \_\_\_\_\_, 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  
 25 Section 17958.7 because the amendments to the Building Code contained in this ordinance

1 do not regulate materials or manner of construction or repair, and instead relate in their  
2 entirety to administrative procedures for implementing the code, which are expressly excluded  
3 from the definition of a “building standard” by California Health and Safety Code  
4 Section 18909(c).

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

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

12 No architectural or professionally prepared plans or drawings will be required for processing  
13 the change of use building permit where:

14 (a) occupancy classification remains the same and only the use designation is being changed;

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

16 (c) no physical work, including alterations, improvements, or new construction, is proposed  
17 along with, or required by, the change of use.

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

22 \* \* \* \*

23 **106A.2 Work exempt from permit.** [Section 105.2 of the California Building Code.]  
24 Exemptions from the permit requirements of this code shall not be deemed to grant  
25 authorization for any work to be done in any manner in violation of the provisions of this code

1 or any other laws or ordinances of this jurisdiction. A building permit shall not be required for  
2 the following:

3 \* \* \* \*

4 25. Fixture replacements where plumbing already exists; only a plumbing permit shall be  
5 required, as long as fixture-related accessibility features are maintained, repaired, or replaced.

6 26. Electrical work that can be performed under an electrical permit.

7 27. Replacement of equipment that sits on counters and/or tables, and is plugged in through  
8 outlets.

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

14  
15 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
16 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
17 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
18 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
19 additions, and Board amendment deletions in accordance with the “Note” that appears under  
20 the official title of the ordinance.

21 APPROVED AS TO FORM:  
22 DAVID CHIU, City Attorney

23 By: /s/ Robb Kapla  
24 ROBB KAPLA  
Deputy City Attorney

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