[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

regulate materials or manner of construction or repair, and instead relate in their entirety to administrative procedures for implementing the code, which are expressly excluded from the definition of a "building standard" by California Health and Safety Code Section 18909(c).

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

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

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

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

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

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