



Change of Use Designation and Permit Exemptions

BOS File 240798
Sponsor: Mayor Breed

September 30, 2024

Legislative goals

- **Reduce the number of barriers** small businesses experience when trying to open a new storefront
- **Remove costly architectural plan requirements** when businesses apply for a Change of Use permit and no alterations are involved
- **Clearly define when building permits are required** when businesses apply for a Change of Use permit

Summary of proposed legislation

Sec. 106A.1.12: Permit and fees for change in occupancy or use

Whenever a change in occupancy or use, as defined in Section 302 of this Code, is made, a building permit shall be required to legalize the changed use or 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.

Whenever construction work (alterations) is required, a building permit is still required.

Amendments to reflect this language in Planning Code will also be introduced.

Existing pilot program

This legislation codifies an existing pilot program to exempt certain small businesses undergoing a change of use from producing architectural plans

Step by step

Small business exception to plan requirements

For small businesses undergoing a change of use under the Planning Code

If you are a small business undergoing a change of use under the Planning Code and

- are not proposing any new construction / tenant improvements, and
- the occupant load for your business space remains the same or decreases, and
- there is no change of occupancy classification

you do not need to prepare plans from a licensed architect as part of your building permit application. Instead, follow the below steps.

- 1 Consult with the Office of Small Business about your project**

Discuss your business proposal with Small Business Permit Specialists by calling 628-652-4949, emailing sfosb@sfgov.org, or by visiting the [Permit Center](#).

The Office of Small Business can assist you with preparing information prior to you beginning the permitting process. To view the information you will need, [click here](#).

Learn about the [First Year Free](#) program and see if you qualify to have your permit fees waived.
- 2 Visit the Permit Center**

Once you are ready to begin the permitting process for your change of use (under the Planning Code), visit the [Permit Center](#) at 49 South Van Ness Ave.

After you have completed the intake process with the Department of Building Inspection, you will be routed to the Office of Small Business.