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| Legislative Review: | BOS File #240798 Change of Use Designation and Permit Exemptions |
| Sponsor: | Mayor |
| Date Introduced: | 9/10/24 |
| Scheduled for BOS Committee: | Land Use and Transportation Committee |

Legislative Overview: This legislation removes costly architectural plan requirements when businesses apply for a Change of Use with the Planning Department and make no interior alterations to the space. It also clarifies when building permits are required for a Change of Use permit.

Amendments to Current Law

This legislation codifies an existing Memorandum of Understanding regarding the permit process for Change of Use applications, when a business goes from one type of commercial use to another.

Currently, all building permits are required to include architectural drawings, even if the business applicant does not do any construction. Architectural plans are costly and take time. This legislation clarifies that if a business changes a use (per Planning Code) without making any alterations, if the building occupancy and use (per Building Code) remains the same, they no longer need to apply for a building permit. They can get a Planning Letter of Approval.

If a business changes a use (per Planning Code) without making any alterations but does change the occupancy and use (per Building Code), they will need a building permit but can submit a floorplan and scaled drawings instead of architectural plans.

Any alterations still trigger a building permit with architectural plans.

Background, Issues, and Considerations

This legislation will assist businesses that are going into an existing space and not making significant changes. Below are two examples of applicable cases:

1. A Limited Restaurant that needed a license to sell beer and wine, which required a change of use from Limited Restaurant to Restaurant. Even though no construction occurred, the business was still required to submit architectural drawings.
2. A massage business took over a space that was previously a beauty salon. Because it went from one business type to another, it required architectural drawings.

Who benefits from or will be burdened by your proposal (geographically, ethnically, linguistically)?
What are your strategies for advancing racial equity or mitigating unintended consequences?

- This legislation saves business owners time and money by removing unnecessary requirements from the permitting process.

What was the development process of this proposal? Whose input have you sought out? What feedback did you hear and did you incorporate it into this proposal? If not, why not?

- This legislation builds on a Memorandum of Understanding that was part of a pilot program.
- The Office of Small Business has assisted several businesses that were required to produce architectural drawings when they didn't change any interior floorplans.

Is this proposal punitive or enforcement based? What are the other alternatives for proactive compliance?

- This proposal is not punitive.

Given the diversity of San Francisco, how would this policy play out in different cultural settings? How does it accommodate cultural norms?

3. Architectural plans require a significant financial investment, and many small businesses do not have a budget to hire architects. Finding an architect to do drawings can also be a challenge. Low-income business owners will especially benefit from this proposal.