

*Regular Meeting of the
Building Inspection Commission
September 18, 2024*

Agenda Item 6

Building Inspection Commission
September 18, 2024

Agenda Item #6 – File No. 240798

Ordinance amending the Building Code to exempt the requirement for architectural drawings for building permits to change 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.

Background

Occupancy classifications and use designations are utilized throughout the Building Code, and various other codes DBI implements, to determine the levels of hazard and risk that may be present in a specific building, and the respective requirements and standards that building must meet to mitigate said risk.

Occupancy classifications are broad categories that are viewed as the primary purpose of the building, or portion of the building. Examples of occupancy classifications include assembly, business, educational, and others.

Use designations are secondary, more specific uses within an occupancy classification that share similar risk. Examples of use designations may be restaurants, cafeterias, dining facilities, taverns and bars, and other similar uses all under a subsection of the occupancy classification of assembly.

While these categories are within the Building Code, the Planning code has similar use designations and regulates what types of uses are allowed on specific parcels or portions of the City.

Existing Law

Although changing a use designation does not necessitate physical changes to a structure or space, current law requires any shifts in use designation to be done through a building permit. This process requires the applicant to submit plans prepared by a design professional, even if those plans indicate minimal changes to the space. This can be an expensive burden to property owners and businesses seeking these changes.

Ordinance’s Proposed Changes to Existing Law

The proposed legislation removes the requirement for professionally designed plans in specified instances, allowing owners to create plans themselves, or pursue options outside of a qualified

design professional. To qualify applicants must already be in an assembly, business, or mercantile occupancy classification, and their proposed plans must meet all of the following:

- No increase in occupancy load
- No alterations
- No changes to the mechanical, electrical or plumbing systems
- No new kitchen, service bar, or related equipment

Department's Proposed Amendments

The Department has proposed numerous amendments that have all been accepted and incorporated into the ordinance. The Department has no remaining recommendations at this time.

Code Advisory Committee Recommendation

The Mechanical, Electrical, Plumbing and Fire Subcommittee met on September 11, 2024 and could not reach a consensus vote on the matter, providing no recommendation to the full Code Advisory Committee. The Code Advisory Committee met on September 11, 2024 and discussed numerous possible changes to the ordinance. The Committee did not vote on a motion relating to the ordinance.

File No. 240798 – Change of Use

Tate Hanna, Legislative Affairs Manager

September 18, 2024

Existing Law

Occupancy Classification: Broad categories – such as assembly, business, educational, etc. – that describe the primary purpose of a building or portion of a building.

Use Designation: Secondary, more specified usages – such as restaurants or retail – occurring within an occupancy classification that share similar risk.

When an applicant seeks to change their use designation, regardless of physical work or alterations occurring to the space or structure, a building permit with professionally designed plans is required.

Proposed Ordinance

The proposed legislation removes the requirement for professionally designed plans in specified instances, allowing owners to create plans themselves or pursue options outside of a qualified design professional.

Applicants must meet the following requirements:

- Existing A, B, or M occupancy classification
- No increase in occupant load
- No alterations
- No changes to the mechanical, electrical or plumbing systems
- No new kitchen, service bar or related equipment

DBI & CAC Recommended Action

The Department recommends approval of the ordinance.

The Code Advisory Committee's Mechanical, Electrical, Plumbing and Fire Subcommittee met on September 11, 2024 and could not reach a consensus vote on the matter, providing no recommendation to the full Code Advisory Committee. The Code Advisory Committee met on September 11, 2024 and discussed numerous possible changes to the ordinance. The Committee did not vote on a motion relating to the ordinance.



THANK YOU



Change of Use Designation and Permit Exemptions

BOS File 240798
Sponsor: Mayor Breed

September 18, 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.