



CERTIFICATE OF OCCUPANCY & TEMPORARY CERTIFICATE OF OCCUPANCY

What is a Certificate of Occupancy?

A Certificate of Occupancy (C of O) is a document issued by Building & Safety which certifies that a commercial space or newly constructed residential building has been inspected for compliance with the California Building Standards Code and local ordinances which govern construction and occupancy.

It is considered unlawful to use or occupy a building or structure unless a Certificate of Occupancy has been issued.

What normally requires a Certificate of Occupancy?

- New Residential Structures and their accessory structures
- Residential conversions (i.e. ADU's, non-habitable space converted to habitable space)
- New Commercial Structures
- Commercial tenant improvements that require a building permit showing any change in area, occupancy, or use.

The California Building Code states that all **businesses** shall have a valid Certificate of Occupancy [CBC Section 111, CRC R110].

The Certificate of Occupancy is issued to the space or building, and not to the specific business. Should a business vacate a space, and another business *of the same use and occupancy* takes possession of the space **without making any modifications requiring a building permit**, the existing C of O remains in effect.

****Note:** increasing seating or decreasing seating changes the occupancy and a C of O is required.

What is exempt from a Certificate of Occupancy?

Per CBC 111.1 and CRC R110.1, work that is not required to obtain a Certificate of Occupancy includes:

1. Work that does not require a permit per CBC 105.2 (attached)
2. Residential addition/remodels that does not change the use or occupancy
3. Commercial spaces that do not make any modifications as stated above

What should be done with the Certificate of Occupancy once it is issued?

The Certificate of Occupancy for commercial structures shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

What about a Temporary Certificate of Occupancy?

Building & Safety may issue a Temporary Certificate of Occupancy (TCO) on a case-by-case basis. TCOs must be coordinated with the Building Inspector and approved by the Building Official.

Traditionally, a TCO has been approved for a Tenant/Owner to gain access to a commercial occupancy for stocking of inventory, staff training, installing, testing of computer systems, etc.

TCOs shall not be issued or take effect, and the building shall not be occupied, until all approvals are obtained, fees are paid, and a signed TCO is issued by the Department.

****Note:** all permits and deficiencies outstanding at the time of TCO issuance shall be completed (finaled) and a permanent Certificate of Occupancy (C of O) shall be issued prior to permanent occupancy.

What is the procedure to obtain a TCO:

An inspection must be completed to determine the outstanding issues for all disciplines which include Building, Fire, Engineering, Planning and Landscape. The building inspector will make a recommendation to the Building Official as to whether a TCO can be issued.

The following items will be considered before a TCO is issued:

- A completed TCO application filled out and vetted by your Building Inspector
- Detailed plan showing how the space will be maintained as safe and accessible while the remaining work is completed
- The timeframe needed to complete the remaining work
- Fire/Life Safety: All fire and life safety systems – including sprinklers, fire alarms, emergency generators, smoke detectors, fire-rated floor systems, duct systems, shafts and penetrations, elevators, exits, exit illumination, exit hardware, and exit stairways – must be in place, functional, and approved.
- Deferred Submittals: Any deferred submittals need to be applied for and finalized.
- MEP & Disabled Access: All mechanical, electrical, plumbing, and disabled access systems must be completed and signed off.

Please note that since multiple City Department approvals are required, this process may take approximately 5 business days to complete. Please plan/schedule accordingly between submittal of your request and the desired TCO date. Also, make sure all permits are signed off in the system before you request TCO.

Building & Safety may deny issuance of a Temporary Certificate of Occupancy for just cause.

The Building Official is authorized to notify in writing, suspend, or revoke a TCO or C of O whenever the certificate is issued in error, based on incorrect information supplied, or when it is determined that the building, structure, or portion thereof violates any ordinance, regulation, or provision of the California Building Code. Notification may be provided by letter or electronic correspondence via the email address provided on the application.