



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 189**
Existing Buildings – Commercial Repairs, Remodels and Interior Finish
Outs - Requirements for a Change of Use and/or for Issuing a Certificate
of Occupancy

DATE: March 28, 2011/*Revised October 3, 2011/August 1, 2014*

CREATED BY: Plan Review Division

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update Information Bulletin (IB) 189 for existing buildings – commercial repairs, remodels and interior finish outs, requirements for a change of use and/or for issuing a certificate of occupancy. This bulletin has been updated to incorporate the department’s new format for Information Bulletins.

This IB is intended to clarify when a customer should obtain a commercial interior finish out permit, a commercial repair permit or a commercial remodel permit and to clarify when a separate Certificate of Occupancy (COO) application is required or whether the COO will be provided automatically. In addition, this information bulletin is intended to clarify the overall permitting and inspection processes of the DSD. The focus of this IB is primarily for a new owner or new tenant, but is applicable to any customer.

Scope:

DEFINITIONS

Interior Finish Out - A new first-time interior construction project to finish out an existing shell building. The developer built the building in phases and there was no interior construction work permit to make the building ready for occupancy. An interior finish out permit is required to “complete” the building and a COO is automatically issued after all inspections. For more information on shell buildings, please refer to [Information Bulletin \(IB\) 162 Shell Building Permits](#). An IFO application uses the normal [Commercial Building Permit Application](#) for new buildings.

Remodel - Any type of alteration to an existing building that is or has been legally occupied through the issuance of a COO. A Commercial Remodel Permit covers any proposed structural

work to the building (cutting away of any wall, partition or portion thereof, and the removal or cutting of any structural beam or load bearing support) and also covers any changes to the means of egress (removal or change in any required means of egress or rearrangement of parts of a structure affecting the egress requirements). A remodel uses the [Commercial Remodel Permit](#) application. A remodel does not include an addition to a structure, which is considered new work. A remodel does not include finish work; i.e. work that does not require a permit under the *International Building Code* (such as painting, papering, tiling, carpeting, cabinets, counter tops and other similar work). If the remodel/alteration work only involves mechanical electrical or plumbing (MEP), then only these trade permits are required.

When an owner or tenant applies for a remodel permit, DSD will assume that the original COO is valid if there is no change of use (change in occupancy classification as defined in the *International Building Code*); i.e. the previous occupancy classification of the building or space is the same as the proposed occupancy classification of the building or space. If there is no change of occupancy classification, a new COO is not issued unless specifically request by the owner on the remodel application. If there is a change of occupancy classification or if an owner asks for a new COO as part of a remodel application, then the submittal documents requires plans for the entire building with dimensions and use of each room rather than just for the areas or space being remodeled. If there is no change of use, the owner may request the old COO be reprinted or may have the old COO printed with a new business name.

Repair – Any type of non-alteration work that does not alter the building structurally or affect the means of egress. Repair works consists of repairs to sheet rock, and ceilings, exterior siding and roof systems. Repair permits do not include finish work which do not require permits (such as painting, papering, tiling, carpeting, cabinets, counter tops and other similar work). MEP work requires separate trade permits. Please refer to the [Commercial Repair Permit](#) application.

Existing Building - Those buildings that have been constructed previously under a valid building permit and have been legally issued a Certificate of Occupancy (COO) or a building legally constructed in the County and then later annexed into the city limits of San Antonio.

QUESTIONS AN OWNER OR TENANT NEEDS TO ASK

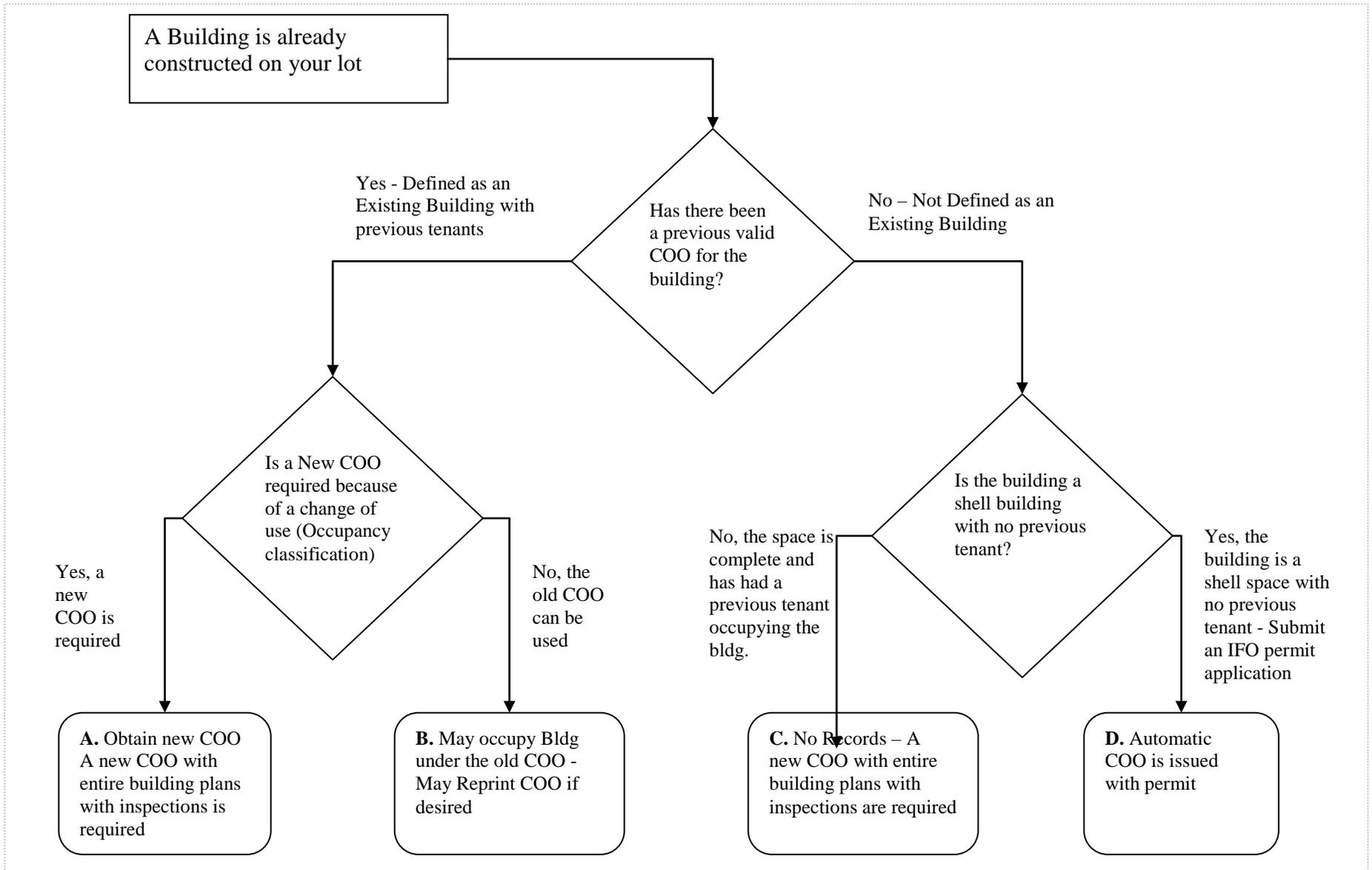
New owners have differing needs and DSD has several processes in place to help an owner move into a building and start operating their business legally. In order to determine which process or category an owner falls into, there are several questions that a prospective new owner or tenant needs to ask. Based on the answer, they can place themselves into one of the categories regarding the need for a new certificate of occupancy. Then an owner needs to ask further questions regarding the type of construction to utilize. Based on the answers, an owner can pick the correct permit and DSD process to use to be able to legally occupy the structure.

Certificate of Occupancy Questions

- Is there a valid certificate of occupancy on file with the City of San Antonio for this building or lease space?
- If no, has the building been previously occupied?
- If no, is there a shell building permit on file, but no Interior Finish-Out Permit on file?
- Is the existing Certificate of Occupancy valid, i.e. is my use of the building the same occupancy classification as the previous COO such that I can operate under the old COO?

- Will I need to obtain a new COO because I am proposing to change the use (change the occupancy classification)?
- Am I able to operate simply by reprinting the old COO or by reprinting the old COO with a name change only?

The next page contains a flow chart to help a customer determine whether they need to obtain a new Certificate of Occupancy, or can operate under the legal existing COO.



Based on the answers to the questions above, an owner or tenant would fall into one of the following four categories regarding the need for a COO:

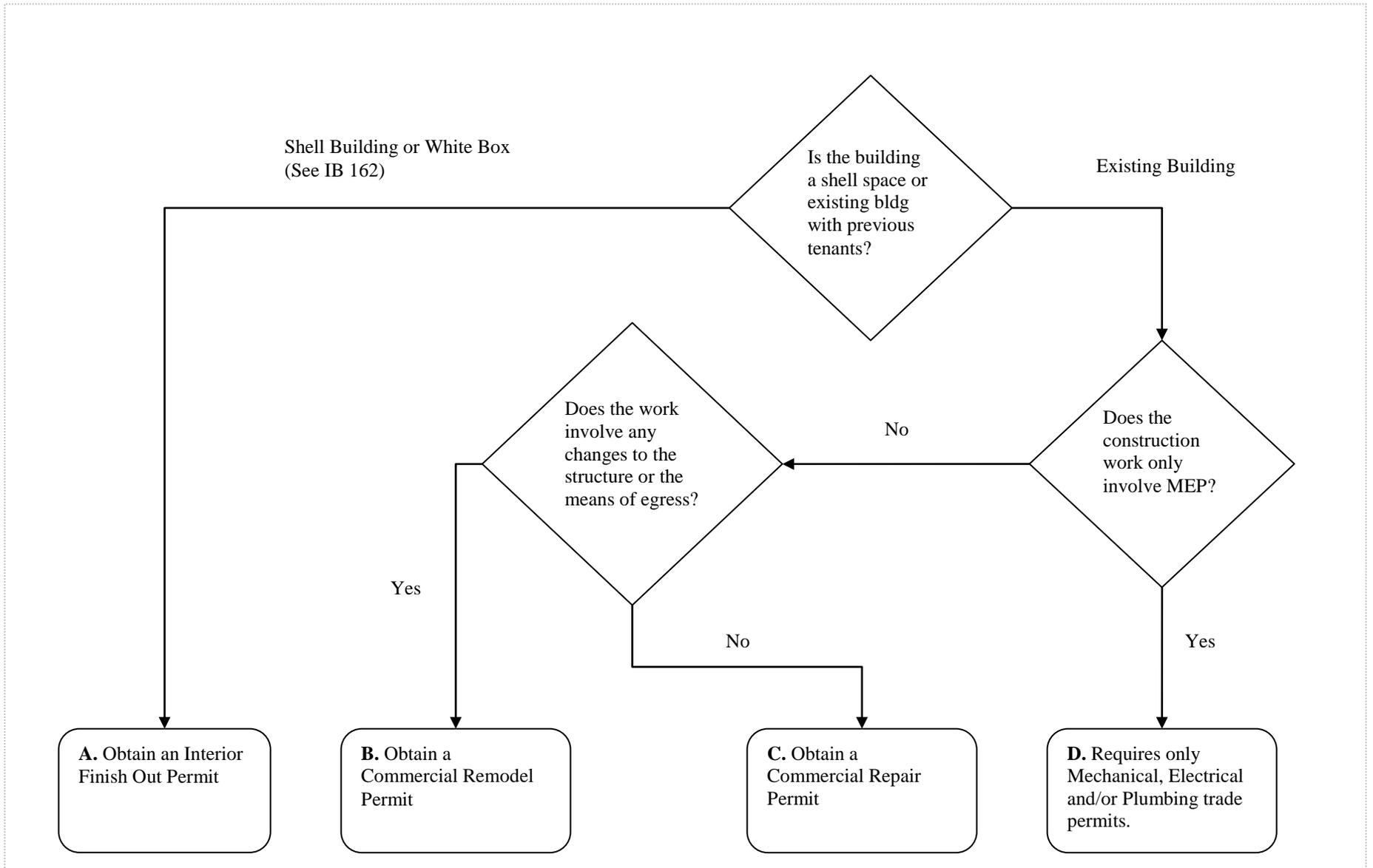
- A. Existing Building – New Occupancy Classification - A New COO is Required** - The new owner is proposing a change of use (change in occupancy type) for an existing building or space when compared to the previous use (occupancy type) of that building. The owner or tenant may or may not be proposing a remodel, repair, or MEP work to the space.
- B. Existing Building – Same Occupancy Classification - A New COO is Not Required** - The new owner proposes to occupy an existing building and operate under the current Certificate of Occupancy. The occupancy type or “use” of the building or space will remain the same as it was under the old owner or tenant. The new owner does not need a new COO but may wish to reprint the Certificate of Occupancy with a new business name. The fee for a COO reprint is listed in the [DSD Fee Schedule](#), currently \$53.00 with surcharges. A new COO may be requested as part of a remodel permit, however the owner should be aware that the plans submitted for review requires the plans for the entire building and inspections may be more intensive than required by the scope of work.
- C. No City Records Exist for a Building – A New COO is Required** - The new owner proposes to occupy a building that had a previous owner or tenant, but there are no valid Certificate of Occupancy records for that building, or the building was built in the county and later annexed. A new COO is required. Please refer to the [COO Application](#). If remodel work is being proposed a COO may be obtained with the remodel project.
- D. Shell Building - IFO Required with an Automatic COO Issued** - The building or space has never been occupied and there has never been a COO issued for that building or space. An interior finish out (IFO) permit is required to be obtained to ‘complete’ the building and receive the first COO for that building or space. It is possible that little or no construction work will be required if the space was constructed as a “white box”. For more information, please refer to [IB 162](#).

Once the owner understands whether or not a Certificate of Occupancy is required, the next set of questions to ask concerns the type of construction permit is needed in order to move in.

Construction Questions:

- Do I plan on performing any construction work on the building prior to using it?
- Will any proposed construction work be strictly related to finishes not requiring a permit?
- Is the construction work simply repairs as defined above?
- Will the construction work involve structural or means of egress changes to the building requiring a remodel permit?
- Will the proposed construction work involve only mechanical, electrical and/or plumbing?

The following flow chart should allow a new owner or tenant to determine which type of permit is required to move into the building. This applies only for existing buildings with a valid COO or buildings that have had previous tenants where the City has no records of a COO.



An owner based on the type of construction will use one of the following four types of permits:

- A. Obtain a Commercial Interior Finish Out Permit with MEP work. This is a first time finish out for a shell building requiring plan review and uses the [Commercial Building Permit Application](#). An occupant load is calculated and a first time COO is automatically issued after inspections.
- B. Obtain a Commercial Remodel permit including any MEP work for an existing building. This requires plan review and uses the [Commercial Remodel Permit](#). If there is a change of use (change in occupancy classification), a new COO will be automatically issued with a remodel permit. Construction plans needs to show the entire building (including other suites for a multi-tenant building) with dimensions and uses of each room/space. If there is not a change of use, a COO is NOT automatically issued with this permit. For remodel permit applications that do not require a new COO, the permit will be a completion permit only. In this case an owner has several options to consider:
 - a. An owner may utilize and continue to use the previous legal COO with previous occupancy classification and occupant load.
 - b. An owner may choose to get a reprint of the old COO with a name change for a nominal fee listed above. The original occupant load will be used.
 - c. Request a new COO through a [COO Application](#) with associated inspections by building, fire, and MEP inspectors. A new occupant load will be calculated by the inspectors. The owner should consider applying for this first to see if the inspections result in construction work beyond what was contemplated by the remodel project.
 - d. An owner may request a new COO be issued on the remodel permit application when it is submitted to the department. An owner will then be required to submit plans for the entire building with dimensions and uses of each room, not just for the area that is being remodeled. The entire building plan is required to calculate the new occupant load and the occupant load will be placed in the permitting system.
- C. Obtain a Commercial Repair permit for an existing building. This permit is obtained over-the-counter with no plan review and uses the [Commercial Repair Permit](#) application. A new COO will not be issued with this permit. If the owner requires a new COO, the owner may follow one of two processes:
 - a. Request a new COO through a [COO Application](#) with associated inspections. A new occupant load will be calculated by the inspectors.
 - b. Request a reissuance of the old COO with a DBA name change for a nominal fee. The original occupant load will be used.
 - c. An owner may utilize and continue to use the previous legal COO with previous occupant load.
- D. Perform only MEP work through trade permits for an existing building – May be obtained on-line with no plan review. (An electrical plan review is required for electrical work when the total load exceeds 100 KVA single phase, 150 KVA three phase, or over 600 volts) There is no building permit required and a new COO is not issued. If the owner requires a new COO, a [COO Application](#) is also required in addition to the MEP trade permits, or the owner may request a reissuance of the old COO with a name change.

For questions related to this IB, please contact the Plan Review Staff at (210) 207-8297.

Summary:

This Information Bulletin is for informational purposes only.

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