



City of Tucson Certificate of Occupancy (CofO) White Paper

Background

On July 7 the Mayor and Council adopted the following motion:

“I move that City staff bring the final Certificate of Occupancy Disclosure Ordinance to Mayor and Council for adoption via Consent Agenda on July 8th to take effect on October 15, 2008.

“I also move that before the effective date of the ordinance, staff finalize, with stakeholder input, an Application Certificate of Occupancy whereby if the location to be leased has the minimum required zoning to accommodate the proposed use, or is nonconforming (aka “grandfathered”) for the intended use, the prospective tenant shall be issued a Certificate of Occupancy following completion of a Life Safety inspection.

“Additionally, I move that Urban Planning staff begin working with the stakeholders and Development Services staff on appropriate medium and long term solutions to encourage and facilitate adaptive reuse of older buildings and remove obsolete Land Use Code barriers to small businesses in our community. Urban Planning shall provide monthly updates to EPRM, the Environment, Planning & Resource Management Subcommittee.”

Issue at Hand

MPA has been identified as the lead organization in assembling a stakeholders group that will work with City staff to develop a short-term policy that streamlines the CofO process and focuses the CofO approval on life/safety issues and zoning. During meetings MPA held in September, a policy was finalized and supported by the stakeholders group. The main tenants of the policy are:

This policy covers all applications for a Certificate of Occupancy in existing buildings that meet ALL of the following criteria:

- The existing building and expansions to the building seeking occupancy must have existed prior to October 15, 2008.
- A previously established similar use once occupied the space
 - o Similar use defined as uses requiring the same or more parking
 - o Evidence of a previous use can be supported with documentation in the form of business licenses, POLK Directory, aerials, City or County records or other types of records
- The NEW use is permitted in the zone and applicable Zoning performance criteria are met.

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- As defined by the IBC, the NEW use does not constitute a change of occupancy that increases the hazard to occupants
- The NEW use is not a Bar, Restaurant, Charter School, Gas Station, Auto Repair, Car Lots, Day Care
- The building, space, and site must pass review and inspection for building and accessibility codes as determined by the Building Official
- Business owner must sign an acknowledgement indicating their awareness of which codes were used to evaluate the property.

This policy will sunset (its allowed use discontinued) on October 15, 2009 or the adoption and effectivity of Land Use Code changes that render this policy unnecessary.

Recommendation

It is recommended that the Board of Directors encourage the City Council to formally adopt the approved policy and recommend that the City Council continue to work on changes to the Land Use Code that make this policy permanent and to provide relief to existing and new buildings in relation to parking and other issues that have acted as a hindrance to development in the core of our community.