



This guideline explains and outlines the processes for obtaining a conditional and final Certificate of Occupancy from the State Fire Marshal. For further information, contact the Code Enforcement Division at (916) 445-8550 – North or (626) 305-1908 – South.

APPLICABILITY:

Section 109 of the California Building Code defines when a Certificate of Occupancy is required and when it is issued. A Certificate of Occupancy will not be issued to any building or structure, or portion thereof, until all the provisions of the laws and regulations of the State Fire Marshal are met. For this reason, buildings or structures may be classified as follows:

- **Non-occupiable** – These are buildings or structures or portions thereof with incomplete life safety and accessibility systems. These types of structures or buildings may entail utility stub-ups, dirt floors, an absence of restrooms, partial or incomplete fire suppression systems and/or smoke control systems. These are roofed structures that may not be occupied. No Certificate of Occupancy can be issued for this application.
- **Occupiable in part** – These are buildings or structures with complete life safety systems that have a portion of their area completed and are in compliance with all applicable codes and ordinances. Site and off-site requirements must be constructed, installed, and accepted for the portion being granted a Certificate of Occupancy. This would include but not be limited to fire department access, parking, and accessibility to the proposed use.
- **Occupiable** – These are buildings or structures that are issued a Certificate of Occupancy because they are complete and in compliance with the laws and regulations for which the occupancy has been applied. These buildings and structures, or portions thereof, may or may not have a specific tenant. A Certificate of Occupancy may be issued for the applied-for occupancy. Additional signage and tenant improvement requirements may be under separate permits and separate Certificates of Occupancy.

RESOLUTION OF DEVELOPMENT ISSUES

The following is a list of issues that, if outstanding, could prevent the issuance of a Certificate of Occupancy until the issues are resolved to the State Fire Marshal's satisfaction. This list is not inclusive:

- Finalization of all on-site permits (Fire, Site, Civil, Building)
- Completion of all off-site improvements – includes removal of and repairs to street lights
- Resolution of all project holds
- Submittal and acceptance of as-builts for water supply, including testing reports
- Acceptance of water supply
- Acceptance of the Fire Alarm System
- Acceptance of the Fire Sprinkler System

Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of the provisions of the code or any other requirements of the State Fire Marshal.

CONDITIONAL CERTIFICATE OF OCCUPANCY

If the Fire Marshal finds that no substantial hazard will result from occupancy of any building before completion, or portion thereof, a Conditional Certificate of Occupancy may be issued. This includes such uses as storage (stocking) or inventory (of non-construction related material, such as furniture) for the proposed occupancy. A Conditional Certificate of Occupancy is not extendable or renewable beyond 60 days.

RESOLUTION OF DEVELOPMENT ISSUES:

The following is a list of minimum requirements that must be met before consideration is given by the Fire Marshal to allow the issuance of a Conditional Certificate of Occupancy. The list is not all-inclusive:

- A written request from the owner or owner's agent for the Conditional Certificate of Occupancy (inspections clearance is required for any application for a Conditional Certificate of Occupancy).
- Fire Department clearance
- No overhead lifting above floor(s) of occupancy
- Building must be enclosed at all levels
- Associated Site and Civil requirements must be met
- Code-required fire and life safety systems, i.e., sprinklers, fire alarms, smoke detectors, fire rated floor systems, duct, shafts, and penetrations, elevators, exit illuminations, exits and exit stairways, must be in place and functional
- Accessibility requirements must be in complete compliance to, throughout, and from the area under consideration
- Parking, including accessible spaces, must be available for the occupancy of the area under consideration
- Extinguishing Systems and Standpipes must be functional
- Other issues pursuant to field conditions

Issuance of a Conditional Certificate of Occupancy shall not be construed as a dismissal of a violation of any State Fire Marshal regulatory provisions.