



CITY OF SAN JOSÉ, CALIFORNIA

Building Division Processing Procedure

Speculative Space Permits

Policy No	PCPP 3-16
Effective	5-2-04
Revised	11/18/14

Speculative spaces have no identifiable tenant and no defined use. Without a defined use it is not possible to complete a plan review or authorize a permit for occupancy. Not all use designations are allowed in all zoning districts or in all types of construction and sanitary facility requirements vary by use. It is very important that owners of buildings understand that permits to construct speculative spaces do not grant authorization for occupancy. Not all owners realize the issues associated with different use designations and sometimes unknowingly authorize tenants to occupy what appears to be a completed space without obtaining Planning or Building authorization. To prevent these mistakes from occurring the following precautionary guidelines need to be followed.

1. The owner of the building must submit a letter stating tenants cannot occupy completed spaces without obtaining a permit to occupy.
2. Prior to issuing permits to erect walls, the infrastructure to install sanitary facilities must be identified on plan, unless the future proposed use is believed to not require any employees on site.
3. Plumbing permits can be issued for sanitary facilities, provided the owner acknowledges in writing their understanding that separate facilities are required for men and women if more than 4 employees will occupy each space.
4. Mechanical and electrical permits can be issued but no meters to energize the gas or electrical will be authorized until a permit for occupancy has been approved.
5. Building permits issued for speculative spaces is a “Partial Finish Permit” and must indicate “Speculative space permitted, no occupancy allowed”
6. Mechanical and electrical permits issued for speculative space must indicate “Speculative space permitted, no meter release allowed”
7. Addressing can be assigned to speculative spaces.
8. If the shell is not finalized, the permit #s associated with it must be listed. If the shell is final, denote this on the permit. The notation should include: "Shell Permits not final as of" or “Shell final granted on _____”
9. Meter Release Exceptions:
 - a) A meter release may be issued for a model space if the owner of the building submits a letter stating that space is to be used for showing prospective tenants how a unit appears when energized, and the space will not be occupied (e.g. no sales office) until an occupancy permit is obtained.
 - b) A house meter may be issued for utilities that serve the common areas (e.g. site lighting, landscaping irrigation, and exterior building lighting for security purposes, etc...).



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Speculative Space Permits Acknowledgment Letter

Permit Number: _____

Address: _____

As the owner(s) of the property located at the address referenced above, I/we fully understand that this permit was issued pursuant to the City’s Speculative Space Permit Policy. As such, the addresses or construction authorized under this permit are subject to **all provisions** of the Speculative Permit Policy and **under no circumstances shall be occupied** prior to issuance of a Permit to Occupy by the Building Division.

I/We further acknowledge that any such unauthorized occupancy would violate the City’s Zoning Ordinance and Building Codes and would be subject to penalties, fines and other enforcement measures as authorized by the City’s Municipal Code.

Owner

Date

Owner

Date

Owner

Date