

Changing the Use of a Building

Change of Occupancy Classification

When is it required?

“Change of Occupancy” Section 3405 of the International Building Code (IBC)

3405.1 “Conformance. No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancy or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancy.”

It is the Building Officials responsibility to determine if there exists a change of use or occupancy. The Building Official makes this determination based on the characteristics of the previous use and the proposed future use. These characteristics are matched with those listed in the IBC under the various occupancies. If the change does move the use of a building into a different division of the same occupancy or into a different group of occupancies then the building will need to be upgraded to the current code.

The process therefore is this:

1. Property owner contacts the Building Official with the following information; 1) The current or previous use of the building 2) The proposed future use. This can be done over the phone or at the building department office.
The Building Official may visit the site to explain what generally will be needed to bring the building up to code, however, this does not eliminate the need to follow the remaining steps.
2. If the uses do require the building to conform with the current code then the owner needs to obtain a building permit application and retain the services of a licensed architect and engineer.
3. These design professionals evaluate the building, draw and/or calculate all changes to the building necessary to bring the building up to the current code. These changes may include seismic restraint systems, reinforcing of floor and roof systems, ADA ramps and restrooms, increasing the widths of halls and doorways, reconfiguring of stairways, enlarging of escape and rescue windows, etc. These changes and the associated costs to design them may be cost prohibitive, however, if the owner wishes to proceed with the change those costs can not be the basis of reducing the level of compliance to the current code.
4. Once drawings showing what exists and what changes are to be made to bring the building into compliance are completed they are submitted to the building department for review and the issuance of a building permit.
5. All permits to build, remodel, add on to, or to retrofit buildings must have the construction directed and supervised by a licensed general contractor. Owners of commercial buildings can not act as general contractor for the construction processes of their buildings by State Law.

6. All inspections are required to be completed at the appropriate stages of construction by the building dept.
7. Once the modifications are completed and the building has been inspected and granted occupancy then the building can be occupied with its new use. The Certificate of Occupancy will show that the building has been upgraded and may not need any future modifications to meet any future codes. Significant life safety changes in future codes may need to be addressed with future Changes of Occupancy.

Additional Stuff

Process for determining requirements for compliance when a change of use has been determined.

1. Review and determine the “main thrust” of the proposed business.
2. Match this main thrust with the occupancy group descriptions and the attached lists. Search for a best fitting correspondence.
3. If this Occupancy is different then what was previously in the space got to Chapter 34 for existing buildings.
4. At Chapter 34 review Section 3406 and 3409
5. Because of allowances in Section 3406, in most cases only Section 3409 is required.
6. Section 3409 has 8 subsections
7. 3409.3 Requirements for changes of occupancy include 6 features that need to be completed. Item #2 refers to the “primary function areas.” For a definition of this term we refer to Section 3409.6 last sentence which states: “The accessible route to the primary function area shall include toilet facilities or drinking fountains serving the area of primary function.”
8. A paragraph in Section 3409.3 allows for less than full compliance when the construction is “technically infeasible” this term is defined in Section 3402. Technically infeasible refers to the structural constraints of the building. If in order to fully comply to the code the construction would require the relocation of structural elements then the construction may be considered infeasible.