

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: CHANGE OF OCCUPANCY AND/OR CHANGE IN USE, PROCEDURES FOR OBTAINING A NEW CERTIFICATE OF OCCUPANCY		
Approved: Michael Roach, P.E., Building Official		
Number: IBC 3406B	Effective Date: January 5, 2009	Page: 1 of 2

Reference: ADMIN Section 160, IBC 3406, IBC 3409.4. and International Existing Building Code (IEBC) Chapter 9.

General. No change in the occupancy classification or use of a building, or portion thereof, shall be made without the approval of the Building Official. A new Certificate of Occupancy may be issued when it has been determined by the Building Official that all Code requirements for the change in use/occupancy have been satisfied. In some instances where no alteration to the building, or portion thereof, is required to accommodate the proposed change of use/occupancy, and fulfill the minimum Code requirements, special processing instructions shall apply, resulting in the issuance of a 1C permit, to begin consideration for the issuance of a Certificate of Occupancy.

Scope. This policy outlines the process for handling projects involving the change of use/occupancy of a building or portion thereof, specifically the determination of the extent of alteration required to the existing building and building systems to ensure compliance with the minimum requirements of Code for the proposed use/occupancy.

Change of Use/Occupancy Definition. A change of use/occupancy is any change in the use, purpose, or level of activity within any building, or portion thereof, that merits a change in application of the requirements of the present building code.

Procedure: Where the procedure for evaluation of projects involving the change of use or occupancy of a building, or portion thereof, deviate from standard procedure for the review of construction projects, as a minimum the following will be addressed:

1. The applicant shall obtain approval from Zoning. Zoning approval for the change of use/occupancy is required before the Building Department will begin any review.
2. The applicant shall contact the Department of Public Works Wastewater Management Division for their review and approval requirements associated with proposed change of use/occupancy. The Wastewater Management Division review may occur concurrently with building department plan review.
3. Additional agency reviews may be required depending on the nature of the new use/occupancy. Other agency reviews may include, but are not limited to, Public Works Transportation, Fire Department and the Department of Environmental Health.
4. The applicant shall assemble a submittal package for review by the Building Department. This submittal/application will be logged in as a project for review and Plan Reviewer(s) will be assigned to review the submittal. The submittal package shall include:
 - 4.1. The Zoning review documentation
 - 4.2. To provide context to the assigned Reviewer(s), two sets of as-built floor plans for the building indicating the areas which are affected by the change of occupancy/use and highlighting elements necessary to satisfy all current Code requirements of the proposed occupancy. For projects in large, multi-use or multi-tenant building, two sets of as-built floor plans for the building areas contiguous, and subject to the proposed change of use/occupancy.

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- 4.3. In addition the Building Department will require two sets of as-built mechanical plans documenting building systems, equipment and ventilation (with special attention to those systems serving the change of use/occupancy).
 - 4.4. A letter from the applicant clarifying the the existing use/occupancy of the entire building, including areas for which the use/occupancy will not be changing, and the nature of the new use/occupancy for the building, or portion thereof.
 - 4.5. A Plot Plan locating the building relative to surrounding property lines and adjacent structures.
5. The Plans Review Engineers shall review the submittal package. After coordination and communication with the Inspections Administrator, and/or Chief Inspector, necessary inspectors may be dispatched by the Building Inspections Division to clarify questions arising from review of as-built drawings.
- 5.1. If the Reviewer(s) determine the as-built conditions satisfy the Code provisions applicable to the proposed use/occupancy with no addition or alteration required, a 1C Permit will be created against which the Certificate of Occupancy will be considered. In this circumstance the 1C Permit may be issued to the building owner, per ADMIN 151.2.6.
 - 5.2. If the as-built conditions require minor alterations to building systems (exclusive of construction) to meet the minimum Code requirements of the proposed use/occupancy, a 1C Permit may be issued to the building owner, per ADMIN 151.2.6, and subsequent system-type permit(s) will be issued for the alteration work per ADMIN 151.2.
 - 5.3. If the as-built conditions are found to be inadequate to meet the Code requirements of the proposed use without the implementation of substantial modifications, including construction of any magnitude, the Plans Review Engineer shall notify the applicant and require submittal of the project in accordance with the full provisions of the Denver Building Code.
6. Permits issued under Section 5.1 of this Policy shall be processed with fees based on the hours required for review and inspection at the current hourly rate for each, established in Table 152.1 of the DBC for the review of modified drawings and inspections required by the agency for which no fee is indicated. A minimum charge of two hours per plans reviewer and 2 hours per required inspection shall apply.
7. The Plans Review Engineer shall not issues a 1C Permit through the procedures established in this Policy, until all required agencies and departments have approved the change of use/occupancy. When issued, the 1C Permit shall indicate that a Certificate of Occupancy is required and an inspection record card shall be issued with the 1C Permit.
8. The applicant shall notify the Agency as outlined DBCA Section 157 when the change of use/occupancy area covered by the 1C Permit is ready for inspection.
9. After the Agency has inspected the change of use/occupancy area and finding no violations of the provisions of the Code The new Certificate of Occupancy shall be issued in accordance with the procedure outlined in DBCA Section 160.

END OF DOCUMENT