

CITY & COUNTY OF DENVER COMMUNITY PLANNING & DEVELOPMENT BUILDING PERMIT POLICY		
Subject: OCCUPANCY CONFORMANCE – CHANGE OF USE WITHIN THE SAME OCCUPANCY GROUP OR CHANGE OF OCCUPANCY WITHIN DIFFERENT GROUPS		
Approved: Michael Roach, P.E., Building Official		
Number: IBC 3408A	Effective Date: December 2, 2008 Revised: October 14, 2011	Page: 1 of 1

Reference: IBC Section 3408 Change of Occupancy

IBC Section 3408 requires upgrading to present code requirements when change and/of use or occupancy occurs within an existing building. This section also states: “Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for the purposes in other groups without conforming to all the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.”

This DBC policy was established in 1990 mainly to be applied to the 1988 UBC B-2 occupancy which consisted of our present B, M, F and S occupancies. 1988 UBC B Occupancy Division 2 consisted of the following: “Drinking and dining establishments having an occupant load of less than 50, wholesale and retail stores, office buildings, printing plants, municipal police and fire stations, factories and workshops using material not highly combustible, storage and salesrooms for combustible goods, paint stores without bulk handling.”

This policy will be to only apply those code requirements that are related to the proposed new use and that are more restrictive than the old use. (Example: occupant density which raises the question of exiting and toilets, floor loading, etc.). We will not require that the building be completely upgraded to comply with total present code requirements for the new use. Section DBC Administration 103.5.1 Alterations, Additions and Repairs allows the use of the 2009 International Existing Building Code by the Building Official as a guide to grant modifications.

Our ordinances include Section 105 which allow the Building Department to identify unsafe buildings and utilities, but our department’s policy must be consistent in this area. We apply this section in the field on a very selective basis, using it only when we feel it is necessary to correct a very unsafe condition. We shall use that same restraint when looking at buildings that are undergoing a change of use within the same occupancy group. We will only apply those sections of the code that are raised because of the new use. Anything beyond these requirements is an application of Section 105 and must be done with the Building Official’s approval. The application of the IBC shall also be used in the process.

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