

Daycare – Conversions to Assembly Occupancy

OVERVIEW

This guide provides the Building Code and Zoning Bylaw considerations for conversion of a house, building, or suite to daycare use.

Daycares are considered assembly occupancies (Group A-2) and must comply with the requirements of Part 3 of the BC Building Code.

Where a daycare proposed in a single family dwelling, with a maximum of 8 children, is licensed by Island Health and meets all the requirements of the Community Care and Assisted Living Act and the Child Care Licensing Regulation, the BC Building Code requirements will be those that typically apply to a single family dwelling. A residential building permit is required if renovations are proposed.

Building permit submission requirements for assembly occupancies (Group A-2) are outlined in the Building Inspections guide [Tenant Improvement Permit Application Checklist](#). Relevant information can also be found in our guide [Change of Occupancy](#).

ISLAND HEALTH

A meeting with Island Health to discuss a proposed daycare is recommended prior to applying for a building permit to ensure all the requirements under the *Community Care and Assisted Living Act* and the Child Care Licensing Regulation can be met. Detailed information of the process is available on their website under [Child Care Licensing](#), and in [A Handbook for Child Care Providers](#), or contact Island Health staff directly at # 29-1925 Bowen Road, Nanaimo, BC, or by telephone at (250) 739-5800.

A letter from Island Health is required in support of a building permit or occupant load permit application. This letter will confirm Island Health has reviewed the proposed daycare plan and provide the proposed number and ages of the children in care and the support staff required to meet Island Health regulations. The occupant load may be reduced to meet Zoning or Building Code requirements through the permit process.

Island Health Municipal Zoning Approval forms for a proposed daycare program or a change in the number and ages of children in a daycare program will not be approved prior to the completion of an occupant load permit and/or a building permit.

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DESIGN PROFESSIONALS

A2 occupancies must be designed and constructed under the direction of registered professionals (Architect, Mechanical, Electrical, and Structural Engineers, as applicable).

Coordinating Registered Professional – Schedule A, from an Engineer or Architect, who will determine the registered professionals required and coordinate the design work and field reviews done by them.

Architectural – Schedule B, from an Architect signing on for architectural items.

Mechanical – Schedule B, from a Mechanical Engineer, required where furnace ducts penetrate the fire separation.

Electrical – Schedule B, from an Electrical Engineer, required where a fire alarm system is required.

BUILDING CODE CONSIDERATIONS

Existing buildings may require upgrades to comply with the BC Building Code requirements of Part 3 to accommodate a daycare. The upgrades may include (but are not limited to) the following:

Fire Alarm System

A fire alarm system is required where the occupant load of a daycare, including staff, is more than 40 persons. A fire alarm system is also required where children under 30 months are accommodated and the building contains one or more other suites, or the daycare facility shares an interior means of egress.

- An Electrical Engineer must submit design and Schedule B for field review if a fire alarm system is required.
- Where a fire alarm system is required, it must be installed throughout the building. Exceptions to this requirement are found under BC Building Code Sentence 3.2.4.2.(4).
- Daycares for children under 30 months shall be located in a building that is sprinklered throughout, or not more than one storey above or below a storey with an exit that opens directly to the exterior at ground level.
- Where a fire alarm system is required in a daycare for children under 30 months, smoke detectors shall be installed in each room of the daycare and each corridor serving as part of a means of egress.
- If a fire alarm system is not required in a daycare for children under 30 months, smoke alarms shall be installed in each room of the daycare and each corridor serving as part of a means of egress. If more than one smoke alarm is required, the alarms shall be wired so that if one alarm is activated, all the smoke alarms will sound.

Fire Separations within the Building

Fire-resistance ratings between the daycare and other uses or suites must not be less than 1 hour and may need to be 2 hours where the adjoining occupancy is retail or industrial.

- Includes new and existing walls and/or ceilings. Additional gypsum board and rated doors with auto closers may be required.
- Attached garages must be separated from the daycare by a 1.5-hr fire separation.
- Non-combustible plumbing (i.e., not plastic) or an approved fire stop system is required where plumbing penetrates the fire-rated wall and/or ceiling.
- Fire dampers are required where furnace ducts penetrate fire-resistance-rated assembly. A Mechanical Engineer must submit a design and Schedule B for field review.

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Fire Separations within the Building cont'd

- No interconnection of air duct systems is permitted between a residential occupancy and another suite. For example, forced-air heating systems must be completely separate.
- Common rooms or rooms on the same floor as the daycare that serve a residential portion of the building (laundry, storage, etc.) must be separated and be accessed without passing through the other occupancy.
- Any room containing a fuel-fired appliance (gas/oil furnace or water tank) must be separated from the remainder of the building.

Washrooms

- 1-10 persons = one universal washroom (complying with the BC Building Code subsection 3.8.3. accessibility requirements for persons with disabilities).
- 1-25 female and 1-30 male = 1 female universal and 1 male universal washroom or one unisex universal washroom, plus 1 unisex washroom.

**Note: Community Care and Building Code requirements for washrooms may be different.*

Access for Persons with Disabilities

See the [Accessibility for Persons with Disabilities](#) guide. Ramps are required to conform to Section 3.8. of the BC Building Code. A minimum 914.4mm (36") wide door, providing a clear opening of 850mm (33-1/2"), is required at the entrances to the building. A universal washroom, meeting the accessibility requirements, may be available to multiple suites in some buildings.

Spatial Separation (prevention of fire spread to other buildings)

To meet spatial separation requirements, windows may have to be removed, non-combustible cladding installed, and gypsum board added to the exterior walls.

Combustible projections (sundecks, stairs, and eaves) are not permitted within 1.2m (47-1/4") of property lines or within 2.4m (94-1/2") of a combustible building on the same property (sheds, garages, playhouses).

Protecting Openings from Exits

Unenclosed exit stairs, ramps, and exit decks within: 3m (10') horizontally and less than 10m (32'10") below or less than 5m (16'5") above openings (doors, windows), must be protected from fire within the building by changing windows to *fixed* wired glass or glass block and adding auto-closers to doors. In residential homes, this could create egress problems from bedrooms as operable windows are required under the BC Building Code.

Exits

Maximum area and travel distance for egress within a suite with a single exit door:

- In an unsprinklered building, the maximum allowable area is 150m² (1614.6ft²). The maximum travel distance is 15 m (49' 2-1/2").
- If exceeded, 2 exits are required (exit doors must swing out).

Emergency lighting is required to illuminate the path of travel from every area of suite to the exit door.

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Stairs & Guards

- Guards 1070mm (42") at exit landings and stairs more than 600mm (2') & less than 10m (32'10") above ground, maximum openings 100mm (4").
- Stair rise between 125mm (5") & 180mm (7"), stair run minimum 280mm (11"). Closed risers.
- Minimum tread depth is 302mm (12") if a 25mm (1") nosing is installed.
- Tactile walking surface indicators are required at the top of enclosed flights of stairs.

Miscellaneous

- Where renovation costs exceed 50% of assessed value of building, fire sprinklers are required.
- Where the A2 occupancies in a building exceed 10% of the area of the storey it occupies, the classification of the entire building changes to A2 and triggers the requirement for a structural review of the seismic restraint requirements.

ZONING BYLAW 4500, PART 6.19

Daycare for a maximum of 16 persons is permitted in any zone subject to the following:

- Section 6.20 (home-based business) does not apply to a daycare facility operated as a home-based business in a residential zone.
- A daycare facility may be contained in a principal, an accessory, or a combination of principal and accessory buildings.
- In a residential zone, not more than one daycare facility shall be permitted per dwelling unit, accessory building, or combination thereof.
- In a residential zone, any person residing within the dwelling unit may be engaged in the operation of a daycare facility in that dwelling unit.
- The business licence holder or their spouse shall be the owner or lease of the dwelling unit contained in the daycare facility operated under the business licence and one of them shall reside in the dwelling unit.
- In a residential or institutional zone, retail sales are specifically excluded in the operation of a daycare facility.
- All storage related to the daycare facility must be wholly contained within permanent buildings.

**Important note: Buildings converted to an A2 occupancy for 9 to 16 children in daycare may not be permitted to have other A2 uses if the daycare use is abandoned. The A2 use may be restricted because the zoning does not allow for other uses (for example, in a dwelling in a residential zone).*

Daycares with over 16 persons are permitted in various zones within the city; check with the Current Planning section to determine if a building lot is zoned for daycare use.

PARKING – OFF-STREET PARKING REGULATIONS BYLAW 2018 NO. 7266

A daycare facility (commercial) requires 2 spaces plus 1 space for every 30m² of gross floor area or portion thereof used by the daycare facility.

*If you have any questions or require clarification, please contact Building Inspections at 250-755-4429. Contact Current Planning for zoning requirements at 250-755-4429. Contact the Fire Loss Prevention Division of Nanaimo Fire Rescue for fire code requirements at 250-753-7311. Contact Island Health for their childcare requirements at 250-739-5800.
The building owner is responsible for compliance with all codes, bylaws and other regulations.*