

# Change of Occupancy

## OVERVIEW

The City of Nanaimo has developed the following guide to assist those contemplating conversion of a suite or building from one occupancy type, under the BC Building Code (BCBC), to another.

## CHANGE OF OCCUPANCY - GENERAL

The requirements of the BC Building Code regarding life safety, property protection, structural requirements, washrooms and accessibility for the disabled, are all dependent upon the use or occupancy of the building. For example, the number of washrooms in a restaurant varies greatly from the number required in a retail store of the same size. A change of occupancy for a suite or building will result in different requirements for upgrading, dependent on the specific scope of the project.

The BC Building Code (BCBC) requirements apply to existing buildings that are being altered, where the occupancy type is changing, and if additions are proposed. Full application of the code is described in 1.1.1.1.(1) of Division A. The application applies to both Part 9 and Part 3 buildings.

The following is a list of some of the typical uses and BCBC occupancy classifications:

**Group A-2** – Assembly occupancy includes daycares, restaurants, clubs, galleries, schools.

*See (D) occupancy for uses with occupant loads of 30 and less.*

**Group E** – Retail occupancy includes shops, stores, etc.

**Group D** – Business and personal service occupancy includes salons, services, offices, etc. and assembly uses with occupant loads of 30 or less (does not include daycares).

**Group C** – Residential is one or more dwelling units and home daycares with not more than 8 children.

**Group F, Div. 1, 2, or 3** – Industrial occupancy includes warehousing and light manufacturing.

## SCOPE OF PROJECT

**A change of building occupancy classification** occurs when a building's major occupancy type changes. This typically happens when a building's occupancy type (e.g. A-2, D, E, C, F-2, etc.) changes completely or more than 10% of the floor area of the storey becomes a new major occupancy.

**A change of occupancy** in a suite within a building is not necessarily considered a change of major occupancy of the building. For example, where a mall classified as E (retail) proposes to change an existing retail suite to an A-2 restaurant use and the change of occupancy does not result in more than 10% of the floor area of the storey being used for A-2 type occupancies.

**Where a suite is changing occupancy (use)**, considerations must always be made for increased washrooms, accessibility, exit travel distance, suite fire separations, etc.

**A change of tenant of the same use and classification within a suite** (e.g. D real estate office changing to D lawyers office), must be upgraded to meet the current code in all areas undergoing major renovation. For example, if a non-conforming washroom is undergoing a major renovation, it must be upgraded to meet the building code requirements for accessibility for persons with disabilities.

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## SCOPE OF PROJECT (cont'd)

An analysis of the code requirements for a proposed change of occupancy or use and how the existing building or suite will meet or is proposed to be changed to meet the current BC Building Code requirements must be completed by an Architect or Designer. Whether the change of occupancy is for a suite within a building, or an entire building, a code analysis is required. Where the code requirements can not be achieved, an explanation or alternative solution will be required. A comprehensive code analysis is always required and is necessary to consider any relaxations of the current BC Building Code.

## STRUCTURAL, SEISMIC & FALLING HAZARDS

### Structural & Seismic Assessment

A structural assessment by a Structural Engineer will be required where change of major occupancy of a building is proposed. A seismic review (the building's ability to withstand the forces of an earthquake) may form part of the assessment, as well as a review of falling hazards (OFCs). The Engineers & Geoscientists of British Columbia have a Professional Practice Guideline, "[Structural Condition Assessment of Existing Buildings](#)" for guidance in their assessment. This review is required because a change of major occupancy may reduce the performance level of an existing building as it relates to risk to occupants. This can occur where the occupant load is increased, the existing structure is not able to accommodate a required higher floor loading, vibration, seismic and other required structural loads, as well as falling hazards. Structural upgrading may be required depending on the assessment by a Structural Engineer.

The National Building Code 2015 Structural Commentaries User's Guide Part 4, Commentary L, provides guidance for seismic review of existing buildings and is referenced in the BC Engineers & Geoscientists of British Columbia Professional Practice Guideline, "Structural Condition Assessment of Existing Buildings".

### ***What does this mean for my proposed change of occupancy permit?***

A proposed change of major occupancy of a Part 3 Building must be evaluated by a Structural Engineer to determine if the building requires structural upgrading, including the seismic restraint systems.

A proposed change of major occupancy in a Part 9 Building which changes the building classification to Part 3 must be evaluated by a Structural Engineer to determine if the building requires structural upgrading, including the seismic restraint systems. A proposed change of major occupancy of a Part 9 Building must meet the intent of the current Part 9 structural and seismic building code requirements as determined by a Structural Engineer.

Where a structural and seismic assessment determines upgrades are necessary, the assessment should be reflected in the structural plans submitted. If no structural work is required, a report as described in the guideline, "[Structural Condition Assessment of Existing Buildings](#)" (under Section 3.6) must be submitted.

### **A structural assessment is not typically required where:**

- A change of occupancy does not change the building major occupancy classification; or,
- a building is less than 5 years old, with current use floor loading higher or equal to the required loading, as per the current building code, for the proposed new use; or,
- a structural review was completed within the last 5 years confirming the structural adequacy of the building, which fits within the same structural requirements of the newly proposed occupancy change as required under the current Building Code.

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## STRUCTURAL, SEISMIC & FALLING HAZARDS (cont'd)

### Non-Structural Falling Hazards

Non-structural falling hazards must be considered whether or not a structural review is required.

Fastening of interior and exterior components that could cause injury or block exits if dislodged should be assessed, such as parapets; brick veneer; unreinforced chimneys; ceilings; lights; unreinforced masonry partition walls; bulkheads; steel pallet storage racks; elevators/escalators and their equipment; etc. Guidelines for the seismic risk reduction of such components are specified in CAN/CSA S832, *Seismic Risk Reduction of Operational and Functional Components (OFCs) of Buildings*. This standard addresses the fact that non-structural components have posed an equal or greater risk in recent earthquakes than the building structures themselves.

The identification of non-structural falling hazards should be done by all the professionals on the project coordinated by the Coordinating Registered Professional, the Architect, and/or Designer with the assistance of the Structural Engineer's original assessment of the existing building OFCs (if available).

## BUILDING PERMITS

### Building Permit - General

A Building Permit is required for all work to be done when a change of occupancy (use) in a suite or a change of major occupancy of a building is proposed. A Building Permit is required even if no work or construction is proposed. A building code review will be required to help determine if the existing building is safe to use for the proposed new occupancy.

The City of Nanaimo has a number of guides to assist you in applying for a Building Permit and putting together a complete application:

- [Tenant Improvement Building Permit Application Checklist](#)
- [Restaurants & Take-Outs – Tenant Improvement Building Permit Application Checklist](#)
- [Accessibility – Requirements for Persons with Disabilities](#)
- [Daycare - Conversion To Assembly Occupancy](#)

These are a few of the guides that may assist you with your Building Permit application. A list of additional guides can be found under [Forms and Guidelines](#).

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## Documentation Required for Buildings with a Change of Major Occupancy

The following documentation is required, in addition to any other items identified in checklists for Building Permit application:

### Part 3 Buildings

#### Coordinating Registered Professional (CRP)

- Schedule A
- CRP must determine the appropriate required professionals, have signed Schedule B for structural capacity of: 1.6 architectural components; 2.1 structural components; 3.6 mechanical components; 4.7 plumbing components; 5.9 sprinkler components; and, 6.5 electrical components, including anchorage and seismic restraint. CRP to ensure appropriate Schedule S-Bs are received.

#### Architectural

- Sealed plans
- Comprehensive code analysis addressing the current code requirements and an explanation or alternative solution where compliance cannot be achieved.
- Schedule B, including sign on for 1.6

#### Structural

- Sealed plans, if required
- Schedule B, including sign on for 2.1
- If no structural work is required, a report as described in the guideline, "[Structural Condition Assessment of Existing Buildings](#)" (under 3.6), to be submitted.

#### Other Registered Professionals

- Schedule B, including sign on for 3.6, 4.7, 5.9, 6.5, as required by the CRP

### Part 9 Buildings

#### Coordinating Registered Professional (CRP) (if more than 2 registered professionals are required)

- Schedule A
- Comprehensive code analysis addressing the current code requirements and an explanation where compliance cannot be achieved.
- CRP must determine appropriate professionals have signed Schedule B for structural capacity of (1.6, 2.1, 3.6, 4.7, 5.9, 6.5), including anchorage and seismic restraint. CRP to ensure appropriate Schedule S-B's are received.

#### Designer (where there is no Architect of record)

- Plans
- Comprehensive code analysis addressing the current code requirements and/or an explanation where compliance cannot be achieved.

#### Structural

- Sealed plans, if required
- Schedule B, including sign on for 2.1 (if required by a CRP)
- If no structural work is required, a report as described in the guideline, "[Structural Condition Assessment of Existing Buildings](#)" (under 3.6), to be submitted.

#### Other Registered Professionals

- Schedule B including sign on for 3.6, 4.7, 5.9, 6.5, as required by CRP.

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## ADDITIONAL CONSIDERATIONS

### Development Cost Charges

Development Cost Charges (DCCs) may be applicable to existing buildings where a change of occupancy of the building results in a new or higher use category. If applicable, the difference between the two categories will be payable at Building Permit issuance.

DCCs are charges that assist the City with capital cost projects. DCCs are applicable to projects where the value of construction exceeds \$50,000.00. DCCs are calculated on the gross floor area (GFA) and vary according to use (i.e. residential, commercial, industrial, etc.). For further information, see [Development Cost Charges Effective 2022-Dec-07](#), [City of Nanaimo DCC Bylaw 7252](#), and [Regional District of Nanaimo Bylaw 1547.01 \(effective 2017-JUN-27\)](#).

### Zoning & Parking Bylaws

Check with Current Planning to determine if your proposed change of occupancy of a building will be affected by the following bylaws:

The [Zoning Bylaw 4500](#) restricts the type of occupancies permitted in various areas of the City.

The [Off-Street Parking Bylaw 7266](#) requires a certain number of parking spots, dependent on the type of occupancy in a building.

*If you have any questions or require clarification, please contact Building Inspections at 250-755-4429.*

*This guide should not be used as a substitute for existing building codes and other regulations.*

*The building owner is responsible for compliance with all codes, bylaws, and other regulations.*