



CITY OF FULLERTON

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Information Bulletin:

CHANGE OF USE OR OCCUPANCY

(Updated 10/06/21)

Changing the use or occupancy of a building or portion thereof involves many considerations. In a change of use or occupancy, almost nothing is grandfathered. For example, an old warehouse that is to be used as an office must comply with the life safety provisions for a new office.

What is a change of use or occupancy?

Every building or portion thereof is given an occupancy classification when it is originally built or established. Each classification has different building code requirements, which relate to the type of hazard or uses in the building. A change of occupancy is a change in the use of a building or portion thereof that places the building in a different division of the same group of occupancies or in a different group of occupancies. For example, an office building may become a day care center or a store. Another less obvious example of a change of occupancy is when a restaurant that has seating for less than 50 wants to increase the number of seats to 50 or more. A change of use is a change in the use of a building or portion thereof within the same occupancy, but increases the building's occupant load or other factors that may have different building code requirements. For example, a change from an office to a café is a change within the same occupancy classification, but is a change of use because the occupant load is increased. A change in floor area of a tenant space is deemed a change of use or occupancy.

It is important to keep in mind that the legal use or occupancy classification of the building or portion thereof may not be consistent with its most recent actual use. That means that a permit may be required to document the change of the use or occupancy even if you don't plan to make any changes to the building or plan to change how the building is currently being used.

Permit Required

A change of use or occupancy requires a permit. A permit is required to document a change of use or occupancy classification of a building or portion thereof, even where no alterations are planned or required by code.

The time involved to get a permit can vary. A simple change of use or occupancy may go through the permitting process promptly. In other cases where special zoning approvals are necessary or where there is complicated building history, a permit may take additional time to obtain. Submittal of a clear building code summary showing any deficiencies and how they will be addressed along with responding to requests from staff for information as quickly and comprehensively as possible are the best ways to keep the process going smoothly.

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The type of permits you need will depend on the scope of your project. A qualified design professional is required to submit prepared plans which will identify existing conditions and/or proposed alterations necessary to bring the building into full code compliance.

Considerations for a Change of Use or Occupancy

Scope of Work	Code Considerations
Change of use or occupancy	Current code requirements must be met, including: <ul style="list-style-type: none"> • Type of construction; • Fire resistance of exterior walls and wall opening protection based on proximity to property lines; • Allowable floor area, allowable maximum height, and number of stories; • Conformity with required exiting; • When a change of occupancy results in a structure being reclassified to a higher risk category, the structure must conform to the seismic requirements for a new structure of the higher risk category; • Compliance with minimum number of plumbing fixtures • Compliance with minimum quantities of outdoor air • Compliance with accessibility for area of alteration and new work; and • Others.

Accessibility Requirements

If the change of use or occupancy involves any construction or renovation, all new work must meet current accessibility requirements. In addition, the California Building Code requires that up to 20 percent of the value of the total construction costs be spent removing any existing architectural barriers to improve accessibility for disabled persons. The valuation threshold for 2021 is \$172,418.00. Accessibility improvements must be prioritized in the following order: an accessible entrance; an accessible route to the altered area; at least one accessible restroom for each sex; accessible telephones; accessible drinking fountains; and when possible, additional accessible elements such as parking, signs, storage and alarms. Where the value of the total construction costs exceeds the current valuation threshold, compliance with Section 11B-202.4 must be met.

Inspections

Inspections are required for a permit to change the use or occupancy, even if no work is required. This is necessary in order to confirm the building meets all requirements for the new use or occupancy classification. Once the job has been inspected and approved, a new Certificate of Occupancy will be provided for your record.