Change of Occupancy

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Changing the occupancy of a building can present many challenges. In a change of occupancy, almost nothing is **grandfathered**. For example, an old house that is to be used as an office building must comply with most of the life safety code requirements, such as exiting, for a new office building.

Before you consider purchasing, renting or leasing a site for your business, please visit the Development Services Center to talk with our staff. They can help you find out if the proposed use is allowed at the chosen location, tell you about any additional building or zoning requirements and provide information about system development charges (fees charged to offset impact on the City's infrastructure) that would apply to the property.

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.

What is a change of occupancy?

Every building is given an occupancy classification when it is originally built. Each classification has different building code requirements, which relate to the type of hazard or uses in the building. A change of occupancy is when there is a change in the building's use that would change the way the building code classifies the building's use. Over time, the use of a building may change. 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.

A change of occupancy applies to the use of the building only and is not related to any process required by the zoning code to change the use of a property. Building occupancy classifications address the impact of the building on the occupants of the building, while zoning use classifications focus on how a property can be developed and the impact on surrounding properties.

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

Detail of Change of Occupancy	Requirement
Change use of a building	Building permit, change of occupancy permit, and may require seismic upgrades
Change use of a building in certain zones	May have parking requirements
Remodel beyond finish work, like painting	Building permit, accessibility improvements, and may also require parking, bike parking, and landscaping improvements
Alterations of a value over a certain amount	May cause a zoning review of site improvements
Alterations to exterior	May require a design or historic design review
Change that causes an increase of customers, traffic and/or use of resources	System development charges (SDCs) may be assessed

System development charges (SDCs) and change of occupancy

In addition to building permit fees, your project may be subject to System Development Charges. These fees are charged to help offset the impact your project will have on the City's infrastructure of streets, water, storm and sanitary sewer systems, and parks and recreation facilities. Depending on how much your business or project will impact infrastructure, these fees may be significant. It is important to contact the Bureaus of Environmental Services, Water, Transportation and Parks to determine what System Development Charges may apply to your project.

CITY OF PORTLAND, OREGON - BUREAU OF DEVELOPMENT SERVICES
1900 SW 4th Avenue, Portland, Oregon 97201 • 503-823-7300 • www.portlandoregon.gov/bds

Accessibility requirements

If your change of occupancy involves any remodeling, all new work must meet current accessibility requirements. In addition, state law requires that up to 25 percent of the value of the total construction costs be spent removing any existing architectural barriers to improve accessibility for disabled persons. Accessibility improvements must be prioritized in the following order: parking (if there is on-site parking), accessible route to the entry, accessible entry, and rest room improvements.

Seismic upgrade requirements

The City's seismic regulations arrange the building code occupancies into categories, based on relative hazard. The standard for improvements will depend on what the new use will be, how much the occupant load will increase and what portion of the building will be changed.
Refer to Portland City Code Title 24.85 for the specific rules. They are also available at *www.portlandonline.com/bd**s*** | Codes tab | City codes.

Zoning code

The zoning code spells out the allowed uses for a particular piece of property. The property's zone and the use of the property determine the specific requirements. For example, in zones that have a parking requirement, a retail store would usually be required to provide more parking spaces than a warehouse. Bike parking and parking lot landscape improvements can be triggered by remodeling done entirely within a building, even when there is no change of use. Alterations with a value over a certain amount, adjusted annually, trigger a zoning code review of site improvements such as parking lot landscaping. In some areas of the city, changes to the exterior of the building may trigger design review requirements.

For specific information on any property that you are considering, talk with Planning and Zoning Staff in the Development Services Center or call them at 503-823-7526.

Change of occupancy permit

Whenever the use of any part of a building changes from one occupancy classification to another, then a change of occupancy permit is required. Also, for commercial buildings, a building permit is needed to make any changes to a building beyond wallpapering, painting or similar finish work. A building permit is also required to change the use of a building, even where no alterations are planned.

The time involved to get a permit can vary. A simple change of occupancy requiring no type of waiver or appeal may go through the permitting system in a few weeks. In cases where special zoning approvals or ordinances are necessary, a permit may take several months to obtain.
Responding to requests from staff for information as quickly and comprehensively as possible is the best way to keep the process going smoothly.

The type and number of permits you need will depend on the scope of your project. Most permit fees are based on the valuation of your project. For an estimate of permit fees, please consult the BDS Fee Schedules, which can be found online at *www.portlandonline.com/bds* or call 503-823-7357.

Inspections

Inspections are required for a change of occupancy permit even if no actual work is being done. Your permit is subject to expiration if 180 days pass without an approved inspection. Extensions may be granted when requested in writing and if there is a reasonable cause for a delay. Once the job has been inspected and approved by the District Building Inspector, a new Certificate of Occupancy will be provided to you for your records.

Questions and Answers

Q Can I work out of my home without changing the occupancy?

A If your intention is to live in your home while operating a small business there, you may not need to go through a change of occupancy process. A Home Occupation is where residents use their home as a place of work and either one employee who does not live in the home, OR up to eight customers per day, come to the dwelling. For more information please consult our Home Occupations brochure available online at ***www.portlandonline.com/bds*** | applications/handouts tab | Home Occupation handout.

Q How do I apply for a change of occupancy permit?

A Bring four sets of plans to the Development Services Center and our staff will guide you through the process and review your application for completeness.

Q What should be included on the plans?

A ***Site Plan –*** scaled drawings (1″ = 10′-0″, 1/4″ = 1′-0″ or 1/8″ = 1′-0″) are required to show:

- the size of the building and its location in relation to the property lines and streets
- relative elevation dimensions to show grade changes on the lot
- any other structures on the property, paved driveways and parking, and any landscaping
- include a north arrow on the plan to show its orientation

Floor Plan – scaled drawings (1/4″ = 1′-0″ or 1/8″ = 1′0″) are required for each level, including basements and storage attics. Floor plans must show:

- the proposed use of each room and the overall room dimensions
- window sizes and how the windows open should be noted
- the size of exit doors, the direction of door swing, steps at doors, and any glass panels in doors
- stairways, both inside and outside the building, and their landings

Stair Details – must show:

- rise and run of all steps
- location and height of handrails*
- headroom at the stairs should be noted*

*Both handrail height and headroom are measured straight up from the nosing of the stair treads. This information may be provided with clear notes on the floor plans, or separate details.

Cross Section of the building must be provided except where information concerning ceiling heights, insulation, etc., can be shown elsewhere. In addition, the cross section must show the relationship between the grade outside and the interior floor levels.

Q Do I need a licensed architect?

A A licensed architect must prepare the plans if:

- the building is over 4,000 square feet
- the overall lowest floor finish to the overall highest overhead finish is over 20 feet
- alterations or repairs will be made that involve structural parts of the building

You may find it valuable to hire an architect or a designer to help you with your plans whether or not an architect is required by law. It is important that your architect or designer is familiar with change of occupancy code requirements as well as your type of building and business.

Q What if I can't meet the code requirements?

A ***Building Code Appeals:*** The various construction code requirements that the Bureau of Development Services enforces may be appealed. When you submit an appeal, it must clearly show how your proposed alternative provides an equivalent level of fire, life safety, structural, energy conservation or accessibility before it can be approved. You should expect it to take approximately 10 days to learn the results of your administrative appeal. You can find more information about the appeal process online at ***www.portlandonline.com/bds*** | select File/View Building Appeals under Quick Links.

Land Use Reviews: The zoning code allows for a variety of reviews for a project that can't meet certain requirements of the zoning code. Land use reviews take longer than building code appeals since public notice is required. For more information on land use reviews, please visit our Web site at ***www.portlandonline.com/bds*** or call 503-823-7526.

Helpful Information

Bureau of Development Services
City of Portland, Oregon
1900 SW 4th Avenue, Portland, OR 97201
www.portlandoregon.gov/bds

General Office Hours:
Monday through Friday, 8:00 am to 5:00 pm
BDS main number: 503-823-7300

Permit Information is available at the following location:
Development Services Center (First Floor)
For Hours Call 503-823-7310 | Select option 1

Permitting Services (Second Floor)
For Hours Call 503-823-7310 | Select option 4

Important Telephone Numbers

BDS main number	503-823-7300
DSC automated information line	503-823-7310
Building code information	503-823-1456
Zoning information	503-823-7526
Plumbing walk-through	503-823-7302
Permit information for electrical, mechanical, plumbing, sewer and sign	503-823-7363
Permitting process	503-823-7357
Permit resources and records	503-823-7660
System development charges information	
Bureau of Environmental Services	503-823-7761
Bureau of Parks & Recreation	503-823-5105
Bureau of Water Works	503-823-7364
Office of Transportation (PDOT)	503-823-7002
BDS 24 hour inspection request line requires IVR number and three digit type of inspection code	503-823-7000
Small Business Liaison	503-823-7542
Portland Fire and Rescue	503-823-7300
Portland License Bureau	503-823-5157
Multnomah County Health Department	503-988-3400
City of Portland TTY	503-823-6868

For more detailed information regarding the bureau's hours of operation and available services;

Visit our Web site
www.portlandoregon.gov/bds

All information in this publication is subject to change.

Scheduling an inspection

- Call 503-823-7000, the BDS 24-hour inspection request line
- Enter your IVR or permit number
- Enter the three-digit inspection code for the type of inspection you are requesting
- Enter a phone number where you can be reached during weekdays and if you want the inspection in the morning or afternoon
- There must be an adult over age 18 to let the inspector inside

Other sources of information

Publications available in the DSC and online:

- Commercial Food Establishments
- Home Occupations
- Small Business Assistance Program
- System Development Charges (SDCs)

Online sources:

- Business in Portland Web link
  www.businessinportland.org
- Portland License Bureau
  www.portlandonline.com/licenses
- Portland Development Commission
  www.pdc.us
- Green Building Web site:
  www.buildgreen411.com