



Change of Use or Occupancy

Changing the use or occupancy of a building involves many considerations. In a change of use or 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, that are required 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 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 Systems Development Charges (fees charged to offset impact on the City’s infrastructure) that would apply to the property.

What is a change of use or 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 a change in the building’s use 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 building’s use 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.

It is important to keep in mind that the legal use or occupancy classification of the building may not be consistent with its most recent actual use. That means that a permit may be required to document the change of 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.

A change of use or occupancy as discussed above applies to the use of the building as defined by the building code. However, changes of use or occupancy may also trigger different zoning code requirements, and affect how Systems Development Charges (SDCs) are assessed. More information about those requirements is discussed below.

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, even where no alterations are planned or required by the code. For help researching existing permitted occupancy classifications of a building, please see: www.portlandoregon.gov/bds | New User Tab | Development Review Process | Research.

The time involved to get a permit can vary. A simple change of use or occupancy requiring no type of waiver or appeal may go through the permitting system in the standard timeframe with goals of approximately four weeks for first review and one week for subsequent review of responses to checksheets. In other cases where special zoning approvals are necessary or where there is complicated building history, a permit may take several months 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.

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 use the online fee calculator on the BDS homepage at www.portlandoregon.gov/bds, or consult the BDS Fee Schedules, which can be found online at www.portlandoregon.gov/bds | Fees Tab.



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.

Considerations for a Change of Use or Occupancy

The following table provides an overview of different requirements to consider when planning for a change of use or occupancy, and is followed by text that further explains those requirements.

Scope of Work	Code Considerations
Change of use or occupancy of a building	Current code requirements must be met, including: addressing accessibility for new work and removing existing barriers, potential seismic upgrades, potential addition of sprinkler systems, and others.
Change of use or occupancy of a building in certain locations	May require parking, bike parking, pedestrian amenities and landscaping depending on use and location of property within certain zones.
Alterations with a value over a certain amount specified in the zoning code	May require upgrades to elements of the site including bike parking, pedestrian connections, pedestrian amenities, landscaping and screening depending on use and location of property within certain zones.
Alterations to exterior	May require Design Review or Historic Resource Review (land use review) in certain locations or for designated historic buildings.
Change that causes an increase of customers, traffic and/or use of resources	Systems Development Charges (SDCs) may be assessed.

Accessibility requirements

If the change of use or 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 restroom 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 or occupancy will be, how much the occupant load will increase and what portion of the building will be changed. Refer to Portland City Code 24.85 for the specific rules. They are available at www.portlandoregon.gov/bds | Codes Tab | City Codes.

Zoning code

The zoning code spells out the allowed uses for a particular piece of property. While building code use and occupancy classifications address the protection of the people using the building, zoning use classifications focus on the intensity of the use of a property and its impact on surrounding properties. The property's zone and the use of the property determine specific zoning code 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. Changing the use or occupancy of a commercial building to another type of commercial use or occupancy may require additional vehicle and bicycle parking. Changing a house or duplex to a commercial use usually requires improvements to pedestrian facilities and bicycle parking, and can also require vehicle parking. Examples of residential to commercial conversion include changing a house in a non-residential zone to an office use, or changing a house or duplex in a non-residential zone to a short-term vacation rental.

In addition, in cases where the zoning code use classification is not changing, but the value of the work exceeds a pre-determined, annually adjusted amount, similar improvements to landscaping, bike parking, pedestrian facilities, and screening may be required. In some areas of the city, changes to the exterior of the building may trigger design review or historic resource review.

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.



Systems Development Charges (SDCs)

In addition to building permit fees, the project may be subject to Systems Development Charges. These fees are charged to help offset the impact the 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 the 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 the project. Contact information and basic descriptions of SDCs are also available at www.portlandoregon.gov/bds | Fees Tab | Systems Development Charges (SDCs).

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. The 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, 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 use or occupancy?

A If your intention is to live in your home while operating a small business there, you may not need to go through the process of obtaining a building permit to change the use or occupancy. 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 the Home Occupations brochure available online at www.portlandoregon.gov/bds | Permits Tab | Sign & Other Permits | 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
- 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
- *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.

Building Code Summary of the existing structure, showing that it meets all criteria of new construction, and if there are any deficiencies, how these are being remedied, such as corrective construction or an approved building code appeal.

Title 24.85 Seismic Trigger Analysis diagrams of the building showing the baseline occupant load and area summary in 2004 as compared to the current proposed occupant load and mix of uses. See Title 24 at www.portlandoregon.gov/bds | Codes Tab | City Codes.

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;
- there are changes of occupancy to high hazard classifications, such as Assembly, Daycare, Institutional uses; or
- in other circumstances where it is determined during plan review that the work is of a highly technical nature or there may be potential risk to life and/or safety of the structure.

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.portlandoregon.gov/bds | Permits Tab | General Information | Building Code Appeals.

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 website at www.portlandoregon.gov/bds | Zoning/Land UseTab | Land Use Reviews or call 503-823-7526.

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

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.

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
or visit www.portlandoregon.gov/bds

Permitting Services (Second Floor)

For Hours Call 503-823-7310
or visit www.portlandoregon.gov/bds

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

Systems development charges information

Bureau of Environmental Services.....	503-823-7761
Bureau of Parks & Recreation.....	503-823-5105
Portland Water Bureau	503-823-7368
Portland Bureau of Transportation.....	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 & Rescue	503-823-7300
Portland License Bureau	503-823-5157
Multnomah County Health Department.....	503-988-3400
City of Portland TTY	503-823-6868

Publications available in the DSC and online:

- Commercial Food Establishments
- Home Occupations
- Systems Development Charges (SDCs)

Online sources:

- Portland License Bureau
www.portlandoregon.gov/licenses
- Portland Development Commission
www.pdc.us
- Green Building Web site:
www.buildgreen411.com