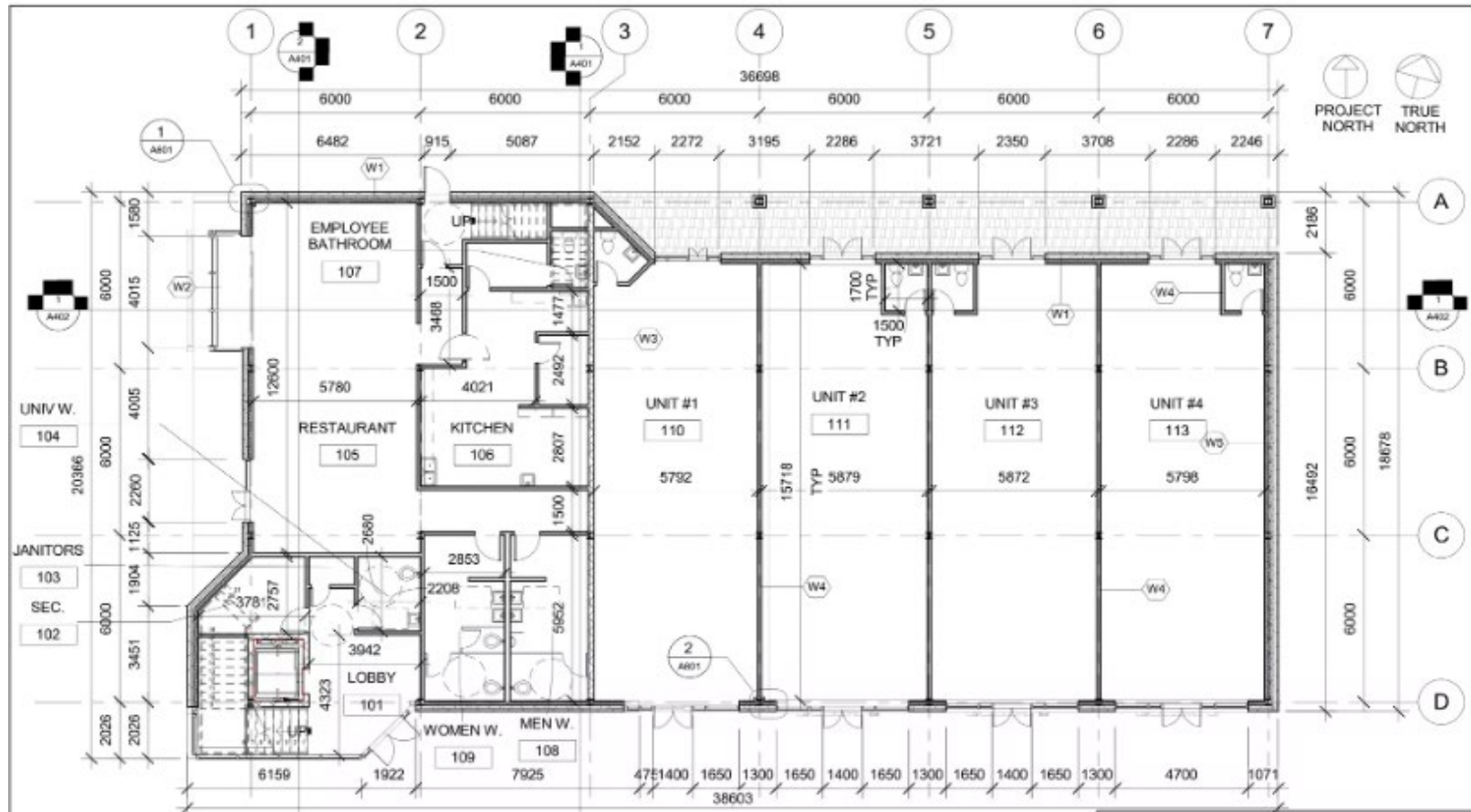


# Before You Sign Your Lease...

February 13, 2025

David Martinez

# Change of Use in Buildings



# What is a Change in Use?

- Definition
  - Altering the classification of a building or space to a different occupancy group as defined by the IBC.
- Why is it important?
  - Ensures compliance with updated safety, structural, and accessibility standards.  
Protects occupants and property.

# Understanding Code Implications for Altering Building Use

- New Mexico Requires a Design Professional on projects that are changes in use, as well as General Contractor (GB98) on all commercial projects. As referenced in the Architectural Act §62-15-10 NMSA 1978 and C.I.D. Rules and Regulations (14.5.2.9 & 14.5.2.10 C NMAC)

# 2021 IBC, Section 302:

- A change of use occurs when a building's occupancy classification shifts to a different category under Chapter 3: Occupancy classification and use.

# Occupancy Classifications

1. Assembly (See Section 303): Groups A-1, A-2, A-3, A-4, and A-5
2. Business (see Section 304): Group B.
3. Educational (see Section 305): Group E.
4. Factory and Industrial (see Section 206): Groups F-1 and F-2.
5. High Hazard (see Section 307): Groups H-1, H-2, H-3, H-4, and H-5.
6. Institutional (see Section 308): Groups I-1, I-2, I-3, and I-4.
7. Mercantile (see Section 309): Group M.
8. Residential (see Section 310): Groups R-1, R-2, R-3, and R-4.
9. Storage (see Section 311): Groups S-1 and S-2.
10. Utility and Miscellaneous (see Section 312): Group U.

# Key Code Sections

- Chapter 3: Use and Occupancy Classification
- Section 302 Occupancy Classification and use designations
- Assigning correct Classification
- Chapter 10: means of Egress
- Requirements for safe exit routes
- Chapter 11: Accessibility
- Compliance with ADA Standards
- Chapter 34: Existing Buildings
- Provisions for evaluating existing structures during changes of use.
- Visual: Highlighted IBC cover with key chapter labeled

# Steps To Determine Change of Use

## Design professionals Duty



Identify current and proposed uses.



a. Refer to chapter 3 classification

Conduct Building Assessment.



b. Structural integrity, fire Safety, Egress, and accessibility

Evaluate Code Implications.



c. Apply relevant sections of the 2021 IBC

Develop Compliance plan.



d. Outline required modifications.

Obtain Approvals and Permits

Submit plans to local authority have jurisdiction



# Key Considerations For Code Compliance

- Fire Protection (Chapter 9):
  - Upgraded fire suppression systems.
  - Fire-resistance rating for walls and ceilings
- Structural Requirements:
  - Increased loads for certain Occupancies (Chapter 16)
- Means of egress
  - adequate number and width of exits.
  - Signage and emergency lighting
- Energy Efficiency (Chapter 13)
  - Updates to meet modern energy code



# Example

- Converting a retail space (Group M) into a restaurant (Group A-2)

# Change of Use Vs. Change of Occupancy

- **Change of Use:** Refers to modification in the type of activities performed within a building or space that leads to a new occupancy classification.
  - Example: Converting a retail store (Group M) into a Restaurant (Group A-2), triggering new fire safety, egress requirements, Occupant load Calculations, Restroom plumbing counts, fire separations, ADA specifications, etc.
- **Change in Occupancy:** Refers to a shift in the use of a building or space that doesn't necessarily involve a new occupancy classification, but requires structural, fire safety, or compliance upgrades to meet the requirement of the intended use.
  - Example: Converting a warehouse (Group S-1) into a higher-hazard storage facility within the same occupancy group but requiring additional fire protection measures.
- **Key Difference:** A change of occupancy may not alter the fundamental classification, but requires compliance with updated codes for the intended occupancy type. A change of use specifically involves reclassification under the IBC.

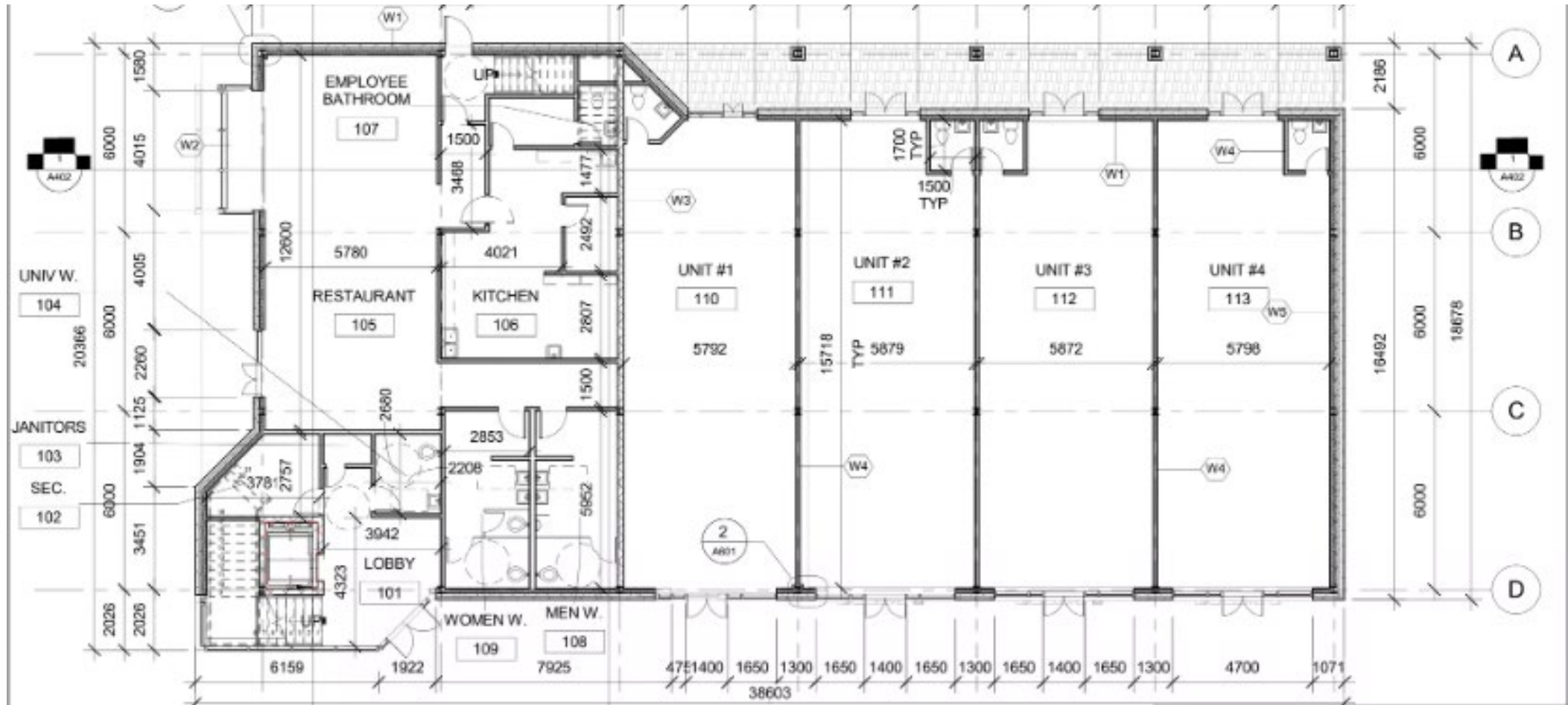
# Practical Example #1

- Warehouse (Group S-1) to Office (Group B)
  - Increased fire protection requirements (sprinklers).
  - Adjusted occupant load and egress paths.
  - Potential structural modifications for live loads.
  - Restroom fixture counts.
  - Fire separation walls.

# Practical Example #2

- Single-Family Residence (Group R-3) to Daycare (Group E)
  - Additional exit routes and ADA compliance
  - Fire-rated Separations for safety, fire rated wall separations.
  - Group E is for Educational. There is lots of code language and specifications that is involved with the occupancy classification.

# Example of a Commercial Space



# International Existing Building Code (IEBC) Considerations

- Evaluates alterations required to bring the building up to current code for the new use.
- Occupant load
- Path of egress
- Fixture count
- Fire rated assemblies



# Challenges and Solutions

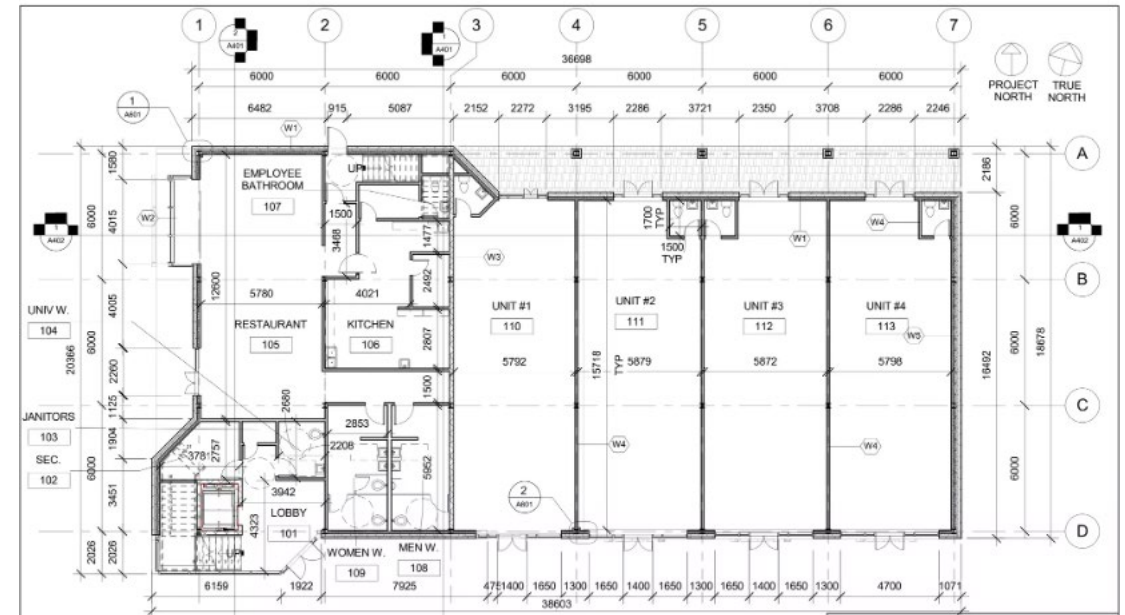
- **Common Challenges:**
  - Structural retrofits
  - Meeting modern energy standards
  - Cost of compliance
- **Proposed Solutions:**
  - Engage professionals early.
  - Engage performance-based design.
  - Explore financial incentives for upgrades if available.





# Local Jurisdiction Coordination

- Collaborating with AHJ (Authority Having Jurisdiction) is important
- Required Documentation for Approval:
  - Detailed plans and assessments.
  - Compliance checklists
  - Code analysis
  - Owners Affidavit signed
- Required Inspections
  - Jurisdiction inspections
  - State inspections MEP's



# Questions? Need more info?

- David Martinez
- Building Safety Manager
- [David.martinez@lacnm.us](mailto:David.martinez@lacnm.us)
- 505-663-3447 or 505-662-8120