Reference: ADMIN Section 142

Where the procedure for evaluation of projects involving the change of use or occupancy of a building, or portion thereof, deviate from standard procedure for the review of construction projects, as a minimum the following will be addressed:

**General.** No change in the occupancy classification or use of a building, or portion thereof, shall be made without the approval of the Building Official. A new Certificate of Occupancy may be issued when it has been determined by the Building Official that all Code requirements for the change in use/occupancy have been satisfied. In some instances where no alteration to the building, or portion thereof, is required to accommodate the proposed change of use/occupancy, and fulfill the minimum Code requirements, special processing instructions shall apply, resulting in the issuance of a Commercial Construction Permit, to begin consideration for the issuance of a Certificate of Occupancy.

**Change of Occupancy Definition.** Any of the following shall be considered as a change of occupancy where the current International Building Code requires a greater degree of safety, accessibility, structural strength, fire protection, means of egress, ventilation or sanitation than is existing in the current building or structure:

1. Any change in the occupancy classification of a building or structure.
2. Any change in the purpose of, or a change in the level of activity within, a building or structure.
3. A change of use.

**Change of Use Definition.** A change in the use of a building or a portion of a building, within the same group classification, for which there is a change in application of the code requirements.

**Procedure:**

1. The applicant shall obtain approval from Zoning. Two paths are available for obtaining a zoning permit. (1) obtain zoning permits before you apply for building permits or (2) apply for zoning and building permits at the same time (known as a “simultaneous review”). Refer to the Development Services Commercial Permitting Guide for additional information. [www.denvergov.org commercial building permit guide](http://www.denvergov.org commercial building permit guide).

2. The applicant shall contact the Department of Transportation and Infrastructure Wastewater Management Division for their review and approval requirements associated with proposed change of use/occupancy. The Wastewater Management Division review may occur concurrently with building department plan review. Visit [www.denvergov.org/SUDP](http://www.denvergov.org/SUDP) for complete submittal guidelines.

3. Additional agency reviews may be required depending on the nature of the new use/occupancy. Other agency reviews may include, but are not limited to, Department of Transportation and Infrastructure, Fire Department, and the Department of Environmental Health.

4. The applicant shall assemble a submittal package for review by the Building Department. This submittal/application will be logged in as a project for review and Plan Reviewer(s) will be assigned to review the submittal. The submittal package shall include:
4.1. The Zoning review documentation.

4.2. To provide context to the assigned Reviewer(s), as-built floor plans for the building indicating the areas which are affected by the change of occupancy/use and highlighting elements necessary to satisfy all current Code requirements of the proposed occupancy. For projects in large, multi-use or multi-tenant building, as-built floor plans for the building areas contiguous, and subject to the proposed change of use/occupancy.

4.3. In addition, the Building Department will require as-built mechanical plans documenting building systems, equipment and ventilation (with special attention to those systems serving the change of use/occupancy).

4.4. A letter from the applicant clarifying the existing use/occupancy of the entire building, including areas for which the use/occupancy will not be changing, and the nature of the new use/occupancy for the building, or portion thereof.

4.5. A Plot Plan locating the building relative to surrounding property lines and adjacent structures.

5. The Plans Review Engineers shall review the submittal package. After coordination and communication with the Inspections Administrator, and/or Chief Inspector, necessary inspectors may be dispatched by the Building Inspections Division to clarify questions arising from review of as-built drawings.

5.1. If the Reviewer(s) determine the as-built conditions satisfy the Code provisions applicable to the proposed use/occupancy with no addition or alteration required, a Commercial Construction Permit will be created against which the Certificate of Occupancy will be considered. In this circumstance, the Commercial Construction Permit may be issued to the building owner, per ADMIN Section 131.3, item No.4.

5.2. If the as-built conditions require minor alterations to building systems (exclusive of construction) to meet the minimum Code requirements of the proposed use/occupancy, a Commercial Construction Permit may be issued to the building owner, per ADMIN Section 131.3, item No. 4 and subsequent system-type permit(s) will be issued for the alteration work per ADMIN Section 131.3.

5.3. If the as-built conditions are found to be inadequate to meet the Code requirements of the proposed use without the implementation of substantial modifications, including construction of any magnitude, the Plans Review Engineer shall notify the applicant and require submittal of the project in accordance with the full provisions of the Denver Building Code.

6. Permits issued under Section 5.1 of this Policy shall be processed with fees based on the hours required for review and inspection at the current hourly rate for each, established in Policy ADMIN 138 for the review of modified drawings (section 200) and non-customary inspections (section 300).

7. The applicant shall notify the Agency as outlined in ADMIN Section 140 when the change of use/occupancy area covered by the Commercial Construction Permit is ready for inspection.

8. After the Agency has inspected the change of use/occupancy area and finding no violations of the provisions of the Code The new Certificate of Occupancy shall be issued in accordance with the procedure outlined in ADMIN Section 142.3