



THE CITY OF SAN DIEGO

City of San Diego
Planning & Development Review
Building Development Review
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Building Newsletter 34-2

Commercial Uses in Existing
Residential Buildings

Interpretations of State and Local Building Codes
1998 California Building Code: Chapter 34
Revision Date: July 1999

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This building newsletter outlines the policy of the City of San Diego, Planning & Development Review Department regarding commercial uses in existing residential buildings.

I. Policy Statement

Under certain conditions, commercial uses may be established in existing one- and two-story residential buildings without triggering compliance with current commercial Code provisions. These conditions are as follows:

- A. The commercial use must entail an average combustible loading of less than ten pounds per square foot of floor area. Such uses would normally be classified as Group B Occupancies and would include real estate, insurance, medical, law, drafting and similar offices. The commercial use may not include restaurant or retail sales uses. The building may still contain residential use. Because of the restrictions being placed on the commercial use, there will be no requirement for an occupancy separation between the commercial and residential uses.
- B. The commercial use must entail a total occupant load of ten or less. The occupant load will be determined in accordance with Section 1003.2.2.2 of the Building Code.
- C. The commercial use must be occupied by generally able-bodied persons who are awake and active.
- D. The commercial use must not involve any hazardous operations or the handling or use of highly flammable or explosive materials.
- E. The commercial use must be easily accessible for exit or fire-suppression purposes.
- F. The commercial use must entail no addition to or enlargement of the building.
- G. Provisions for width, location and number of exits shall comply with the Building Code.
- H. Ventilation shall be provided as for a residential occupancy.
- I. Installation of electrical and plumbing fixtures may be in accordance with residential requirements.
- J. New wall and floor finish materials in water closet compartments must comply with Section 807.1 of the Building Code. See Building Newsletter 8-1.
- K. Since these occupancies are considered residential the disabled access provisions in the California Building Code are not applicable, regardless of the work

being done. Compliance with Federal accessibility guidelines as prescribed by the Americans with Disabilities Act (ADA) may be required. For more information on ADA requirements (not enforceable by local building departments) contact:

U.S. Department of Justice
Civil Rights Division
Coordination and Review Section
P.O. Box 66560
Washington, D.C. 20035-6560
(202) 307-2222 (voice)

(202) 307-2678 (TDD)

(202) 307-0595 (Fax)

www.usdoj.gov/crt/corsec.htm

- L. The floor structure of the building must be shown, by engineering analysis if necessary, to be adequate for the live load appropriate to the commercial use as specified in Section 1607.3 of the Uniform Building Code.
- M. The building must not show evidence of excessive distortion or structural failure.
- N. The commercial use must be compatible with the zoning for the area in which the building is located.

II. Application

The application of this policy is not intended to change the occupancy classification of residential buildings, but rather to allow a limited approval for the specific occupancy described within an existing Group R, Division 3 Occupancy. Within the limits specified in this newsletter, this policy would additionally allow a mixture of a residential R-3 Occupancy with the B Occupancy. The use of this policy must be indicated on the plans, record documents and automated records.

III. Basis

This policy is based upon the following considerations:

- A. The exception in Section 3405 of the Uniform Building Code provides that, subject to approval of the building official, the character of use of an existing building may be changed and the building occupied for uses in other occupancy groups without conforming to all the Code requirements for the new occupancy group, providing the new or proposed use does not result in a hazard, based on life and fire risk, as great as the existing permitted use. In evaluating hazards based upon life and fire risk, four factors

must be considered. These factors are:

1. The combustible loading of the contents
2. The occupant load
3. The characteristics of the occupants
4. The presence of hazardous operations or materials

If these factors indicate a lesser hazard for a proposed use than for an existing use, there is rational basis for permitting the proposed use.

B. Each of the factors listed in Section III, Item A are explored in greater depth as follows:

1. Surveys indicate that the combustible loading for residential uses averages ten (10) pounds per square foot. Any commercial use with a combustible loading of less than ten pounds per square foot would, therefore, be no more hazardous. Office uses housing extensive collections of combustible files or books commonly exceed ten pounds per square foot and should be carefully evaluated.
2. Commercial uses with occupant loads of ten or less involve exiting requirements similar to those of dwellings and are considered the equivalent of dwellings insofar as safety of exit.
3. Persons occupying commercial occupancies are typically able-bodied, awake and active, and should be able to exit the building without delay or assistance. In this respect, commercial uses have a better safety record than residential occupancies where the occupants may be asleep or otherwise incapacitated during an emergency.
4. The commercial uses outlined above permit no hazardous operations. Residential occupancies generally involve cooking which, based upon fire experience, is a moderately hazardous operation. Commercial uses must not, therefore, involve the handling or use of highly flammable or explosive materials. If such conditions are met, commercial uses should be no more hazardous than residential uses.