



# Conditional Occupancy

## Bulletin #37

*Division of Building, Safety, and Inspection for 2015 International Codes*

The purpose of this Bulletin is to explain to the business owner options when occupying a building or space without a certificate of occupancy, as required by the International Building Code (IBC). This bulletin provides a method of evaluation and inspection that would allow a business to remain in operation while processing the required permits or relocating the business.

For either of the below options, the Building Official **must** find all of the conditions to be applicable.

### **OPTION 1 - Conditional Occupancy During Permit Review**

1. The business must be located in a zone that allows the use or be acknowledged as a legal non-conforming use.
2. The building must meet current building codes or be able to be remodeled to meet them.
3. The building or space meets the requirements of the Safety Inspection outlined in this Bulletin.
4. The business owner agrees to diligently pursue all required permit applications or close the business on a mutually agreed upon date.

### **OPTION 2 - Conditional Occupancy During Business Relocation**

1. The use is in a zone that **does not allow** the use nor can it be acknowledged as a legal non-conforming use.
2. The building is not able to meet current building codes or to be remodeled to meet them.
3. The building or space meets the requirements of the Safety Inspection outlined in this Bulletin.
4. The business owner agrees to diligently pursue relocation and close the business on a mutually agreed upon date.

### **Process:**

#### **1. Apply for a Safety Inspection**

This inspection is a joint inspection by Building Inspection and the Fire Prevention Bureau and will be made after a plan review and inspection fee has been paid. This inspection is normally made before any permits are issued. We need to ensure building safety while permit applications are being processed. This inspection is normally done within two (2) business days.

- **Fees:** In order to make the safety inspection and the initial assessment that a business may remain open an inspection fee must be paid. The fee for this inspection shall be the Plan Review Fee and the Investigation fee required by the IBC for the scope of the proposed work. The investigation fee applies even if no subsequent permit is issued, such as a relocation of the business. [PCC 17C.10.080](#)
- **Plans:** At this early stage of processing, the request for the Safety Inspection requires a site plan and a floor plan. Additional details that may be identified through review or inspection will be processed as a re-submittal to the application. The plans should identify:
  - Type of construction and location of property lines. At this point we are doing a cursory review to confirm the use may be located in this building or space of this type of construction with the existing setbacks; and
  - To review and confirm the number, location and condition of required exits; and

- To review and confirm if any hazardous material storage and handling is in compliance with building and fire codes; and
  - To review and confirm that the required number and type of portable fire extinguishers are installed.
2. **Correct any items found during the Safety Inspection and determine if Option 1 or Option 2 applies.**
3. **Agreement and Single Point of Contact**
- The firm and building owners must execute an agreement to pursue permits (Option 1) or relocation of the use (Option 2) within a mutually agreed upon time limit.
    - They must also agree to close or cease occupancy if they are unable to meet the deadline. Every effort will be made to set a reasonable deadline.
    - No agreement will be allowed to exceed one year.
  - A single point of contact will be established for the applicant and for the County. The County's point of contact will act as a coordinator for County requirements and will normally be a Building Plans Examiner.
4. **Approval Letter**
- Once the safety inspection is complete and any required corrections are made a letter of approval shall be issued by the Building Official.

**Vesting:** The application in most cases may not be complete. Vesting shall be established when the application is later made complete by the re-submittal noted above. The scope of the application and code requirements shall be determined after the safety inspection and initial plan review. If the application is incomplete, the Building Division will notify the applicant in writing within 20 days of application. The notice will include a listing of deficiencies and the requirements needed to make the application complete and vested.

## AGREEMENT AND SINGLE POINT OF CONTACT

This agreement is entered into after consultation with County staff about the permit application process and expected time lines.

I \_\_\_\_\_ as the owner/manager of \_\_\_\_\_  
(Print) (Business and/or owner name)

located at:

Parcel Number: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

request conditional occupancy of the referenced business until \_\_\_\_\_, in order to obtain the required permits or in which time to relocate the business. I agree that, at the end of the specified time period, if the required permits have not been attained or if the business has not been relocated, I will close the business or pay an additional fee equal to the original investigation fee each month beyond the date specified above, until such time as I have satisfied the conditions of this agreement. I understand that the County reserves the option of other enforcement tools, such as but not limited to, Civil Infraction, Criminal Misdemeanor, or other legal remedy.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Applicant Point of Contact:**

Agency: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

### **County Point of Contact:**

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_