

**Oregon**  
**Interpretive Ruling No. 92-14**  
**OCCUPANCY SEPARATION BETWEEN KITCHEN AND DAY-CARE OCCUPANCIES**

**Requested By:** CHUCK MONSCHEIN, BCA MANUFACTURED STRUCTURES AND PARKS  
FEBRUARY 25, 1992

**SUBJECT:** OCCUPANCY SEPARATION BETWEEN KITCHEN AND DAY-CARE OCCUPANCIES.

**ACTION REQUESTED**

Chuck Monschein, BCA Manufactured Structures and Parks, requests an interpretive ruling on an occupancy separation between a kitchen and a daycare facility. He provided the attached map and asked the following questions:

- a. Is a kitchen, as shown, correctly assigned a B-2 occupancy?
- b. Is the required separation of mixed occupancies (B-2/E-3) of one-hour construction, as shown in Table No. 5-B, applicable in this case?

**CODE**

OSSC, Section 501 requires:

"Any Occupancy not mentioned specifically or about which there is any question, shall be classified by the Building Official and included in the group which its use most nearly resembles, based on the existing or proposed Life and Fire Hazard."

**HISTORY**

Supplied by Mr. Monschien. The attached project drawing was submitted to be reviewed for construction. The occupancies were assigned as a B-2 Kitchen and an E-3 Day-care Facility by the Plans Examiner. The Plans Examiner required one-hour construction to separate the two occupancies. The contractor argued that:

1. The hazards from the kitchen were so minor that no separation should be required.
2. No listing of a kitchen as a B-2 Occupancy was in the Code.
3. The kitchen was, in fact, accessory to the day-care, and therefore should be classified as an E-3 Occupancy.

Referring to the project drawing, the Plans Examiner noted two primary things considered in the requirements lists.

1. The occupant load and type of occupants ("toddler and infants" as shown on the project drawings).
2. The physical isolation of the kitchen. Noting, that if a fire started in the kitchen, it would not be readily observed by the occupants until possibly after quite some time and after the fire had grown.

James Jaqua, Plan Examiner, City of Tigard, recently requested and received an interpretation from ICBO on an almost identical issue. This interpretation is signed by Gordon Clyde, Senior Staff

Engineer, and says:

**Q:** Does the U.B.C. require an occupancy separation between the kitchen and child care area?

**A:** Section 503(a) Exception 2 D should be considered in arriving at a decision in the matter. The conditions described by your letter, Le., the small kitchen contains refrigerators, a dishwasher and a residential type range used for warming food and occasional cooking would indicate that the intensity of use contemplated will be less severe than that expected in a commercial kitchen. Thus, it would be appropriate to classify the kitchen as an integral part of the Group E, Division 3 Occupancy and not assign it a separate and distinct occupancy classification from the child care facility. Classification as an integral part of the Group E, Division 3 Occupancy would obviate the necessity for an occupancy separation."

### **BOARD FINDINGS**

- In the plan at issue the area of the kitchen is only 3% of the floor area of the building.
- The interpretation from ICBO does not specify a limit. For this interpretation a kitchen occupying less than 10% of an E- 3 Occupancy should be considered part of the E- 3 Occupancy and would not require an occupancy separation. A kitchen larger than 10% of the building would be classified by the building official.

### **DISCUSSION AND CONCLUSION**

Interpretations provided by the International Conference of Building officials are not binding on the jurisdiction. Interpretive rulings by the state are binding on jurisdictions per ORS 455.610.

A kitchen occupying less than 10% of an E-3 Occupancy is not considered a commercial kitchen and, therefore, may be considered part of the E- 3 Occupancy and would not require an occupancy separation. A kitchen larger than 10% of the building would be classified by the building official and may require an occupancy separation.

(signed June 25.1992)

John Talbott, Chairman  
Structural Code Advisory Board  
Date

The recommendations and findings of the Structural Code Advisory Board are accepted and adopted.

(signed June 29. 1992)

Gary J. Wicks, Administrator  
Building Codes Agency  
Date