



CODE APPLICATION NOTICE

Health and Safety Code §129851

CAN: 2-302.2

SUBJECT

Use Designation (subordinate uses)

Effective: 12/16/2024



CODE SECTIONS

Title 24, California Code of Regulations, including the 2022 Supplement effective July 1, 2024

2022 California Building Code, Part 2
Chapter 3 OCCUPANCY CLASSIFICATION AND USE
Section 302.2 Use Designation.
Section 311.1.1 Accessory Storage.

Chapter 5 GENERAL BUILDING HEIGHTS AND AREAS
Section 508 MIXED USE AND OCCUPANCY
Section 508.1 General.
Section 509 INCIDENTAL USES
Section 509.1 General.

2012 National Fire Protection Association (NFPA) 101 Life Safety
Chapter 6 Classification of Occupancy and Hazard of Contents

Appendix – 2022 California Building Standards Code, Title 24, California Code of Regulations, code citation(s) related to this Code Application Notice (CAN).

Acronyms and Definitions assist the user in recognizing and identifying various acronyms and terms generally used in this CAN. Please refer to the "[Master Glossary of Acronyms and Definitions – Acronyms and Definitions Used in OSHPD Published Documents](#)" which is posted on the HCAI website at <https://hcai.ca.gov/document/master-glossary-of-acronyms-and-definitions/>. Other definitions may also be found in the [California Building Standards Code](#), Title 24, California Code of Regulations.

PURPOSE

The purpose of this Code Application Notice (CAN) is to clarify the definition of subordinate uses as it pertains to use designation and when accessory occupancies should be considered.

BACKGROUND

The California Building Code (CBC) Section 302.2 states that occupancy groups may contain subordinate uses having similar hazards and risks to building occupants. There is confusion about when this is applied to a design or when an accessory occupancy pursuant to Section 508.2 becomes effective. This has resulted in inconsistent designs and inconsistent code enforcement.

INTERPRETATIONS

The Office of Statewide Hospital Planning and Development (OSHPD) interprets subordinate use as a required use for the proper function of the primary occupancy. The primary function of the space is the determining use. Certain spaces such as work areas, medication rooms, nutrition rooms, etc. are part of the primary nursing function of a nursing unit but are not patient care rooms. These rooms support the primary function of the nursing unit and are therefore part of the primary occupancy. Subordinate occupancies may include other occupancies noted in 302.1 including, but not limited to:

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. Mercantile (see [Section 309](#)): Group M.
4. Storage (see [Section 311](#)): Groups S-1 and S-2.

The accumulation of similar uses in occupancy group classifications is useful in a broad perspective and allows the application of criteria to all uses in the group. There are times where uses within an occupancy are regulated by a distinct provision as explained below.

Examples of subordinate uses of an I-2 are:

1. Nurse's supervisor office on a nursing unit
2. Physician Sleep Room
3. Pharmacy
4. Equipment storage under 100 square feet (see Section 509 Incidental Uses)
5. Medication Room
6. Nourishment Room
7. Drug Room
8. Housekeeping
9. Anesthesia Workroom
10. Imaging Reading Room
11. Pediatric Playroom
12. Dining Room under 750 square feet
13. Waiting Room under 750 square feet or open to corridor

Accessory Occupancies are ancillary and secondary to the primary occupancy and have a different use within the same building although they may support the primary occupancy. For each of these, there may be specific requirements and controls to separate them when they are deemed accessory occupancies pursuant to Section 508.2 or exceed specific requirements such as size. For example, if a dining room exceeds 50 occupants (750 square feet), it may be deemed an A-3 and would require compliant fire separations as an accessory occupancy.

Examples of accessory occupancies are:

1. Clustered administrative offices
2. Dining rooms over 50 occupants
3. Material Management
4. Gift Shop
5. Records Storage

Pursuant to CBC Section 509.1 General, incidental uses are ancillary functions associated with a given occupancy that generally pose a greater level of risk to that occupancy and are limited to those uses specified in Table 509.1. Incidental uses must be separated as required in Section 509.4, or if they exceed the 10% area limitation are to be treated as a separated occupancy pursuant to Section 509.3. Staff work areas that include dense storage may be required to be separated as an incidental use area.

Examples of incidental occupancies are:

1. I-2 Plant Maintenance Shops
2. Laundry room over 100 square feet in I-2
3. In ambulatory care facilities or Group I-2 occupancies, waste and linen collection rooms with containers that have an aggregate volume of 10 cubic feet or greater
4. In ambulatory care facilities or Group I-2 occupancies, storage rooms greater than 100 square feet.
5. Drug Storage Room (greater than 100 square feet)
6. Laboratory

Original signed _____ 12/16/2024
Chris Tokas, Deputy Director Date

APPENDIX

2022 California Building Standards Code, Title 24, California Code of Regulations

A viewable copy can be found on the California Building Standards Commission website (<http://www.dgs.ca.gov/en/BSC/Codes>)

2022 California Building Code, Part 2, including the 2022 Supplement effective July 1, 2024**Chapter 3 OCCUPANCY CLASSIFICATION AND USE****Section 302 OCCUPANCY CLASSIFICATION AND USE DESIGNATION**

Section 302.2 Use Designation. Occupancy groups contain subordinate uses having similar hazards and risks to building occupants. Uses include, but are not limited to, those functional designations specified within the occupancy group descriptions in Section 302.1. Certain uses require specific limitations and controls in accordance with the provisions of Chapter 4 and elsewhere in this code.

Section 311 STORAGE GROUP S

Section 311.1.1 Accessory storage spaces. A room or space used for storage purposes that is accessory to another occupancy shall be classified as part of that occupancy.

Chapter 5 GENERAL BUILDING HEIGHTS AND AREAS**Section 508 MIXED USE AND OCCUPANCY**

508.1 General. Each portion of a building shall be individually classified in accordance with Section 302.1. Where a building contains more than one occupancy group, the building or portion thereof shall comply with the applicable provisions of Section 508.2, 508.3, 508.4 or 508.5, or a combination of these sections.

Exceptions:

1. Occupancies separated in accordance with Section 510.
2. Where required by table 415.6.5, areas of Group H-1, H-2 and H-3 occupancies shall be located in a detached building or structure.

Section 509 INCIDENTAL USES

509.1 General. Incidental uses located within single occupancy or mixed occupancy buildings shall comply with the provisions of this section. Incidental uses are ancillary functions associated with a given occupancy that generally pose a greater level of risk to that occupancy and are limited to those uses specified in Table 509.1.

Exception: Incidental uses within and serving a dwelling unit are not required to comply with this section.

2012 National Fire Protection Association (NFPA) 101 Life Safety**Chapter 6 Classification of Occupancy and Hazard of Contents****Section 6.1 Classification Occupancy**

6.1.14.1.3* Where incidental to another occupancy, areas used as follows shall be permitted to be considered part of the predominant occupancy and shall be subject to the provisions of the Code that apply to the predominant occupancy:

- (1) Mercantile, business, industrial, or storage use

(2)* nonresidential use with an occupant load fewer than that established by Section 6.1 for the occupancy threshold

A.6.14.1.3 Examples of used that might be incidental to another occupancy include the following:

- (1) Newsstand (mercantile) in an office building
- (2) Giftshop (mercantile) in a hotel
- (3) Small storage area (storage) in any occupancy
- (4) Minor office space (business) in any occupancy
- (5) Maintenance area (industrial) in any occupancy

A.6.14.1.3 (2) Examples of uses that have occupant loads below the occupancy classification threshold levels include the following:

- (1) Assembly use with fewer than 50 persons within a business occupancy
- (2) Educational use with fewer than 6 persons withing an apartment building