



Hamilton

Planning and Economic
Development Department

Memorandum

Date: September 6, 2018

To: Chair and Members
Open for Business Sub-Committee

From: Ed VanderWindt
Director, Building and Chief Building Official
Planning and Economic Development Department

Subject: **Continuous Improvement Team - Process Review – Micro-breweries – Case Study No. 20**

BACKGROUND

The role of the Planning and Economic Development Department / Public Works Department Continuous Improvement Team (CIT) is to review select case studies after they have been through the approval process to identify any lessons learned and opportunities for process improvements.

OBSERVATIONS AND ISSUES

The rise in the popularity of craft breweries and distilleries in the City of Hamilton has resulted in the Building Division initiating a review of the application of the Ontario Building Code (OBC) for buildings that are comprised of a micro-brewery, winery, distillery or other similar uses. The review included several case studies that specifically contained a micro-brewery and an associated ancillary use for the public such as a tasting room, retail store, public gathering space, or multi-purpose room.

Life safety and protection of occupants is the primary concern for a Building Official. The concern is not only for protection from obvious hazards found in processes for a brewery and distillery, but also for public uses that are deemed to be independent of the primary brewery or distillery use. At issue for these operations is when there is a requirement to construct a fire separation that serves as a physical barrier between a micro-brewery use and public spaces considered as separate major occupancies.

Large-scale distillation and refining operations which have large quantities of flammable and combustible liquids were not considered in this review. These highly hazardous operations contain processes that include crushing of malts and contain high accumulation of vapour and quantities of combustible materials. Typical micro-breweries and distilleries often contain

limited quantities of flammable liquids and are, therefore, considered a lower hazard category.

When reviewing a Building Permit Application, there are three primary factors that are taken into consideration to determine when a fire separation is required:

1. Major Occupancy Definition;
2. Use and Operation of Facility; and,
3. Size and Scale of Occupancy.

Uses are first reviewed under the definition found in the OBC:

1.1.4.2. Definition: Major Occupancy

Major occupancy means the principal occupancy for which a building or part of a building is used or intended to be used, and is deemed to include the subsidiary occupancies that are an integral part of the principal occupancy.

All rooms or spaces in a building that contain uses other than a micro-brewery and do not meet the intention of a subsidiary occupancy would be deemed to be a Major Occupancy.

The determination for a subsidiary occupancy is based on consideration of the use and operation of the building. This includes identifying a variety of factors including: can the other uses operate independently from the micro-brewery use, who has control or occupancy of the room or space, and direct or after-hours access. Any uses that cannot be considered a subsidiary occupancy to a micro-brewery would be deemed a separate major occupancy.

Protection of major occupancies of a building is the basic requirement in the OBC and is regulated by the following:

3.1.3.1. Separation of Major Occupancies

(1) Except as provided by Sentences (2) to (5), major occupancies shall be separated from adjoining major occupancies by fire separations having fire-resistance ratings conforming to Table 3.1.3.1.

Size and scale of occupancy provides further relaxation to the fire separation requirements should they meet the following:

3.2.2.8. Exceptions for Major Occupancies

(1) In a building in which the aggregate area of all major occupancies in a particular Group or Division is not more than 10% of the floor area of the storey in which they are located, these major occupancies need not be considered as major occupancies for the purposes of this Subsection, provided they are not classified as Group F, Division 1 or 2 occupancies.

Uses that do not exceed the 10% threshold would, therefore, be permitted relief under this part of the OBC.

OUTCOMES

After a detailed review of several previously issued Building Permits containing a micro-brewery and other associated uses, the Building Division is confident that the applications were reviewed and issued consistently and appropriately for the intended and stated uses. The Building Division will ensure to continue to maintain the standards described above and remain consistent in the application of the OBC when reviewing Building Permit Applications for craft and micro-breweries.