



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 5, 2022
SUBJECT/REPORT NO:	Ontario Building Code (OBC) Review of Microbrewery Occupancies (PED22094) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Dio Ortiz (905) 546-2424 Ext. 4650
SUBMITTED BY:	Alan Shaw Director, Building and Chief Building Official Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

In response to inquiries from microbrewery operators, this information report has been prepared to provide clarity on the Ontario Building Code (OBC) construction requirements to provide a fire separation barrier between the brewery and public spaces. The City of Hamilton was provided with several examples of microbrewery establishments throughout Ontario with varying floor layouts including an open concept without any form of a fire separation or physical barrier. The Building Division has been asked to review the OBC provisions applicable to microbreweries and present information on how an open-concept layout can be compliant with the OBC.

Factors for Fire Separation Determination

The Building Division is charged with the responsibility for reviewing building permit applications for compliance with the minimum construction requirements of the OBC. Life safety and protection of occupants is one of the primary concerns for a Building Official during the building permit approval process. 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.

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There are three factors that are taken into consideration to determine when a fire separation is required:

1. Major Occupancies in a building;
2. Use and Operation of Facility; and,
3. Size and Scale of Occupancy.

Classification of major occupancies is the primary factor for the explicit OBC requirement to provide a fire separation. The OBC prescribes specific types of major occupancy classifications based on the use of the room or space and requires certain occupancies to be constructed with a fire separation that acts as a barrier against the spread of fire to other major occupancy or other parts of a building. Building Officials use judgment to determine granting consideration to the use, operation, size, and scale of all accessory uses relative to the microbrewery establishment.

Occupancy Classifications in a Microbrewery

For buildings that are comprised of a microbrewery, winery, distillery, or other similar uses, these are classified as a major industrial occupancy and can be either a high (F1), medium (F2), or low (F3) hazard industrial occupancy depending on the amount of combustible content found within the major occupancy.

Large-scale distillation and refining operations that have large quantities of flammable and combustible liquids are typically classified as an F1 occupancy. These highly hazardous operations contain processes that include the crushing of malts and contain a high accumulation of vapour and quantities of combustible materials.

Microbreweries typically contain limited quantities of flammable liquids and are often considered for a lower hazard category. Microbreweries are usually classified as an F3 occupancy but can be an F2 if the brewery operation is significant, containing more than 50 kg/m² or 1200 MJ/m² of combustible content.

The rise in the popularity of craft breweries and distilleries has tended for microbrewery establishments to also contain associated uses for the public such as a tasting room, dining room, retail store, public gathering event space, or multi-purpose room. The OBC classifies these spaces as occupancies for either assembly (A2), mercantile (E), or offices (D), or as an ancillary space. At issue for microbrewery establishments are when these public spaces are considered as separate major occupancies which dictate the requirement for construction of a fire separation; a physical barrier designed to prevent the spread of smoke and fire between major occupancies of the brewery operation and the public spaces for a minimum period of time to aid occupants to safely exit the building during a fire event.

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Exemptions for a Fire Separation

The OBC contains explicit provisions that do not require a microbrewery to construct a fire separation between the brewery and a public space major occupancy. The general condition for the exemption is when a brewery major occupancy is classified as F3 and the public space major occupancy is either a D or E use. The OBC allows restaurants and tasting/tap rooms that accommodate no more than 30 patrons to also be considered an E occupancy and thus be exempted from constructing a fire separation in microbrewery.

In addition to the major occupancy classification, rooms and spaces that are classified as an ancillary use instead of subsidiary to the brewery major occupancy are also considered for the exemption to construct a fire separation. Evaluation of a subsidiary occupancy is based on consideration of the use and operation of the building and includes factors such as independent operation from the brewery use, control or occupancy of the room or space, and direct or after-hours access. The OBC major occupancy definition deems subsidiary occupancies to a microbrewery to be a separate major occupancy, and accordingly, would be subject to any applicable fire separation requirements.

Findings on Open Concept Microbrewery Establishments

115 establishments were identified as microbreweries with an open-concept. In consultation with Building Officials in the municipalities listed with an open concept microbrewery, the establishments fell into one of four categories regarding the building permit approval:

1. Approved design complied with the exemption for a fire separation between an F3 brewery, and a D or E public space major occupancy
2. Building permit was approved with ancillary uses that were deemed to not be a major occupancy or significantly large
3. Approved design received an alternative solution approval with compensating construction demonstrating sufficiency of compliance with the OBC
4. Existing establishment does not conform to the originally approved building permit.

While the aforementioned are the prescriptive and acceptable provisions in the OBC, applicants have the option to submit for an alternative solution that achieves the objectives and intents of the OBC, or apply to the Building Code Commission, an adjudicative tribunal, to challenge the technical application and interpretation of the OBC by the City of Hamilton.

Municipalities and Building Officials across Ontario have remained consistent in the application of the OBC provisions for microbreweries. The existing microbrewery

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establishments in the City of Hamilton also received the same standard of review and approval. The City of Hamilton and the Building Division will continue to support the craft and microbreweries industry and will ensure to remain consistent in the application of the OBC for all building permit submissions.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable