



Building Standards and Codes

New York State
Department of State
Division of Building
Standards and Codes
One Commerce Plaza
99 Washington Avenue, Suite 1160
Albany, NY 12231-0001
(518) 474-4073
Fax: (518) 474-5788
www.dos.ny.gov

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TECHNICAL BULLETIN

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Source Document: 19NYCRR 1221—Building Construction²
Topic: Food Service in Groups A-2 and A-3

This document provides clarification of the classification of Assembly Groups as it relates to food service.

According to Section 303.1 of the 2015 International Building Code (2015 IBC), “*Assembly Group A occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption or awaiting transportation.*” Except, that buildings and spaces “*with an occupant load of less than 50 persons shall be classified as a Group B occupancy.*” Similarly, “*a room or space... less than 750 square feet (70 m²) in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.*” (See Sections 303.1.1 and 303.1.2 of the 2015 IBC)

Food service may be an incidental part of any group occupancy without an increased level of fire hazard which would trigger a change in occupancy. A key element in determining the appropriate classification is the primary “*intended*” use of the space as defined by the Uniform Code. The description of Groups A-2 and A-3 according to Sections 303.3 and 303.4 are found below (emphasis added):

Group A-2 occupancy includes assembly uses intended for food and/or drink consumption including, but not limited to:

<i>Banquet halls</i>	<i>Restaurants, cafeterias and similar dining facilities</i>
<i>Casinos (gaming areas)</i>	<i>(including associated commercial kitchens)</i>
<i>Nightclubs</i>	<i>Taverns and bars</i>

Group A-3 occupancy includes assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A including, but not limited to:

<i>Amusement arcades</i>	<i>Community halls ...</i>
<i>Art galleries</i>	<i>Places of religious worship ...</i>
<i>Bowling alleys</i>	<i>And others.</i>

The mere presence of food - or even a kitchen - in any of the uses listed under Group A-3 (or in any other use regulated by the 2015 IBC), does not necessarily change the use to A-2. Consider the following scenarios:

1. A community hall could be used for bingo nights or an occasional baby shower. Having food served or even re-heated does not, in itself, change the intended recreation or amusement use of the space.
2. An office with more than 50 employees with food delivered for occasional meetings, or where appliances are provided in lunch rooms for employee use, does not change the intended business use of the space.

¹ The “Code Effective Date” for this Technical Bulletin is October 31, 2017, which is the effective date of the current version of the New York State Uniform Fire Prevention and Building Code (the Uniform Code).

² The 2015 International Building Code (2015 IBC) is a publication incorporated by reference in 19 NYCRR Part 1221. The 2017 Uniform Code Supplement is a publication incorporated by reference in 19 NYCRR Parts 1219 through 1228. The 2015 IBC, as amended by the 2017 Uniform Code Supplement, is part of the Uniform Code.

3. A church hall where food is provided during an occasional retreat, even if the food is prepared in the hall's properly separated kitchen, does not change the intended use of the space.
4. Conversely, a bowling alley with a commercial kitchen where food and drinks are customarily ordered and brought to the lane, may constitute a mixed-use building, unless it can be demonstrated that the kitchen constitutes an accessory incidental to the main use.

The 2015 IBC Commentary relating to Section 303 provides helpful guidance by noting that although the code addresses kitchens associated with Group A-2 restaurants and similar dining facilities, the code is silent regarding accessory kitchens associated with community centers or fellowship halls part of places of religious worship. Each building and its intended use should be carefully considered by the code enforcement official. Factors to consider include the intensity and frequency of the use of the space for serving food as well as the type of cooking equipment installed. For example, the occasional use of a fellowship hall for a fundraising dinner where food is brought in and warmed may be considered a Group A-3 while that same hall used daily as a charity soup kitchen may be more appropriately considered a Group A-2.

The information contained in this bulletin is not meant as a comprehensive analysis of all the potential uses which take place in Group A-2 or A-3 occupancies, nor does it cover all the requirements pertaining to them. It is recommended that each specific use be compared to the code and regulated accordingly.

John R. Addario, PE, Director
Division of Building Standards and Codes