

**NC Department of Insurance  
Office of the State Fire Marshal - Engineering Division  
1202 Mail Service Center, Raleigh, NC 27699-1202  
919-647-0000**

**Occupancy Type for Small Bakeries, Pizza, Delis, Coffee Shop, Etc.**

**Code:** 2018 Building Code

**Date:** September 5, 2018

**Sections:** 303.1.1, 304.1, and 306.1

**Question:**

Is the customer seating for food consumption in these facilities considered an A-2 Assembly Occupancy if it seats less than 50 persons?

**Answer:**

No. Per Section 303.1.1 the customer seating area is considered a Business Occupancy if the occupant load is less than 50. The occupant load calculation for the seating area, however, would still be based on an assembly use even though it may be a Business occupancy type.

**Question:**

Is the food preparation area of a small bakery such as a pizza baking business that sells their product directly to the general public and has a Group B dining area or no dining area a Factory Industrial F-1 occupancy?

**Answer:**

No. Food preparation areas such as these are listed as part of the Group A-2 occupancy in Section 303.3; so, the food preparation area is then considered Group B when the dining area is considered Group B. Section 304.1 also considers such facilities Group B when they are not associated with a dining facility and less than 2,500sf.

**Note:**

This interpretation may be applied to similar facilities such as sandwich shops, delis and coffee shops.

**Keywords:**

Group A; Group M; Group B; Subway; restaurant