



DEPARTMENT OF DEVELOPMENT SERVICES  
CITY OF POMPANO BEACH  
BUILDING INSPECTIONS DIVISION  
100 West Atlantic Boulevard – Room 360

Date: February 27, 2023

To: Ms. Fawn Powers, Assistant City Attorney  
Mr. Ryan Abrams, Esq. Abrams Law Firm

From: Michael Rada, Building Official

Subject: Accent Closets  
2266 Northwest 30<sup>th</sup> Place  
Pompano Beach, Florida

**Background**

This address was issued a Certificate of Occupancy in 1986. Records indicate the Occupancy Group as Factory (F) Division (1). The 1986 South Florida Building Code, Chapter 11, Group F Occupancy defined shall include storage and industrial uses as follows:

Division (1): Storage Occupancy shall include warehouses, storage buildings, freight depots, public garages of any size where repair work is done, parking garages for more than (4) cars, gasoline service stations, aircraft hangers or similar uses.

Division (2): Industrial Occupancy shall include factories, assembly and manufacturing plants, processing mills, laboratories, loft buildings, creameries, laundries, ice plants, sawmills, planing mills, box factories, wood-working shops with fixed or portable power equipment or tools exceeding a combined total of 20 H.P. and other similar uses.

Chapter 1107 Special Hazards, determines automatic fire sprinkler systems, fire extinguishers and standpipes shall be set forth in Chapter 38 and fire alarms in Chapter 31.

Chapter 3801.3 Requirements based on Occupancy. Automatic Fire Sprinkler Systems (e) Group F Occupancies: approved automatic sprinkler systems shall be installed:

- (1) In buildings or within fire divisions of Group F, Division 1, Occupancy (other than parking garages) one and two stories in height used for the sale or storage of combustible goods or merchandise and exceeding 20,000 sq. ft. per floor in area.
- (2) In buildings or within fire divisions of Group F, Division 1, Occupancy (other than parking garages) three or more stories in height used for the sale or storage of combustible goods or merchandise and exceeding 10,000 sq. ft. per floor in area.
- (3) In buildings of Group F, Division 1, Occupancy used for garages as follows:
  - (aa) In enclosed parking garages over 50 feet in height.
  - (bb) In open air garages more than 75 feet in height.
  - (cc) In repair garages over one story in height, or located below another occupancy, exceeding 10,000 sq. ft. per floor if Type I Construction, or 8,000 sq. ft. per floor if of protected incombustible construction.

(dd) In one story repair garages exceeding 15,000 sq. ft. in floor area if of Type I Construction, 12,000 sq. ft. in floor area if of protected incombustible construction, or 9,000 sq. ft. in floor area if of unprotected, incombustible construction or heavy timber, or Type III protected construction.

(ee) In any basement parking or repair garage located under any occupancy other than a parking or repair garage, where such basement garage exceeds 5,000 sq. ft. in floor area.

(4) In buildings of Group F, Division 2, Occupancy used for shops, plants, or factories where loose combustible fibers, chips, shavings and dust are produced or generated and such buildings are over one story in height, or:

(aa) In such buildings of mixed occupancies exceeding 8,000 sq. ft. per floor, or

(bb) In such buildings one story in height and exceeding 15,000 sq. ft. in floor area.

(5) In buildings of Group F, Division 2, Occupancy used for dry goods and apparel manufacturing shops as follows:

(aa) In such buildings one or two stories in height of Type II and Type III (Protected) construction constructed with incombustible materials and exceeding 10,000 sq. ft. per floor and,

(bb) In such buildings one or two stories in height of Type II and Type II (Protected) construction constructed wholly or in part with combustible materials and exceeding 2,500 sq. ft. per floor, and,

(cc) In any such building of Type III (Un-protected), of Type IV, or Type V construction of any floor area and,

(dd) In any building three or more stories in height of any floor area.

The Occupancy Group listed on the Certificate of Occupancy when issued, under the Code in effect at the time, did not require an automatic fire sprinkler system. It is important to note Group F, Division 1, is the least restrictive of the two Divisions under the 1986 SFBC. City records indicate the space occupied by the tenant from 2002 to 2009 was a brick / masonry / stone company. In the year 2013 to present, the space was occupied by Accent Closets, a manufacturer/trim carpentry wood working shop. This occupancy more closely resembles groups listed as Division 2.

### **Existing Buildings**

Reference the 2020 Building Code, Existing Buildings, Section 202, General Definitions.

(A) Change of Occupancy. A change of the use of a building or a portion of a building which results in any of the following:

(1) A change of occupancy classification.

(2) A change of one group to another group within an occupancy classification.

(3) Any change in use within a group for which there is a change in the application of the requirements of this code.

Section 605, Change of Occupancy provisions apply where the activity is classified as a change of occupancy as defined in Chapter 2. Changes of Occupancy shall comply with the provisions of Chapter 10. Where the occupancy classification of a building changes, the provisions of sections 1002 through 1012 shall apply. This includes a change of occupancy classification and a change to another group within an occupancy classification. Section 1004 Fire Protection. Fire protection requirements of Section 1012

shall apply where a building or portions thereof undergo a change of occupancy classification or where there is a change of occupancy within a space where there is a different fire protection system threshold requirement in Chapter 9 of the Florida Building Code, Building.

### **The 2020 Florida Building Code, Building.**

Section 306.

Factory Group (F) Factory Industrial Group F occupancy includes among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous or Group S storage occupancy.

Moderate hazard factory Industrial, Group F-1. Factory Industrial uses that are not classified as Factory Industrial F-2, Low Hazard shall be classified as F-1, Moderate Hazard and shall include : wood-working.

Low Hazard Factory Industrial Group F-2. Factory Industrial uses that involve the fabrication or manufacturing of non-combustible materials that during finishing, packing or processing do not involve a significant fire hazard shall be classified as F-2 occupancies and shall include : brick / masonry.

Section 903. Automatic Fire Sprinkler Systems. Section 903.2.4.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy "fire areas" that contain woodworking operations in excess of 2500 sq. ft. in area that generate finely divided combustible materials.

Chapter 2, Definitions

Deflagration: An exothermic reaction, such as the extremely rapid oxidation of a flammable dust or vapor in the air, in which the reaction progresses through the unburned material at a rate less than the velocity of sound. A deflagration can have an explosive effect.

### **The Florida Building Code Broward County Amendments, 7<sup>th</sup> Edition**

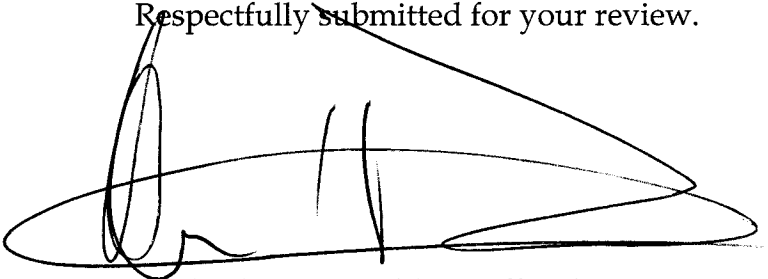
102.6 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered in this Code, the FBC Existing Buildings, and/or the Fire Protection Provisions of this Code and FFPC, *or as deemed necessary by the Building Official for the general safety and welfare of the occupants of the public.*

102.6.1 Existing Building Code violations that are discovered by the AHJ, owner and/or an owner's representative(s) and or any interested party shall be cited by the Building Official and/or Fire Marshall/ fire Code Official for such violations. All such violations shall be repaired and corrected in accordance with the SFBC and/or FBC in effect on the date of the structure received a building permit. Existing buildings shall comply with FFPC and this Code.

## Summary

The Occupancy classification identified on the existing Certificate of Occupancy is Factory (F) Division (1). Conversely, this classification under the 1986 SFBC is less restrictive compared to Division (2) and the more recent classification of F-1 as defined in the Florida Building Code in effect today with regard to life safety requirements imposed on the listed groups most closely related to the tenant (woodworking shop), which currently occupies the space. Examining FBC Existing Buildings... *any change in use within a group for which there is a change in the application of the requirements of this code...* must be considered. The acknowledgement of woodworking equipment, electrical upgrades and other related cited violations of FBC 105.1 permits required, has concluded the determination as presented, fire sprinklers or partitioning the fire area to less than 2500 sq. ft. is required.

Respectfully submitted for your review.

A handwritten signature in black ink, appearing to read 'Michael Rada', written over a horizontal line. The signature is stylized and somewhat cursive.

Michael Rada, Building Official  
City of Pompano Beach