



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

April 9, 2023

Ryan Abrams, Esq.
Abrams Law Firm, P.A.
888 SE 3rd Avenue, Suite 400
Fort Lauderdale, FL 33316

Re: Change of Use determination on Permit Application No. 22-5056 ("Permit")
Accent Closets Inc. ("Accent")
2266 NW 30th Place, Pompano Beach (the "Property")

Dear Mr. Abrams

This responds to your email dated February 2, 2023 (**Exhibit 1**) wherein you seek clarification regarding why Accent is required to bring the entire Property up to current Code (rather than just the new work proposed under the Permit), if Accent is not changing the occupancy classification.

By way of background, Accent is the tenant at this 7,712 sq. ft. bay situated within an approximately 50,000 sq. ft. warehouse owned by Colt South Florida Owner LP, a New Jersey limited partnership. A copy of the layout depicted in the proposed Life Safety Plan submitted as part of the Application Package for the Permit is attached as **Exhibit 2**.

Records maintained by the City's Business Tax Receipts Division (**Exhibit 3**) reveal the tenants at the Property were masonry companies from 2002-2009. From 2013 to present, the Property has been occupied by Accent, a cabinet manufacturing/wood-working shop.

For your further reference, applicable Building Code provisions used to make this Change of Use determination are summarized below and particularly relevant provisions have been underlined. Note this determination is not intended to address plan review comments under the Permit, it is strictly a determination of the Change of Use.

The 1986 South Florida Building Code (“1986 SFBC”)

In 1986 the City issued the enclosed Certificate of Occupancy (the “CO” attached as **Exhibit 4**) on the Property. The Occupancy Group on the CO was classified as Factory (F) Division (1) (collectively, “F-1”) and did not require an automatic sprinkler system. Chapter 11 of the 1986 SFBC, *Requirements of Group F Occupancies* (**Exhibit 5**), defined Group F Occupancy as the storage and industrial uses set forth below.

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.

It is important to note the F-1 occupancy group was the less restrictive of the two Divisions under the 1986 SFBC. The F-1 occupancy group listed on the CO when issued in 1986 did not require an automatic fire sprinkler system. From 2002-2009 the tenants at the Property were masonry companies. From 2013 to present, Accents has utilized the Property as a cabinet manufacturing/woodworking shop, an occupancy specifically identified as a Division 2 Occupancy Group. See also Chapter 11, *Special Hazards*, § 1107.1 (**Exhibit 5**), Chapter 38, *Fire Extinguishing Apparatus* (**Exhibit 6**) and Chapter 31, *Means of Egress*.

The relevant subsection of Chapter 38 is excerpted below.

...

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.

...

- (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.

...

The 2020 Florida Building Code, Existing Buildings, 7th Edition (“2020 FBC, *Existing Buildings*”)

Section 202, *General Definitions* (**Exhibit 7**)

...

[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.

...

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.

...

Section 605, *Change of Occupancy* provisions apply where the activity is classified as a change of occupancy as defined in Chapter 2 (**Exhibit 8**). Changes of Occupancy must comply with the provisions of Chapter 10. Specifically, when the occupancy classification of a building changes, the provisions of Sections 1002 through 1012 apply (**Exhibit 9**). This includes a change of occupancy classification and a change to another group within an occupancy classification, both of which require fire protection in the 2020 Florida Building Code, *Building*, 7th Edition (“2020 FBC, *Building*”) further referenced below.

Section 1004, *Fire Protection* (**Exhibit 9**). 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 2020 FBC, *Building*.

The 2020 Florida Building Code, Building, 7th Edition

Section 306, *Factory Group F*, defines the occupancy group (**Exhibit 10**). In this instance, the Property is undergoing a change of occupancy classification within a group. That is, while the occupancy group on the CO is Factory Industrial Group F, Accent’s cabinet manufacturing and woodworking operations are best defined by Moderate-Hazard Factory Industrial, Group F-1, since woodworking is specifically identified in this occupancy group.

306.1 Factory Industrial 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.

306.2 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, but not be limited to the following:

...
Woodworking (cabinet)
...

Section 903, *Automatic Fire Sprinkler Systems* (**Exhibit 11**)

...
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 areas that generate finely divided combustible waste or use finely divided combustible materials.

...
The key wording in 903.2.4.1 is fire area defined as “the aggregate floor area enclosed and bounded by fire walls, barriers, exterior walls, or horizontal assemblies of a building. Areas of the building not provided with surrounding walls shall be included in the fire area if such areas are included within the horizontal projection of the roof or floor next above.”

According to the *Full Area Breakdown* (**Exhibit 12**) depicted in the Life Safety Plan submitted as part of the Application Package for the Permit, the fire area exceeds 2,500 square feet. Therefore, it is necessary to either install an automatic sprinkler system or reduce the fire area to less than 2,500 square feet.

As recognized by the foregoing Code provisions, there are significant safety concerns associated with woodworking operations as they have an innate tendency to be combustible. As depicted in the photos attached as **Exhibit 13**, staff’s recent inspection of the Property revealed installation of saws and other heavy-duty woodworking equipment, including a dust collection system, with no permits on record. Note also the inspection revealed loose particles of sawdust throughout the Property despite the dust collection system.

The Florida Building Code Broward County Amendments, 7th Edition (“FBC”)

Pursuant to Section 102.6, *Existing Structures* (**Exhibit 14**), 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

Ryan Abrams, Esq.
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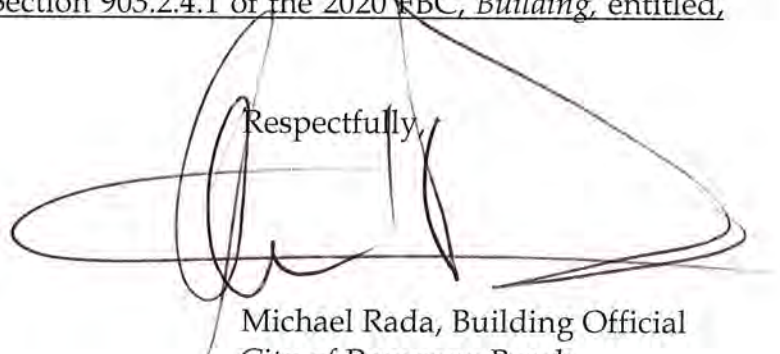
necessary by the Building Official for the general safety and welfare of the occupants and the public.

Conclusion

The 2020 FBC, *Existing Buildings* provides ... 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 F-1 occupancy classification on the original CO is less restrictive than Division (2) under the 1986 SFBC. By contrast, *2020 FBC, Building* specifically identifies woodworking as a Moderate-hazard factory Industrial, Group F-1 occupancy group. When Accent began its cabinet manufacturing/ operations at the Property in 2013, the change of occupancy classification created a higher hazard level.

In light of the foregoing Code provisions and the fact that the City's most recent inspection of the Property (**Exhibit 13**) revealed extensive woodworking equipment; the presence of loose dust particles throughout the Property despite installation of a dust collection system; other non-approved electrical upgrades and cited violations of FBC 105.1 for work without permits, fire sprinklers or reducing the fire area to less than 2,500 sq. ft. is required pursuant to Section 903.2.4.1 of the 2020 FBC, Building, entitled, Woodworking Operations.

Respectfully,

A large, stylized handwritten signature in black ink, appearing to read 'Michael Rada', is written over the word 'Respectfully' and extends across the right side of the page.

Michael Rada, Building Official
City of Pompano Beach

Enclosures: as stated

copy: Andrew J. Bookman, Esq.
Pete McGinnis, Fire Marshall
Charles Rizzuto, Building Safety Chief