



November 23, 2020

Bram Heck ARCHITECTS INC
606 ne 1st Street
Gainesville FL 32601

Alachua County

Budget Inn Property
4401 SW 13th Street
Owner's Project Number: 2021-00001008
Architect's Project Number: (6034.560)

BUILDING CONDITION DUE DILIGENCE EVALUATION - ADDENDUM

As stated in the third paragraph of the executive summary, the original report on this property was developed based on the assumption that the Occupancy and Use of the buildings on the property would not change after purchase. The assumption was that the existing property functions as non-transient lodging.¹

Under the **Florida Building Code 6th Ed. (FBC)**, this Occupancy falls under Residential Group R-2, which includes non-transient hotels and motels, and similar occupancies. We believe that the new Occupancy would be the same as the current Occupancy, so the **Florida Building Code – Existing Building**, would not require major modifications to the structures to bring them into compliance with the **FBC - Building**, unless significant renovations were undertaken for other reasons. This would not preclude phased voluntary upgrades, such as adding a sprinkler system, fire alarms, Accessibility upgrades, and so forth.

Similarly, the current Occupancy under **NFPA 101 – Life Safety Code (Florida Fire Prevention Code)** is covered under Chapter 29 - Existing Hotel and Dormitory, which includes by definition so-called “Apartment Hotels” or “Long-Stay hotels”. So, we also do not consider this to be a change in the building occupancy under NFPA 101.

We are outlining these opinions below in more depth.

NFPA 101 (Florida Fire Prevention Code / Life Safety Code)

It has come to our attention that it has been argued that this property would undergo a change of use under NFPA 101. While the AHJ has the latitude to make this judgement, we disagree for the following reasons:

¹ The Florida Building Code and Life Safety Code both define transient occupancy as not more than 30 days, so non-transient lodging is anything more than 30 days. However, this Occupancy type does not preclude stays of less than 30 days. This is similar to an extended stay hotel/motel, or a so-called “Apartment Hotel”.

- 1) The property currently operates as a motel, so would be covered under NFPA 101 Chapter 29 EXISTING HOTELS AND DORMITORIES. The definition of "Hotel" in NFPA (paragraph 3.3.145) is: *A building or groups of buildings under the same management in which there are sleeping accommodations for more than 16 persons and primarily used by transients for lodging with or without meals. (The term hotel, includes motels, inns, and bed and breakfasts.)* This property meets this definition precisely.
- 2) The above definition is further discussed in the Appendix (A3.3.145), which states, *"So-called apartment hotels should be classified as hotels, because they are potentially subject to the same transient occupancy as hotels."* Apartment hotels are also commonly referred to as "extended stay hotels", in which some occupants stay longer than 30 days, while others stay less than 30 days. So, both transient and non-transient hotels are intended to be covered under the same code section.

Based on the above understanding, both the current use and the new use would fall under Chapter 29 of NFPA, and therefore no upgrades to the buildings are required by the code.

Florida Building Code 6th Ed.

The FBC defines Change of Occupancy as: *"A change in the purpose or level of activity within a building that involves a change in application of the requirements of this code."* Assuming the current use is as an extended stay Motel, and the proposed future use would be nearly identical, the level of activity and purpose would not change. Since the current and proposed uses both fall within the extended stay hotel use, there would be no change of use or occupancy.

We also feel that none of the above would preclude making *voluntary* improvements to the property to bring it into compliance with current codes.

Change of Occupancy

If full compliance with the FBC is required due to a ruling that the property will undergo a Change in Occupancy, there are several paths to compliance, Prescriptive, Work Area, and Performance. The Prescriptive path is generally the least complicated. Existing Building Code, Existing Building section 407 Change of Occupancy, section 407.1 reads:

"No change shall be made in the use or occupancy of any building unless such building is made to comply with the requirements of the Florida Building Code, Building for the use or occupancy. Changes in use or occupancy in a building or portion thereof shall be such that the existing building is no less complying with the provisions of this code than the existing building or structure was prior to the change. Subject to the approval of the building official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use."

The first sentence above requires full compliance with the current building code, with a few exceptions. (We are listing some of those requirements below.) The second sentence requires that any modifications to the building cannot reduce the compliance with the code. (Our report assumed there were no planned

modifications to these structures other than repairs and maintenance.) The third sentence above allows the building official to allow nonconformance, if the new use is less hazardous than the previous use. (In our judgement the new use does not reduce or increase the hazard, since it is the same.)

Under the prescriptive Existing Building Code compliance, for a Change of Occupancy the following work would need to be done:

- 1) Accessibility requirements would need to be addressed throughout the complex to comply with requirements of the new Occupancy. This includes modifications to a number of units to be fully accessible, including accessible routes throughout the units, and modifications to bathrooms and kitchen areas. Controls and switches would need to be moved to be within reach ranges. Counter heights would need to be adjusted and knee spaces would need to be provided. Door hardware would need to be changed. An accessible route would need to be provided throughout the site and any public areas.
- 2) A supervised fire sprinkler system would need to be added throughout the complex.
- 3) The Energy Conservation Code would need to be applied for the new Occupancy, and would affect electrical systems, lighting, HVAC systems, and building envelope/insulation systems. Most of which would need to be replaced or significantly modified.
- 4) Existing structural systems may need to be analyzed to establish structural adequacy to resist lateral forces, especially where they have been altered.

The above list is not exhaustive. We feel that the cost of making the upgrades to these structures in order to make them fully compliant if required by a change of occupancy ruling would be significant – perhaps as much as 50% to 75% of the cost of building new structures. Furthermore, these modifications would need to be done prior to occupancy, and could not be performed in phases, as maintenance work or incremental upgrades.

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