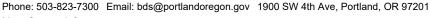
# **Development Services**

### From Concept to Construction



More Contact Info (http://www.portlandoregon.gov//bds/article/519984)





#### APPEAL SUMMARY

Status:	Decision	Rendered
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Appeal ID: 20484	Project Address: NW 15th Ave & NW Thurman St
Hearing Date: 6/5/19	Appellant Name: Derek Trost
Case No.: B-012	Appellant Phone: 503-317-8080
Appeal Type: Building	Plans Examiner/Inspector: Guy Altman
Project Type: commercial	Stories: 1 Occupancy: E Construction Type: II-B
Building/Business Name:	Fire Sprinklers: No
Appeal Involves: Erection of a new structure	LUR or Permit Application No.: 18-280401-CO
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Educational; playground canopy

#### APPEAL INFORMATION SHEET

#### Appeal item 1

Code Section	OSSC 2014; Table 2902.01; 2902.3; 2902.3.1; 2902.3.2
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#### Requires Table 2902.01 Provide plumbing fixtures, based on occupant load

2902.3 Employee and public toilet facilities

2902.3.1 Access

2902.3.2 Location of toilet facilities in occupancies other than malls

#### **Proposed Design**

A proposed Fabric-Covered Canopy at an existing school playground triggers code requirements

for toilet, lavatory and drinking fountain facilities.

We propose that students, teachers and staff to continue to use the toilet, lavatory and drinking fountain facilities at the adjacent school building during daily playground sessions, instead of providing new toilet, lavatory and/or drinking fountain facilities on-site.

Students, teachers and staff won't be required to travel more than 264 feet to access existing toilet, lavatory and drinking fountain facilities.

(refer to attached Proposed Site Plan)

Reason for alternative Building code requires that the new building (a 600 sf permanent, fabric-covered canopy) be provided with toilet rooms, based on the number of occupants. We propose that the 30 occupants not be counted twice for plumbing fixture requirements, since students, teachers and staff using the playground will not simultaneously occupy the school and the playground.

The existing path of travel between the playground and adjacent school building meets or exceeds accessibility requirements, including ramps and paved sidewalks, and --at 264'-- is well below the code required maximum of 500'.

(refer to attached Path of Travel diagram)

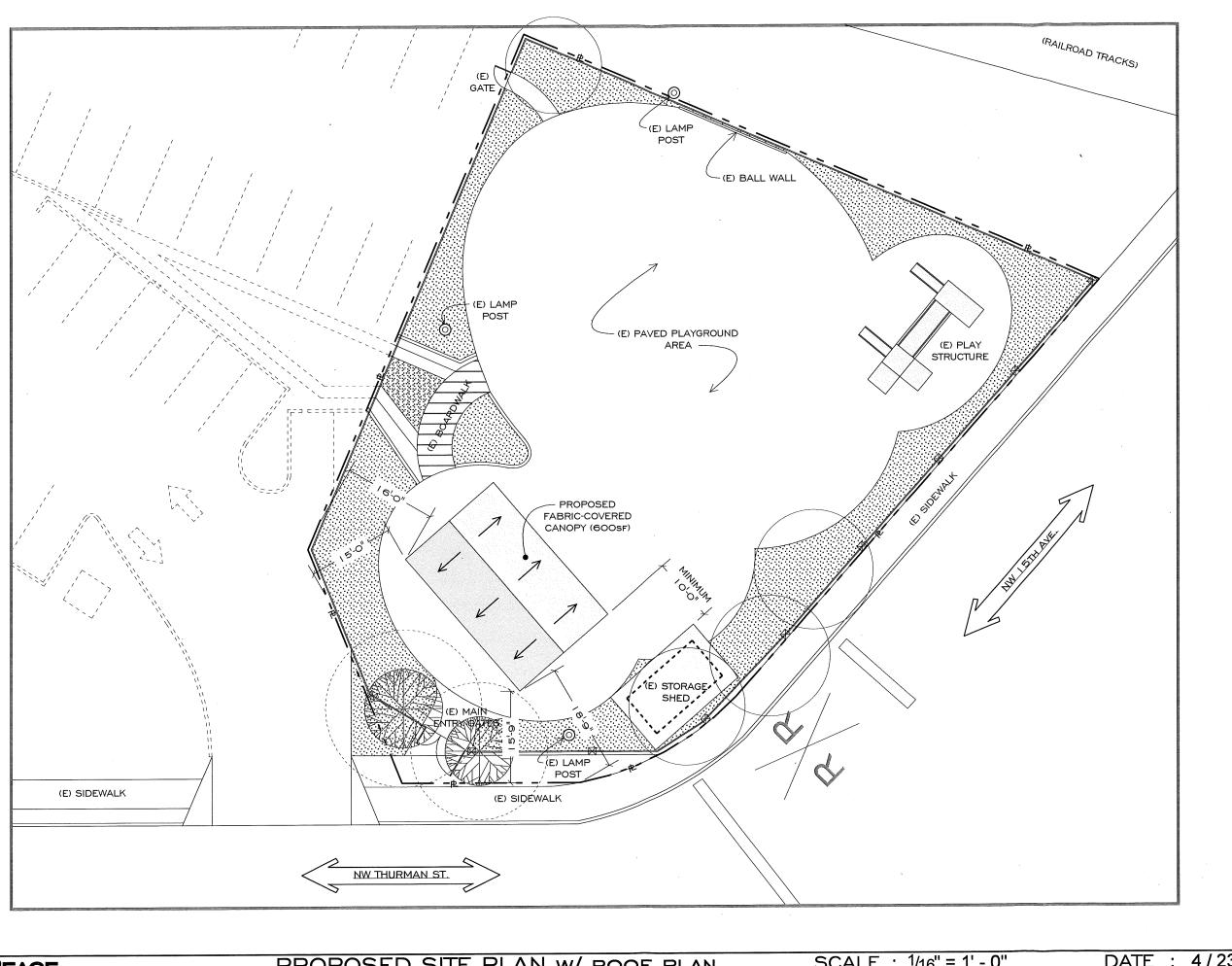
#### APPEAL DECISION

Reduction in minimum plumbing fixture count based on non-simultaneous use: Granted provided the maximum travel distance from the canopy structure to the school toilet facilities is 300 feet.

Appellant may contact John Butler (503 823-7339) with questions.

The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; and that special conditions unique to this project make strict application of those code sections impractical.

Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 180 calendar days of the date this decision is published. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.



SHELTER ON THE PLAYGROUND FOR CHILDPEACE

I 5 I 6 NW THURMAN

(5) Z

TROST
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ST. PORTLAND, OR 97217
317-8080

DEREK GNPLANN 2637 N. WINCHELL ST. PROPOSED

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W) 

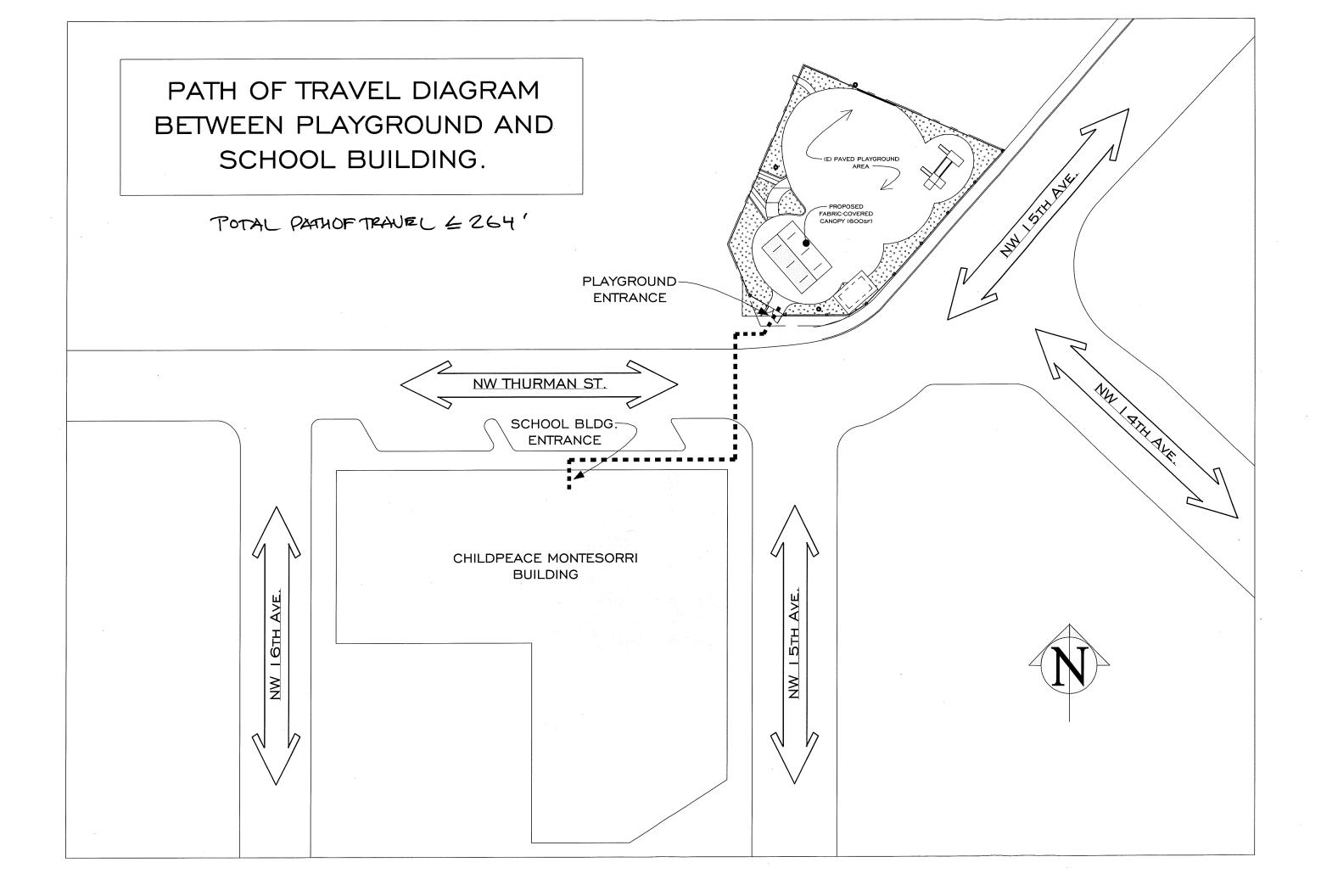
CHILDPEACE

PROPOSED SITE PLAN W/ ROOF PLAN

SCALE : 1/16" = 1' - 0"

DATE: 4/23/19

OF SEVERAL





APPEALS City of Portland Bureau of Development Services 1900 SW 4<sup>th</sup> Ave., Suite 5000 (5<sup>th</sup> floor) Portland, Oregon 97201 (503) 823-7335

# Building Code Appeal Form (Project Information Sheet)

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## To Appellant:

These forms must be filled out completely. If you need assistance, consult with the Plans Examiner or Inspector assigned to your project or with a Plans Examiner in the Development Services Center. Details of each appealed item must be included, and drawings must be submitted that clearly indicate the area and the conditions of each appealed item. Supplemental information such as photos, test data, etc., can be helpful if they are pertinent to the appealed item. Each appealed item requires a separate Appeal Information Sheet. As many items as desired may be submitted with one Project Information Sheet.

The fee, relevant drawings (exclusive of any plans submitted for permit processing) and any supplemental information must be submitted with these forms. Checks are to be made payable to "Treasurer, City of Portland". Fees are listed below:

\$227 for one and two family dwellings
Plus \$113 each for each appeal item over four

\$454 for all other conditions (four appeal items or less)
Plus \$113 each for each appeal item over four

Mail or hand-delivered appeals must be received by 5:00 PM on Friday. Electronic appeals must be received by 9:00 AM on Monday. (The fee, drawings and supplemental information for electronic appeals may be delivered separately by 9:00 AM on Monday.) In most cases, appeals submitted by these deadlines will be considered the following Wednesday. However, an appeal may be deferred to a later date depending on the number of appeals scheduled, the complexity of the appeal, or other unforeseen factors. Appeal decisions are mailed and are also usually available the following day at <a href="http://www.portlandonline.com/bds/index.cfm?c=34196#cid\_105495">http://www.portlandonline.com/bds/index.cfm?c=34196#cid\_105495</a>, or by calling the Appeal Board Support Staff at (503) 823-7335.

Project Info	ormation (questions in BOLD cannot be le	eft blank)	• <u>•</u>				
<ul><li>☑ Erection</li><li>☑ Alteratio</li></ul>	al involves (check at least one below) of a new structure on of an existing structure to an existing structure	Other (s	of Occupano pecify): deration of A	_	,	to	
Proposed I	Use of Structure (e.g., single-family dwell	ing, office		JCATIONA NOPY	AL; PLAY	GROU	ND
<b>Project Str</b>	eet Address NEC; NW 15TH + THURM	AN					
Owner Nan		Compa	iny	1516 LLC			
Address	1516 NW THURMAN	City	·	<b>State</b> OF	R <b>Zi</b> ∣	<b>p</b> 97	7209
Phone	505-501-7598	Email					
Permit # Number of Fire Sprink	klers ⊠ No ☐ Yes > Location:	E	Cons	struction 1	<u> </u>	Prelim B	inary
Plans Exar	miner/Inspector assigned to project	1A					
to submit an interpretation acknowledge	perty owner, or the property owner's agent. In appeal for an alternative material, design or men of the Building Code as adopted by the City of that the City is not liable for any damages that pect to this appeal.	ethod of d of Portland	onstruction or as outlined in	equipment the attache	or a modifed informa	fication tion. I	to the strict hereby
Appellant I	Name DEREK TROST		Company	DESIGN CONSU	N PLANN ILTING	ING	
Address	2637 N. WINCHELL ST.	City	PORTLAND	State	OR	Zip	97217
Phone	503-317-8080	Email	TROST@E	FN.ORG		= -	
<del>-</del>		_		4/2	24/19		
Appellant s	signature	_		Date			

07/10/15



APPEALS City of Portland Bureau of Development Services 1900 SW 4<sup>th</sup> Ave., Suite 5000 (5<sup>th</sup> floor) Portland, Oregon 97201 (503) 823-7335

# Building Code Appeal Form (Appeal Information Sheet)

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### To Appellant:

Each item you are appealing requires a separate Appeal Information Sheet to be filled out. All requested information is to be filled out completely with as much detail as possible. **Failure to do so may cause your appeal to be held over until adequate information is received.** For help in filling out these forms, consult with the Plans Examiner assigned to your project or with a Plans Examiner in the Development Services Center.

Any alternative method or modification of a Building Code requirement requires an appeal. A reasonable degree of equivalent health, accessibility, structural capacity, energy conservation, life safety or fire protection <u>must</u> be demonstrated before an appeal may be considered.

### Code Section being appealed:

**Regulation Requirement:** 

OSSC 2014; Sect. 2902; Minimum Plumbing Facilities

Table 2902.01

**Educational: Toilets:1/50 Occupants** 

Lavatories:1/50 Occupants Drinking Fountain:1/Floor

**2902.3** Employee and public toilet facilities. Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 2902.1 for all users. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall either be separate or combined employee and public toilet facilities.

**2902.3.1** Access. The route to the public toilet facilities required by Section 2902.3 shall not pass through kitchens, storage rooms or closets. Access to the required facilities shall be from within the building or from the exterior of the building. All routes shall comply with the accessibility requirements of this code. The public shall have access to the required toilet facilities at all times that the building is occupied.

**2902.3.2** Location of toilet facilities in occupancies other than malls. In occupancies other than covered and open mall buildings, the required *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

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**Proposed Design:** (Describe the alternate methods or materials of construction to be used or that exist. Be as specific as possible)

A proposed Fabric-Covered Canopy at an existing school playground triggers code requirements for toilet, lavatory and drinking fountain facilities.

In short, the proposal is for students, teachers and staff to continue to use the toilet, lavatory and drinking fountain facilities at the adjacent school building during daily playground sessions, instead of providing new toilet, lavatory and/or drinking fountain facilities on-site.

The proposed Fabric-Covered Canopy is to be located at an existing playground, permitted and constructed in 2003 (permit # 2003-123151). The existing playground occupies the entire, 9,908 sf site, which is located across the street, diagonally, from the ChildPeace Montessori School located at 1516 NW Thurman St.

The existing playground is characterized by a 6,925 sf paved play area, open to the sky, surround by a planted perimeter. There is an existing climbing structure and a small storage shed, as per the originally permitted project, completed in 2003. There are no structures which currently exist on the playground site that would require on-site toilet, lavatory and/or drinking fountain facilities, and there are no existing, on-site services for potable water supply or sewage.

During inclement weather, a dedicated indoor playroom at the adjacent ChildPeace Montessori School building provides the only alternative to the existing outdoor playground.

The proposed Fabric-Covered Canopy introduces a 600 sf permanent (pre-fabricated, fabric-covered aluminum frame) tent structure over a portion of the existing open, paved play area, providing shelter from rain for roughly 10% of the existing paved play area. The proposed Fabric-Covered Canopy involves no changes to the footprint of the existing, paved play area.

Students, teachers and staff travel back and forth to the existing playground from the adjacent ChildPeace Montessori School building for roughly 40-minute, once-daily sessions, over the course of the typical, 7-hour school day. Daily playground sessions, therefore, comprise less than 10% of the typical school day.

A typical group occupying the playground during these daily sessions does not exceed a total of 50 students, teachers and staff.

Currently, students, teachers and staff in need of toilet, lavatory and/or drinking fountain facilities during playground activities travel back and forth from the adjacent ChildPeace Montessori School building.

(refer to attached Proposed Site Plan, below
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**Reason for Alternate:** (Describe why the alternate is required and how it will provide equivalent health, accessibility, structural capacity, energy conservation, life safety or fire protection to what the code requires).

The proposed Fabric-Covered Canopy does not provide for new or additional occupiable space at the existing playground. Importantly, the proposed Playground Shelter's sole change to the functionality and use of the existing playground is to provide shelter from inclement weather for the typical group of students, teach and staff occupying the site at any given time. Furthermore, there are no proposed changes to the existing, fully accessible path of travel to and from toilet, lavatory and drinking fountain facilities at the adjacent school building.

# 2902.3 Employee and public toilet facilities.

Existing, accessible facilities at the school building adjacent to the playground meet or exceed code standards for toilet, lavatory and drinking fountains.

#### 2902.3.1 Access.

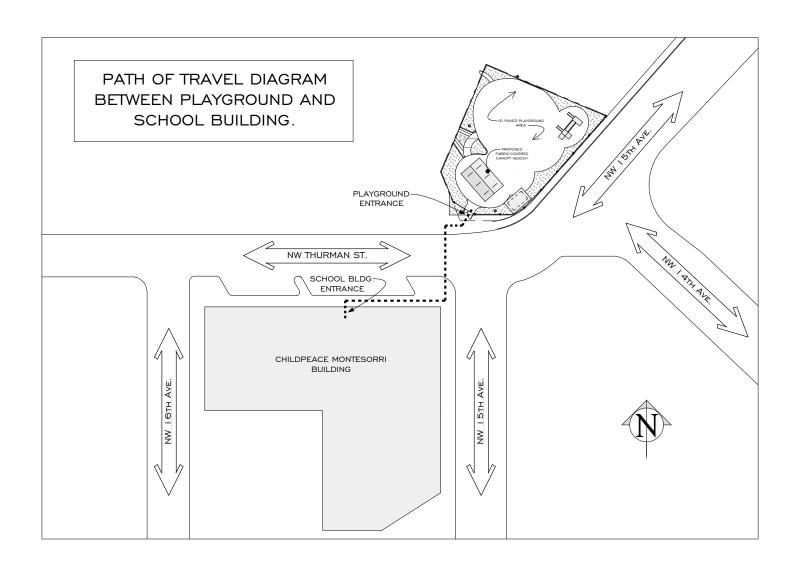
The existing path of travel between the playground and adjacent school building meets or exceeds accessibility requirements, including ramps and paved sidewalks.

# 2902.3.2 Location of toilet facilities in occupancies other than malls.

The accessible path of travel from the playground entrance involves traveling approximately 30' south and west along NW Thurman, via paved sidewalk; crossing NW Thurman (approximately 62' in length), then traveling approximately 92' west along NW Thurman, via paved sidewalk, to the main entry to the ChildPeace Montessori School building, for a total travel distance of approximately 184'. Various toilet, lavatory and drinking fountains are located no more than approximately 80' from this main entrance, translating into a maximum total accessible path of travel from playground to bathroom and drinking fountain facilities of approximately 264'; i.e. well below the code required maximum of 500'.

(refer to attached Path of Travel diagram, below)

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#### DEREK TRŌST

### DESIGN PLANNING CONSULTING

THE CALCULATED OCCUPANT LOAD FOR THE PROPOSED NEW STRUCTURE IS AS FOLLOWS:

GROUP E ; CLASSROOM OCCUPANT LOAD

PROPOSED NEW STRUCTURE (PLAYGROUND CANOPY) = 600 sf.

TABLE 1004.1.2 MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT

EDUCATIONAL; CLASSROOM; NET 20SF/OCCUPANT

THEREFORE, MAX OCCUPANT LOAD: 600sf ÷ 20sf/occupant = 30 occupants

AS PER TABLE 2902. I MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES

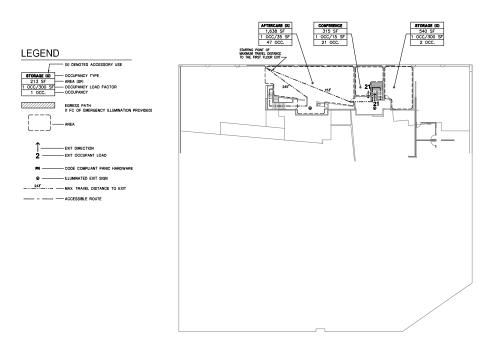
EDUCATIONAL:

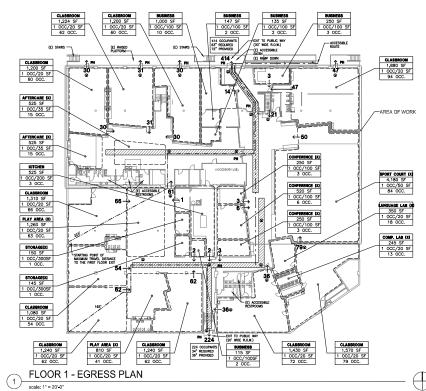
TOILETS: I/50 OCCUPANTS
LAVATORIES: I/50 OCCUPANTS

DRINKING FOUNTAIN: 1/FLOOR

THEREFORE, THE CODE REQUIRED FACILITIES FOR THE NEW STRUCTURE WOULD BE:

- I TOILET/ EACH SEX; TOTAL 2 TOILETS
- I LAVATORY
- I DRINKING FOUNTAIN





#### FLOOR 2 (MEZZANINE)- EGRESS PLAN scale: 1" = 20'-0"

Project Description ENSING CONDITIONS, AREAS SCHEDILED FOR WORK INCLIDE INFANT COMMUNITY (IS MONTHS - 3 YEARS), ELEMENTARY FIRST - THRO GRADES), AFTERCARE AREAS (GROUND AND MEZZANINE LEVELS) AND MAIN ENTRY. FIRST FLOOR: 12/14 ST, MEZZANINE 248 SP.

PROPOSED\_CONDITIONS: INTERIOR TENANT IMPROVEMENTS INCLUDING RECOMPROURED FRIST - THRO GRADE CLASSROOMS, AFTERGARE FACILITIES, ADMINISTRATION AREAS, INFANT COMMUNITY FACILITIES AND ACQUISITION. TREATMENTS IN THE SPORTS COURT. AREA OF WORK FRIST FLOOR: 12,146 SF, AREA OF WORK MEZANINE: 520 SF.

Site & Zoning Information:

1516 NW THURMAN STREET, PORTLAND, OR 97209 TAX ROLL: WATSONS ADDITION; BLOCK 12; LOTS 1-8

R298508/R298509 PROPERTY ID: SITE AREA: 36.590.4 SQ.FT. (0.84 ACRES)

ZONING OF SITE:

Governing Codes

BUILDING CODE EDITION: 2007 OREGON STRUCTURAL SPECIALTY CODE

**Building Construction Data** CONSTRUCTION TYPE: V-R

ALLOWABLE HEIGHT & BUILDING AREA:

SPRINKLERS: FULLY SPRINKLERED
PERIMETER WITH AT LEAST 20' OPEN SPACE:
TOTAL BUILDING PERIMETER:
WIDTH OF PUBLIC WAY (30' LIMIT): AREA MODIFICATIONS:

MODIFIED MODIFIED MODIFIED

ALLOWABLE AREA ALLOWABLE HEIGHT ALLOWABLE HEIGHT
42,254 SF - -MODIFIED ALLOWABLE HEIGHT & BUILDING AREA: GROUP PROPOSED AREA PROPOSED STORIES PROPOSED HEIGHT

MEZZANINE

Building Occupancy Data

CODE DESCRIPTION EDUCATIONAL EDUCATIONAL OCCUPANCY GROUPS: FIRST FLOOR: EDUCATIONAL MEZZANINE: EDUCATIONAL CHILDCARE: CHILDCARE FACILITY CLASSIFIED AS E OCCUPANCY PER 308.5.2, EX. Fire Resistive Building Elements

FIRE-RESISTANCE RATING REQUIREMENTS TABLE 601 BUILDING ELEMENT STRUCTURAL FRAME BEARING WALLS — EXTERIOR REQUIRED RATING NONE REQUIRED NONE REQUIRED BEARING WALLS - INTERIOR NONE REQUIRED NONREARING WALLS - EXTERIOR NONE REQUIRED NONE REQUIRED NONE REQUIRED NONE REQUIRED NONBEARING WALLS - INTERIOR FLOOR CONSTRUCTION ROOF CONSTRUCTION

INTERIOR FINISHES: LOCATION/USE CLASS ALL LOCATIONS TABLE 803.5 DRAPERIES /HANGINGS: NONCOMBUSTIBLE OR COMPLY WITH NEPA 701.

Building Fire Protection & Suppression AUTOMATIC FIRE SPRINKLERS: EXISTING SYSTEM. WILL BE DESIGNED, PERMITTED AND MODIFIED AS REQUIRED. EXISTING SYSTEM. WILL BE DESIGNED, PERMITTED AND MODIFIED AS REQUIRED. FIRE ALARM:

EXIT ACCESS:

FACILITY IS PROVIDED WITH QUICK RESPONSE SPRINKLERS THUS REDUCING THE QUANTITY REQUIRED. REQUIRED AND PROVIDED IN THE KITCHEN AND EMERGENCY GENERATOR ROOM PORTABLE FIRE EXTINGUISHERS: Building Exiting OCCUPANT LOAD:

S.F. PER OCCUPANT 300 GROSS 15 NET 100 GROSS UNCONCENTRATED ASSEMBLY BUSINESS EDUCATIONAL-CLASSROOMS EDUCATIONAL-SHOPS MINIMUM WIDTH 44" (NEW AND EXISTING)

STAIRWAYS: STAIR TO ROOF NOT REQUIRED - LESS THAN 3 STORIES STAIRWAY FLOOR NUMBER SIGNS NOT REQUIRED - LESS THAN 3 STORIES EXIT SIGNS HILIMINATED EXIT SIGNS DECLIDED

EMERGENCY EGRESS LIGHTING TO BE A MINIMUM OF 1 FOOT CANDLE AT FLOOR LEVEL FOR A MINIMUM DURATION OF 90 MINUTES AND TO ILLUMINATE A MINIMUM BO INCH WILD PATH (32 MICHES AT DOORS). BUCKUP POWER TO BE PROVIDED BY EMERGENCY GENERATION/PATTERY BUCK-UP.

REFERENCE ELECTRICAL DEMANDS FOR EMERGENCY LIGHTING LOCATIONS.\* EGRESS ILLUMINATION

MAXIMUM DISTANCE OF COMMON PATH OF TRAVEL (TO POINT OF EXIT OPTIONS MEASURED IN VECTORS): 75'

Plumbing Fixture Count Requirements

EXITS REQUIRED EXITS PROVIDED TABLE 29-A FOR CONGREGATE RESIDENCES
DAYCARE: 1 OCCUPANT PER 50 GROSS SF. (11,494 5F/50=230 OCCUPANTS)
ELEMENTARY: 1 OCCUPANT PER 50 GROSS SF. (11,494 5F/50=230 OCCUPANTS)
STAFF: 1 OCCUPANT PER 50 GROSS SF. (14,647/50=33 FEMALE WATER CLOSETS: LAVATORIES:

ELEMENTARY: Energy Code Requirements

WATER CLOSETS: LAVATORIES: COMPLIANCE PATH: PRESCRIPTIVE PATH 2-16-35 2-16-35 MIN. THERMAL THERMAL PERFORMANCE BUILDING ELEMENT PERFORMANCE ALLOWED PROVIDED 1:40 1:40 PLUMBING FIXTURE COUNT: OCCUPANCY WATER CLOSETS MAX U-FACTOR: 1.230 19 MALE 19 FEMALE WATER CLOSETS 1 REQ'D / 2 PROVIDED (SHARED) 1 REQ'D / 2 PROVIDED (SHARED) MAX SHADING COEF.: 0.47 0.45 DAYCARE EXEMPT PER NOTE 4, TABLE 13-E LAVATORIES 1 REQ'D / 2 PROVIDED (SHARED) 1 REO'D / 2 PROVIDED (SHARED)

Accessibility OCCUPANCY BUILDING EXTERIOR ACCESSIBLE ROUTE BUILDING INTERIOR 4 REQ'D / 11 PROVIDED 4 REO'D / 11 PROVIDED REFERENCE 1/AG.1

OCCUPANCY SHOWERS

1:1-20

1:1-25

1:30

1:35

1:1-20

1:1-25

1:25

1:35

17 MALE 17 FEMALE WATER CLOSETS 2 REQ'D / 2 PROVIDED (UNISEX) 2 REQ'D / 2 PROVIDED (UNISEX) STAFE LAVATORIES 2 REQ'D / 2 PROVIDED 2 REQ'D / 2 PROVIDED (UNISEX)



STERED ARCH

MONTH BUT

Architects CHILDPEACE

1516 NW Thurman mprovements 1516 NW Thurman St. Portland, OR HEA Project no. 08019 02 MAY 2008 PERMIT SET 11 JUNE 2008 FOR CONSTRUCTION FOR CONSTRUCTION

Dwg: Code Analysis

