

# Development Services

## From Concept to Construction

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



### APPEAL SUMMARY

**Status:** Decision Rendered - Held over from ID 20714 (8/7/14) for additional information

<b>Appeal ID:</b> 20769	<b>Project Address:</b> 5120 SE 28th Ave
<b>Hearing Date:</b> 8/21/19	<b>Appellant Name:</b> Kendra Duong
<b>Case No.:</b> B-005	<b>Appellant Phone:</b> 5038532006
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Renay Radtke Butts
<b>Project Type:</b> commercial	<b>Stories:</b> 2 <b>Occupancy:</b> B, R-3, S-1 <b>Construction Type:</b> V-B
<b>Building/Business Name:</b> Lambert House	<b>Fire Sprinklers:</b> Yes - basement, first floor, second floor
<b>Appeal Involves:</b> Reconsideration of appeal	<b>LUR or Permit Application No.:</b> 18-164227-CO
<b>Plan Submitted Option:</b> pdf [File 1] [File 2]	<b>Proposed use:</b> music school, residential

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	2902.1
<b>Requires</b>	1 toilet per 25 for the first 50, and 1 per 50 for the remainder exceeding 50; and 1 lavatory per 40 for the first 80 and 1 per 80 for the remainder exceeding 80
<b>Proposed Design</b>	This is an existing building built in 1946 of type VB construction and is largely intact compared to its original configuration. It was built as the residence and operations for the Lambert Gardens which was in operation until the late 1960's. The first floor is a change of occupancy, and is 5,015 square feet and includes four single person restrooms. There are four existing single occupancy restrooms on the first floor.
<b>Reason for alternative</b>	<p>The tenant is the Mosaic String Academy. Their initial business plan includes having four instructors each with two students. The fully realized business plan would include eight instructors with two students each.</p> <p>There are six one-on-one practice rooms, and two group practice rooms. All other tenant spaces are in support of the practice rooms. No performances will occur at this location. Also note that individual lessons will not exceed two hours.</p> <p>OSSC Chapter 29 Table 2902.1 would require seven toilets and five lavatories for the calculated 278 occupants (an average of one occupant per eighteen square feet rather than one occupant per one hundred square feet given the B occupancy). Since no performances are planned at this facility, its not expected that persons other than the students or instructors would simultaneously be in an individual practice room and also a group practice room, restroom, break room, lounge, corridor or lobby. Given the maximum expected number of instructors and students based on their intended actual use per the business plan vs theoretical building code use, the four existing restrooms are adequate for the tenant.</p>

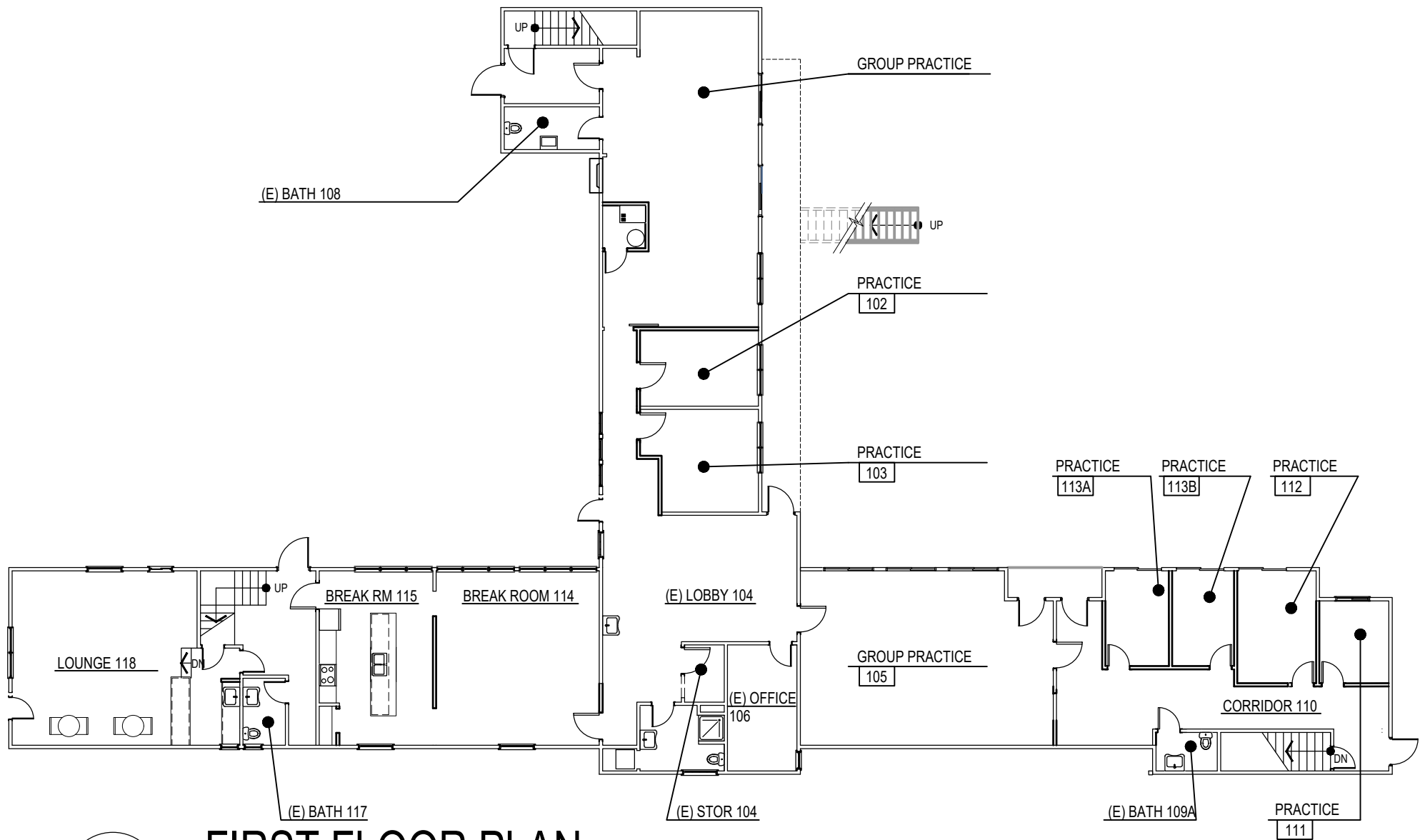
In addition, the current building owner was not prepared for the extra work required to bring the building closer to current building code standards, and having to legalize 10 years of unpermitted work done prior to his ownership. The System Development charges that three new restrooms would incur could make the project unviable, and are not necessary for the proposed tenant. Part of the building owner's mission is to provide affordable housing and tenant spaces on his properties.

APPEAL DECISION

**Reduction in minimum required plumbing fixtures: Denied. Proposal does not provide equivalent Life Safety protection.**  
**Appellant may contact John Butler (503 823-7339) with questions.**

Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

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# FIRST FLOOR PLAN

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



OCCUPANCY CHART							
		FLOOR	AREA	OCC.	OLF	NO. OCC.	NO. EXITS REQ.D
100	LOBBY	1	72 SF	B	15	5	1
101	GROUP PRACTICE	1	622 SF	B	7	89	1
102	PRACTICE	1	122 SF	B	100	2	1
103	PRACTICE	1	149 SF	B	100	2	1
104	LOBBY	1	524 SF	B	100	35	1
105	GROUP PRACTICE	1	582 SF	B	15	39	1
106	OFFICE	1	73 SF	B	100	1	1
107	WEST BATH	1	71 SF	B	100	1	1
108	EAST BATH	1	55 SF	B	100	1	1
109	NOT USED						
110	CORRIDOR	1	306 SF	B	100	4	1
111	PRACTICE	1	78	B	100	2	1
112	PRACTICE	1	114 SF	B	100	2	1
113A	PRACTICE	1	83 SF	B	100	2	1
113B	PRACTICE	1	81 SF	B	100	2	1
114	BREAK ROOM	1	389 SF	B	15	26	1
115	BREAK ROOM	1	287 SF	B	15	19	1
116	LOBBY	1	98 SF	B	15	7	1
117	NORTH BATH	1	49 SF	B	100	1	1
118	LOUNGE	1	497 SF	B	15	33	1
TOTAL AREA					278 OCC.	2, 4 PROVIDED	

SUBTOTALS:  
 B: 278 OCCUPANTS  
 S-2: 0 OCCUPANT  
 R-3: 0 OCCUPANTS

## CHAPTER 29 - PLUMBING SYSTEMS

TABLE 2902.1 REQUIRES 1 TOILET PER 25 FOR THE FIRST 50, 1 PER 50 FOR THE REMAINDER EXCEEDING 50, AND 1 LAV FOR 40 FOR THE FIRST 80, 1 PER 80 FOR THE REMAINDER EXCEEDING 80. THE BUSINESS PLAN FOR THE MOSAIC STRING ACADEMY IS TO HAVE 4 INSTRUCTORS WITH 2 STUDENTS EACH. AT FULL FUTURE CAPACITY, THERE WOULD BE 8 INSTRUCTORS WITH 2 STUDENTS EACH. THE ACTUAL USE OF THE TENANT AT MAXIMUM WOULD HAVE 24 OCCUPANTS. THERE ARE 4 RESTROOMS ACCESSIBLE TO THE TENANT ON THE GROUND FLOOR. S OCCUPANCIES REQUIRE 1 TOILET AND 1 LAV PER 100 OCCUPANTS. THE BASEMENT IS FOR USE BY B OCCUPANTS WHO HAVE ACCESS TO ALL RESTROOMS ON THE FIRST FLOOR. THERE IS NO CHANGE OF OCCUPANCY ON THE SECOND FLOOR R-3 OCCUPANCY.

B: 1 PER 25 FOR FIRST 50 = 2.  $278 - 50 = 228$ .  $228 / 50 = 4.56$ .  $5 + 2 = 7$  REQUIRED. 4 EXISTING PROVIDED.