

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Mixed Decision. Items 1, 2, 3: No Appeal Required. Items 4a, 5, 6, 7: Decision Rendered. Item 4b: Hold for Additional Information.

Appeal ID: 21921	Project Address: 1316 NE Broadway
Hearing Date: 9/25/19	Appellant Name: Brett Schulz
Case No.: B-014	Appellant Phone: 503-222-9099
Appeal Type: Building	Plans Examiner/Inspector: Preliminary
Project Type: commercial	Stories: 3 Occupancy: S, B, R-3 Construction Type: V-B
Building/Business Name:	Fire Sprinklers: Yes - Basement
Appeal Involves: Alteration of an existing structure, occ Change from S to R3	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Office and residential

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	OSSC 903.2.8
Requires	An automatic sprinkler system shall be provided throughout all buildings with a Group R fire area.
Proposed Design	<p>Subject property is a three story wood frame building over concrete basement. The structure was originally built in 1905 as a single family residence, and converted in the 1990's to B occupancy office space on the first and second floors, with the third floor becoming an apartment unit with separate exterior stairway. The basement has remained unfinished storage space. The footprint of the building is relatively small at 750 sf or less per floor. There is also a detached ADU at the rear of the lot.</p> <p>The owner wishes to convert the basement to a dwelling unit, and proposes to install an NFPA 13R sprinkler system throughout this unit, while not sprinklering the rest of the building. The basement dwelling unit will be separated from the building above by a one hour floor/ceiling assembly meeting code requirements for acoustic separation, and one hour rated walls at the exterior entry door landing. The owner would prefer not to provide an FDC. There is an existing window in the basement that meets egress requirements. In addition, the unit entry door is one half flight of stairs above the proposed basement and will be visible from basement living space. This exit door will be dedicated to exiting from the basement unit, no longer serving as entry or exit for office space above. Interconnected smoke detectors will be provided in the new dwelling unit and office space above.</p>
Reason for alternative	Owner wishes to convert the unused basement to a dwelling unit to help address the shortage of housing in the city. Sprinklering the existing office space and third floor dwelling unit would be cost prohibitive due to these spaces being finished and currently occupied. There will be only two

dwelling units in the building. The proposed basement unit is separated from the remainder of the building by a one hour floor/ceiling assembly and one hour rated walls at the unit entry stairwell. The interconnected smoke detectors will alert occupants of the office space of a fire in the basement unit and vice versa. The proposed design provides equivalent fire and life safety.

Appeal item 2

Code Section OSSC 1105.1.6

Requires At least one accessible entrance shall be provided to each dwelling unit.

Proposed Design Provide access to new basement dwelling unit via rebuilt stairway.

Reason for alternative The "25% Rule" states that 25% of construction budget be spent on ADA improvements. Proposed project construction budget is \$70,000. 25% of that is \$17,500. It is not feasible to provide ADA access to the proposed unit. A ramp would require removal of the existing driveway and significant excavation and concrete work exceeding \$17,500 in cost. Likewise an elevator or lift is not feasible for \$17,500 due to significant structural alterations that would be needed. Appellant proposes that the unit entry be non-accessible, and that a standard, non-accessible bathroom be allowed in the unit. The proposal provides equivalent fire and life safety within the confines of the 25% Rule.

Appeal item 3

Code Section OEESC Table 502.1.1

Requires R-10 insulation under unheated floor slabs in R occupancies.

Proposed Design Perimeter foundation walls will be furred and insulated with R-21 insulation. New windows have already been installed that meet energy code, as will the proposed new unit entry door.

Reason for alternative Given that the basement is pre-existing, there is no feasible way to provide slab insulation. OEESC 101.4.2 states that alterations shall conform to code "without requiring the unaltered portion(s) to comply". Exception 5 states that the following need not comply, provided that the energy use of the building is not increased: Construction where the existing roof, wall of floor cavity is not exposed. Because the basement space is currently unoccupied, converting it to living space will increase energy usage even if all energy code requirements are met. By improving the building envelope to the extent practical, appellant believes that the proposed design provides equivalent fire and life safety without the slab insulation.

Appeal item 4

Code Section OSSC Table 508.4

Requires Requires fire separation between dwelling units and B occupancies of 1 hour in sprinklered buildings and 2 hour in non-sprinklered buildings.

Proposed Design Because the basement dwelling will be sprinklered, appellant proposes a one hour separation between the dwelling unit and office space above. The ceiling will be a UL listed one hour assembly and will provide STC and IIC sound ratings of 50 minimum. The walls at the existing basement stairwell are comprised of plaster and wood lath finish. Appellant proposes to leave the plaster and lath on the office side of partitions and remove it from the dwelling side, then adding two layers of 5/8" Type X drywall to the dwelling sides of the studs.

Reason for alternative Because the walls at the existing basement stairwell are comprised of plaster and wood lath finish, it is difficult to provide a UL tested assembly. Removing the existing plaster and lath from the office side of the walls would be costly and disruptive to the office tenants. Appellant believes that adding two layers of 5/8" Type X drywall to the dwelling side of the existing walls provides equivalent fire and life safety.

Appeal item 5

Code Section OSSC 1208.2

Requires Occupiable spaces shall have a minimum ceiling height of 7'-6". Beams not less than 4' on center may project down a maximum of 6" in one and two family dwellings.

Proposed Design See attached Stair Section. Existing ceiling joists are 7'-0.5" above floor. The proposed one hour ceiling assembly will reduce the headroom 2", providing a finished ceiling height of 6'-10". There is an existing beam line at the middle of the basement, the bottom of which is 6'-4.5" above floor. Appellant requests approval for reduced ceiling height and beam clearance.

Reason for alternative Appellant proposes that the requirements of City Brochure #9 be allowed because the space is a single R3 dwelling unit. Brochure #9 allows a ceiling height of 6'-8" and beams as low as 6'-2" provided that the beams do not take up more than 10% of the floor area. Existing beam is 5.5" wide and therefore takes up approximately 2.2% of the basement floor area. Therefore the proposed ceiling and beam heights are at least 2" greater than required by Brochure #9. Appellant proposes that meeting the requirements of Brochure #9 provides equivalent fire and life safety.

Appeal item 6

Code Section OSSC 1009.5

Requires 6'-8" headroom required at stairs (6'-4" per Brochure #9 for rebuilt stairs)

Proposed Design See attached Stair Section. Appellant proposes that the headroom requirements of Brochure #9 be applied here as the stairs are within a single dwelling unit. The existing entry stair to the unit will be rebuilt to more closely conform to code requirements. The half flight up from the unit entry door to the first floor will be removed. The walls enclosing the entry door and stair landing will be upgraded with two layer of 5/8" Type X drywall as described in Item #4, and the ceiling in this area will be upgraded to provide a one hour floor ceiling assembly. The half flight of stairs down to the basement dwelling unit will be rebuilt to provide 9" treads, 7.75" risers and 6'-2" headroom.

Reason for alternative Brochure #9 requires 6'-4" headroom for rebuilt stairs, but due to site constraints it is not possible to achieve this. Appellant proposes that the headroom requirements of Brochure #9 for existing stairs be applied here as the stairs are within a single dwelling unit and meet the current code in terms of width and tread and riser dimensions. The proposed design exceeds the requirements of Brochure #9 for existing stairs and therefore provides equivalent fire and life safety.

Appeal item 7

Code Section OSSC 1009.8

Requires Landings at stairs to be min 36" wide and 48" deep.

Proposed Design See attached Stair Plan. Appellant proposes that the requirements of Brochure #9 be applied here as the stairs are within a single dwelling unit. Brochure #9 allows landings of 30"x30". Proposed

design has a 36"x36" landing at the bottom of the 36" wide stairs and a 66" wide by 34" deep landing at the top, with an angled transition from the 34" deep portion to the wider portion.

Reason for alternative A larger top landing is not possible due to constraints of the existing stairwell opening. Because the top landing is wide and offset from the entry door, it provides more than equivalent landing area. The landing is larger than the 36"x36" area allowed for rebuilt stairs per Brochure #9 and therefore provides equivalent fire and life safety.

APPEAL DECISION

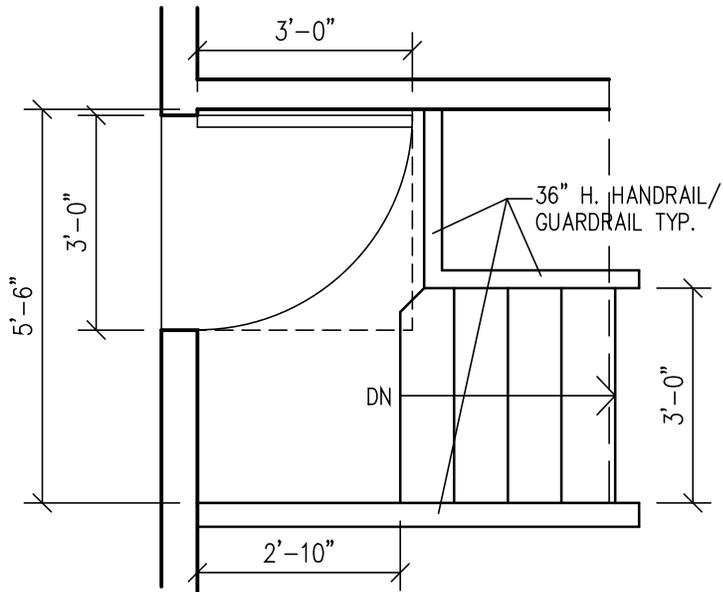
- 1. Conversion of S1 basement to R2 with sprinklers only in the new unit: No appeal required. Allowed by City of Portland Code Guide IBC/9/#2.**
- 2. Conversion of S1 basement to R2 with omission of accessible route to unit entry: No appeal required. Allowed by OSSC 3411.1**
- 3. Omission of perimeter foundation insulation: No appeal required. Allowed by OEESC 101.4.2**
- 4a. Decrease in minimum required occupancy separation from 2 hours to 1 hour: Denied. Proposal does not provide equivalent Life Safety protection.**
- 4b. Alternate 2 hour fire rated wall detail: Hold for additional information.**
- 5. Reduction in minimum required ceiling height at beam to 6 feet 4.5 inches: Denied. Proposal does not provide equivalent Life Safety protection.**
- 6. Reduction in minimum required headroom at existing stairs to 6' 2": Denied. Proposal does not provide equivalent Life Safety protection.**
- 7. Reduction in minimum required landing depth to 36 inches: Denied. Proposal does not provide equivalent Life Safety protection.**

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

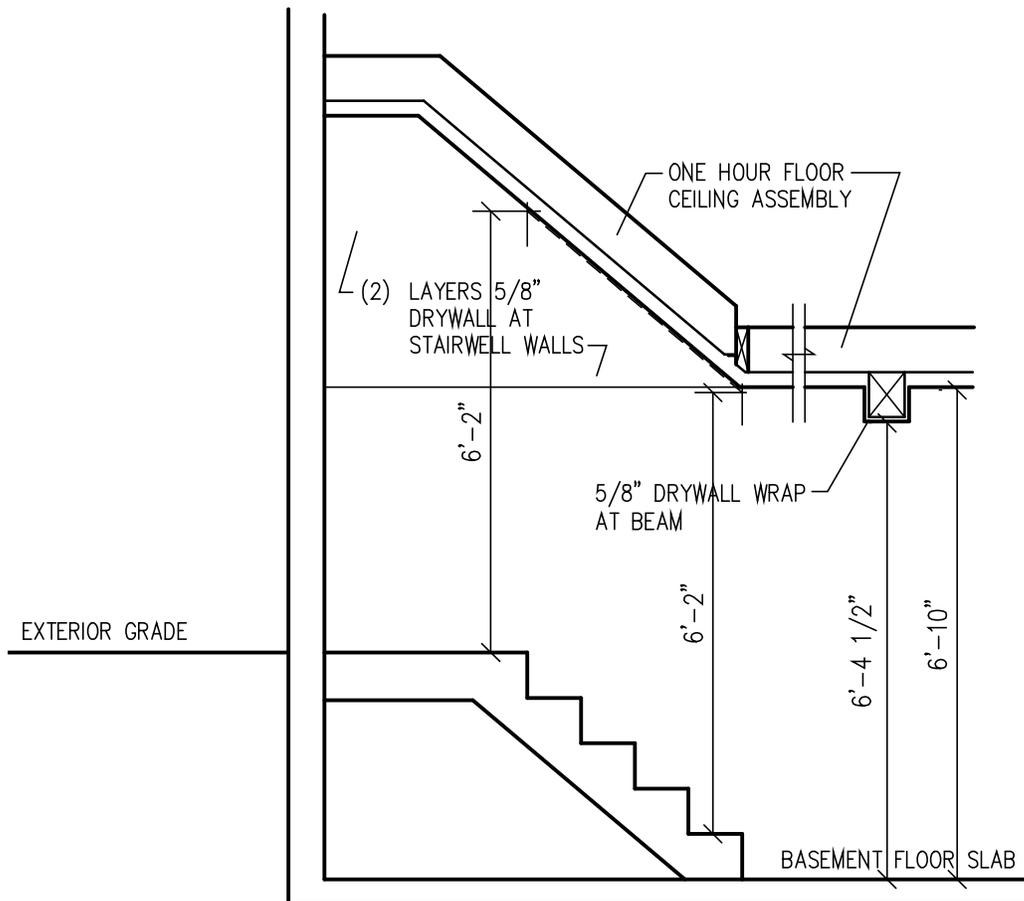
For Items 4a, 5, 6, 7: Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.

For Item 4b: Additional information is submitted as a no fee reconsideration, following the same submittal process and using the same appeals form as the original appeal. Indicate at the beginning of the appeal form that you are filing a reconsideration and include the original assigned Appeal ID number.

Include the original attachments and appeal language, with the new text in a separate paragraph clearly identified as "Reconsideration Text" with new attachments also referenced. No additional fee is required.



STAIR PLAN



STAIR SECTION

1316 NE BROADWAY