

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered - Reconsideration of ID 21992

Appeal ID: 22149	Project Address: 2131 SE 12th Ave
Hearing Date: 11/20/19	Appellant Name: Daniel W Keller
Case No.: B-013	Appellant Phone: 2252445900
Appeal Type: Building	Plans Examiner/Inspector: Jason Buerkle
Project Type: residential	Stories: 4 Occupancy: R-3 Construction Type: V-B
Building/Business Name:	Fire Sprinklers: Yes - NFPA 13R Throughout
Appeal Involves: Reconsideration of appeal	LUR or Permit Application No.: 19-170676-RS
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Residential Duplex (Non-Townhouse)

APPEAL INFORMATION SHEET

Appeal item 1

Code Section R101.2 Scope/ Four Story Structures Regulated under the Oregon Residential Specialty Code (ORSC 2017); Condition #2

Requires The Residential Specialty Code is limited to structures not more than three stories. Unless the following conditions are met:

NFPA 13-D fire sprinklers shall be installed throughout the structure, under a permit from the Bureau of Development Services;

Four story structures with more than 2,000 SF total enclosed space and enclosed useable and/or habitable space on more than three levels shall have at least two exit doors to the exterior, each on a different level;

Structures with enclosed useable and/or habitable space on four levels shall not also have a basement (five levels);

The underside of the lowest floor shall be protected with 5/8" gypsum sheathing or shall be protected with additional fire sprinklers;

Exposed vertical posts supporting lowest floor shall be of minimum 6" nominal dimension, or be of noncombustible construction; and

The structural design for entire building shall be by a licensed design professional.

Condition #2 is the subject of this appeal.

Proposed Design ORIGINAL APPEAL TEXT:

In order to be regulated under the Oregon Residential Specialty Code, this structure is required to have two exit doors to the exterior, each on a different level from each unit. As this structure is a duplex, two internal egress stairs are provided, one per unit. Rather than requiring two sets of stairs providing exterior access for each individual duplex unit, or four sets of stairs in total for the duplex, the proposed design alternately addresses the requirement for a secondary exit to the

exterior via an emergency interior fire door allowing communicating access to each side of the duplex to use the other side's egress stairs in case of an emergency.

The proposed emergency door will be a 60-minute powered, fire-rated door with automatic and manual override unlocking systems, located on the first story above grade plane, in the 1-hr fire-rated demising wall that separates the two duplex units. Since the building has fewer than 50 occupants, under 1008.1.2 (Door Swing) the door in question does not need to swing in the direction of egress and as such could be a standard single-action swinging door. The proposed emergency door would allow access controlled egress meeting the following standard emergency access requirements:

The door shall be held in an always-locked position via a powered door lock, except in case of emergency as described below:

In the case of an emergency, the door shall be unlocked via one of two methods, automatically, or via manual override:

AUTOMATICALLY: Power shall be required to maintain door in a locked position and door shall be arranged to unlock by loss of said power. Additionally, activation of the building fire detection system shall automatically unlock the door. The door shall remain unlocked until the fire alarm system has been reset.

MANUAL OVERRIDE: Door shall be arranged to unlock from a manual unlocking device located 40 inches to 48 inches vertically above the floor within 5 feet of the secured doors, such as a push/pull paddle, for example. Ready access shall be provided to the manual unlocking device and the device shall be clearly identified by signage with clear, concise operating instructions such as "PUSH TO EXIT" or "PULL TO EXIT". When operated, the manual unlocking device shall result in direct interruption of power to the lock and the door shall remain unlocked for a minimum of 30 seconds. Activation of the manual unlocking device shall correspondingly set off an alarm, and as such, signage should also be provided reading "EMERGENCY EXIT ONLY - ALARM WILL SOUND" or similar.

The stair core and ground floor exit hallways [Refer to Plan A2.1] accessed on either side of the communicating door will be classified as "common" space and will be separated from the dwelling units and garages via locking doors and fire-rated partitions & floor/ceiling assemblies [Refer to Plan A2.2 and Section A3.5].

RECONSIDERATION TEXT:

After conversations with John Butler regarding this proposal, the design noted above has been updated to:

Remove the fire-rated emergency egress door as previously proposed connecting the two units. Update the sprinkler system to a NFPA 13R system throughout the building to provide equivalent life safety.

Please see the revised A2.1 plan showing the removed door for reference.

Reason for alternative ORIGINAL APPEAL TEXT:

The structure was approved in design review application 18-250279-DZ, and was approved without adjustment (variance) to the zoning code. As part of the land use review process, individual review bureaus issue comments on the design to head off major issues that may arise in the building permit process so that the applicant is able to address those issues in the final design review iteration. This ensures that the design submitted at building permit remains in "substantial conformance" with the design review. In this case, the Life Safety plans examiner associated with the land use decision issued generic commentary regarding the ORSC requirements, which did

not specifically address the lack of a secondary exit for the 4-story duplex units; thus, the approved design did not contain a proposed solution to this requirement.

At the time of building permit, the assigned Life Safety examiner flagged the requirement for the additional exit and stair to grade. The applicant provided a design for an exterior door, landing, and stair on the East Facade [See Approved Elevation A4.1]. However, because the building is currently at the minimum setback for the zone on all facades, Planning and Zoning issued a checklist that indicated that the addition of this means of egress on any facade would require an adjustment to the zoning code and would bring the project out of conformance with the previous approved land use decision. A major factor of the approvability of the original design was that it was within the parameters set forth by the zone; the need for an additional design review with variance to the zoning code poses an existential threat to the proposal.

The present proposed alternative would not trigger the need for additional design review since it provides a potential solution internal to the building envelope. The proposed alternative substantially meets the intent of the code as it provides two means of egress for each unit by allowing the use of the redundant stair path already present in the duplex. Because the residential code is relatively silent as it applies to means of egress travel distances for two-family structures, equivalent life safety could be regarded through the lens of pertinent sections of the Oregon Structural Specialty Code. By providing the secondary door as proposed, the common path of egress travel is approximately 90' and the exit access distance is approximately 125' which are less than the maxima prescribed for this occupancy classification in OSSC Table 1014.3 and OSSC Table 1016.2, respectively. Furthermore, the classification of the lowest level as common egress space along with internal separate entry doors avoids egressing through an adjacent tenant space as expressly prohibited in OSSC 1014.2.1.

Therefore, in summary, we believe the above proposal for an internal emergency door allowing access to both sets of stairs and paths of egress, substantially meets the intent of the code within the conceptually overlapping sections of ORSC and OSSC, without triggering an unduly burdensome re-review or redesign.

RECONSIDERATION TEXT:

The underlying reason for this reconsideration is the same. The Four-Story Code Guide was written with houses on steeply sloping lots in mind, where it is more feasible to have exits to exterior grade on multiple levels; in this case, the stand-alone nature of the 4-story tower and the tight constraints of the flag lot setbacks make an additional stair to grade infeasible. In lieu of this requirement, per conversations with John Butler on the previous appeal decision, we are proposing to upgrade the required sprinkler system from an NFPA 13D to an NFPA 13R system to provide equivalent life safety protection for the proposal.

APPEAL DECISION

Four story R3 building with one exit on a single level: Granted as proposed.

Note: Separate sprinkler permit is required through Fire Marshal's office.

The Administrative Appeal Board finds 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 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.

APPEAL EXHIBIT B: GROUND FLOOR PLAN



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Project

Coleman Duplex
2123 SE 12TH

Permit #

TBD

Title

**Plan,
 Proposed
 Ground Fl.**

Version

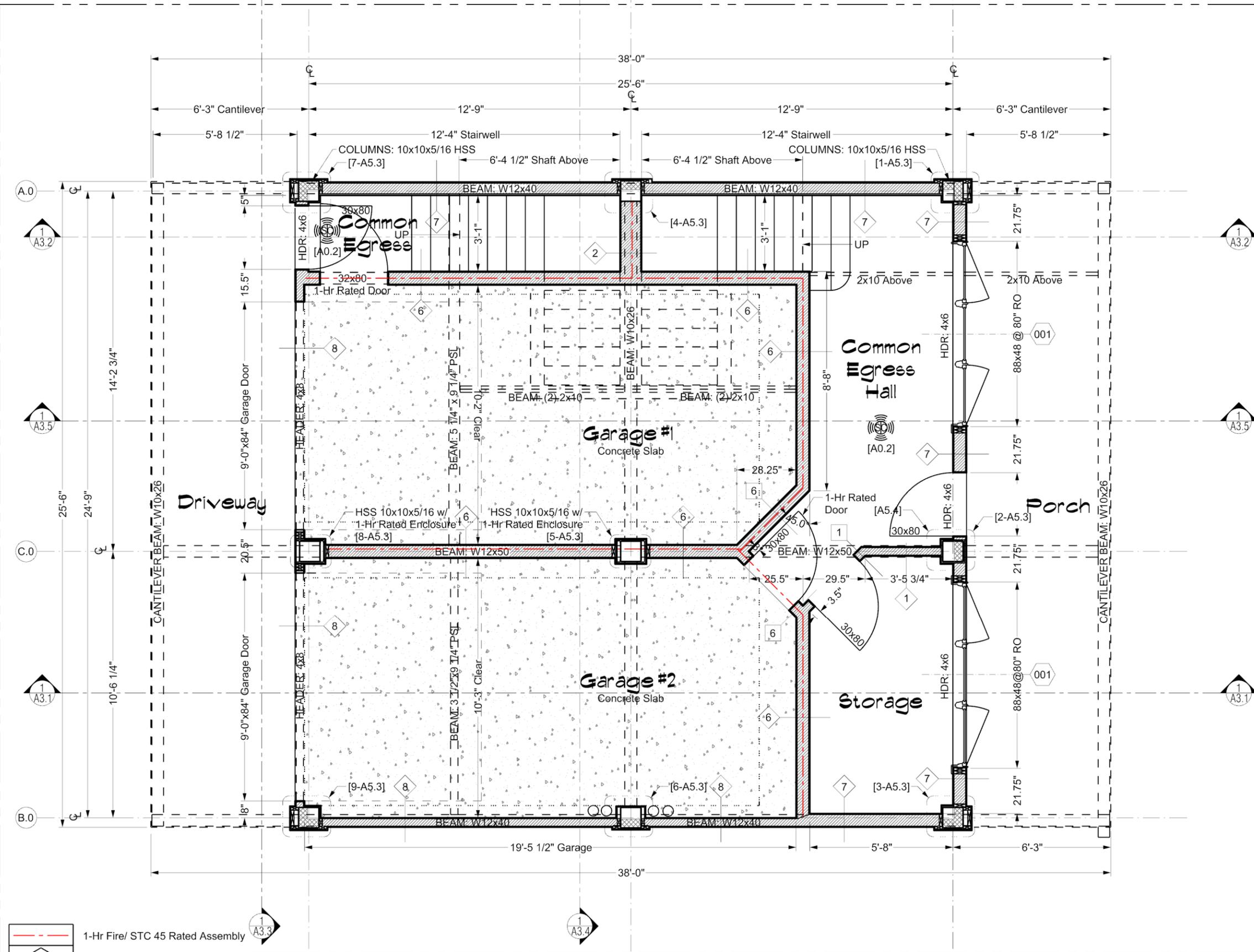
Appeal

Date

10-07-19

Scale

1/4" = 1' @ 11" X 17"



	1-Hr Fire/ STC 45 Rated Assembly
	WINDOWS [A5.4]
	WALL TYPE [A5.2]

1 Plan, Proposed, Ground Fl.
 A2.0 Scale: 1/4" = 1'

APPEAL EXHIBIT A: 1st FLOOR PLAN



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Project

Coleman Duplex
2123 SE 12TH

Permit #

TBD

Title

**Plan,
 Proposed
 1st Floor**

Version

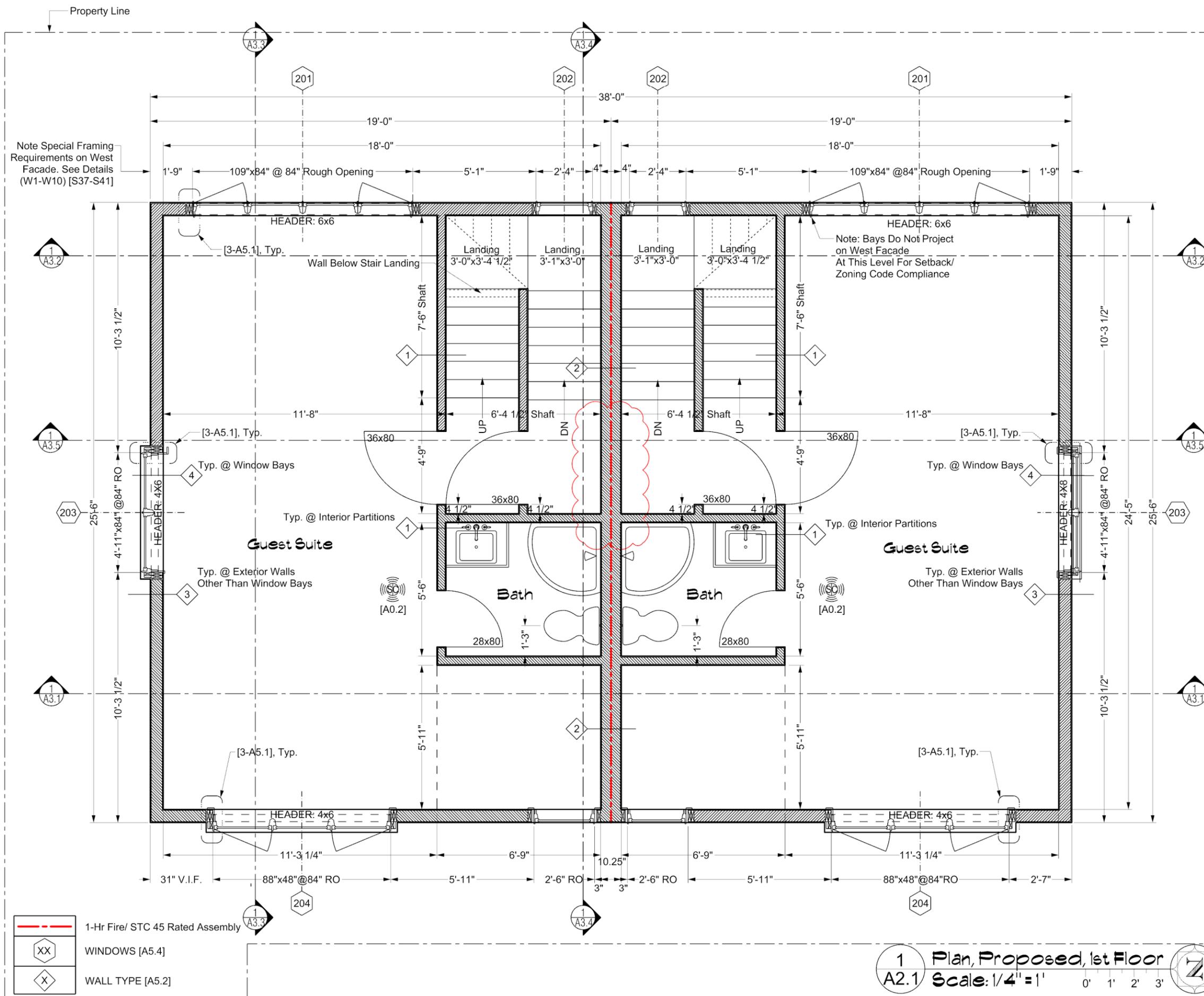
Reconsideration

Date

11-07-19

Scale

1/4" = 1' @ 11" X 17"



- 1-Hr Fire/ STC 45 Rated Assembly
- WINDOWS [A5.4]
- WALL TYPE [A5.2]

1 Plan, Proposed, 1st Floor
A2.1 Scale: 1/4" = 1'