Development Services

From Concept to Construction







APPEAL SUMMARY

Status:	Mixed Decision.	Items 1	. 4: Hold for Ad	Iditional Information	. Items 2	. 3: Decision Rendered.
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Appeal ID: 23429	Project Address: 2400 NE Broadway St			
Hearing Date: 2/5/20	Appellant Name: Joshua Klyber			
Case No.: B-020	Appellant Phone: 5032091458			
Appeal Type: Building	Plans Examiner/Inspector: Chanel Horn			
Project Type: commercial	Stories: 1 Occupancy: A-2, F-2 Construction Type: V-B			
Building/Business Name: Broadway Brewery	Fire Sprinklers: Yes - Throughout			
Appeal Involves: Alteration of an existing structure	LUR or Permit Application No.: 19-248077-LU			
Plan Submitted Option: pdf [File 1]	Proposed use: Brewery			

APPEAL INFORMATION SHEET

Appeal item 1

Code Section OSSC §1011.15 - Ship's Ladders

Requires

Ship's ladders are permitted to be used in Group I-3 as a component of a means of egress to and from control rooms or elevated facility observation stations not more than 250 square feet with not more than three occupants and for access to unoccupied roofs. The minimum clear width at and below the handrails shall be 20 inches.

Alternate Requested

Code Modification or To allow the use of a ship's ladder as a convenience access within an F-2 occupancy.

Proposed Design

The design proposes using a ship's ladder as a convenience for personnel to access brewery tanks for monitoring and maintenance. This proposal would meet the intent of the code for permanent ladders per OSSC 1011.16 while exceeding the design requirements for permanent ladders by utilizing a ship's ladder configuration. The required means of egress for the brewery area is provided via a 36" wide access aisle leading to a door that exits directly to the exterior. Access to the brewery is provided by the same route. Use of the ship's ladder will be restricted by keypad lock, limiting access to brewery personnel only. The ship's ladder will be marked with signage stating that it is not an exit. The owner will ensure compliance with OSHA section 1910.25 (e) regarding ship stairs, as well as provide any OSHA required fall protection and training per OSHA section 1910.

The ship's ladder will exceed minimum design standards for permanent ladders as described in OMSC section 306.5 and meet the requirements for ship's ladders as described in OSSC 1011.15. The ladder will be fabricated of steel with tread depth of 6-1/2 inches and riser height of 8-1/2". The tread will be projected such that the total of the tread depth plus the nosing projection is no less than 8-1/2 inches. Handrails will be provided on both sides of ship's ladders. The minimum clear width at and below the handrails will be 20 inches. Steel mesh will be provided below the

ship ladder such that a 4" diameter sphere cannot pass through between open treads. The ladder will be 4' wide.

Reason for alternative The ship's ladder is proposed as a convenience access for employee use meeting the intent of OSSC 1011.16. The ladder is not part of the required means of egress and will be marked with signage stating that it is not an exit. The proposed exit will be clearly marked with an illuminated sign per OSSC 1013. All employees will be trained in the location of the required mean of egress. All design requirements of permanent ladders as described in OMSC 306.5 will be exceeded and OSHA regulations regarding employee use of fixed ladders will be adhered to.

> We believe that the ship's ladder is a convenience, is not part of the required means of egress, and is compliant with the design requirements of section 1011.15. Therefore, we request approval of this appeal.

Appeal item 2

Code Section

OSSC §705.8.1 Allowable Area of Openings

Requires

The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in Table 705.8 based on the fire separation distance of each individual story.

Exceptions:

In other than Group H occupancies, unlimited unprotected openings are permitted in the first story above grade plane where the wall faces one of the following:

- a. A street and has a fire separation distance of more than 15 feet
- b. An unoccupied space. The unoccupied space shall be on the same lot or dedicated for public use, shall be not less than 30 feet in width and shall have access from a street by a posted fire lane

Buildings whose exterior bearing walls, exterior nonbearing walls and exterior primary structural frame are not required to be fire-resistance rated shall be permitted to have unlimite4d unprotected openings.

Code Modification or Alternate Requested

To allow existing windows close to the property line to be sprinklered in replacement for being protected.

Proposed Design

The Broadway Brewery is Type-VB construction and will be fully sprinklered. The east façade of the building is located one-foot one-inch from the property line. A portion of the building on the south side is located one-foot one-inch from the property line. A separate portion of the south façade is seven-feet one-inch from the property line. All three (3) do not have adequate Fire Separation Distance to allow for existing unprotected openings per OSSC Table 705.8.

There are three (3) window conditions at the Broadway Brewery (see attached):

Fixed windows without mullions - No replacement required

Fixed windows consisting of two (2) panes, a fixed pane and an operable hopper pane - These windows will be replaced with a single fixed pane window

Single pane center pivot windows without mullions -To be permanently fastened in the closed position

All windows will have a single fire sprinkler centered and towards the top of the glazing to allow for a full washing on the interior of the glazing. The existing fixed windows do not require any

modification other than the interior fire sprinkler. The two (2) pane windows with an operable hopper will be replaced with a single fixed pane to allow for full uninterrupted coverage of the fire sprinkler. The single pane pivot windows are located on the Northeast corner of the building, where it is impractical to replace these windows due to the one-foot one-inch distance between the exterior wall and the adjacent building. These windows will be permanently fastened in the closed position effectively making them single fixed pane windows.

The proposed design is to replace the windows that have horizontal elements with a single fixed pane of glass, permanently fasten the pivot windows in a closed position and to provide protection for each of the openings on the east and south façades by utilizing closely spaced automatic sprinklers on the interior of the windows.

Reason for alternative The northeast corner of the building is only one foot one inch from the adjacent building which is directly on the property line. This adjacent building has a rated masonry wall, which reduces fire exposure from the exterior. Because of the Broadway Brewery's proximity to the other building, exterior modifications are impractical.

> Replacing the old hopper style windows and installing sprinklers on the interior for each of the window openings provides a greater level of fire protection than the prescriptively required 3/4 of an hour fire-resistive-rating per OSSC Table 716.1(2). One sprinkler will be centered widthwise on each window and will be placed between six and twelve inches away from the glazing in order to provide full coverage.

The east façade has the following opening percentages:

Main level opening area is approximately 90 SF, less than 9% of the 1080 SF main level façade. Basement level opening area is approximately 63 SF, less than 14% of the 451 SF basement façade.

The south façade has the following opening percentages:

Main level opening area is approximately 78 SF, or 6% of the 1,275 SF main level facade. Basement level opening area is approximately 70 SF, or 11% of the 630 SF basement level façade.

As this is an existing condition, if there were no change in occupancy the openings would have remained as currently installed. By installing sprinklers at each of the windows that is too close to the property line, the fire / life safety of the existing conditions is being improved.

Due to the closely spaced sprinklers on glass, the small percentage of openings, and the improvement to the existing conditions, we ask that this proposal be considered equivalent or better to the prescriptive requirements.

Appeal item 3

Code Section

1028.4.2 Construction and Openings

Requires

Where an egress court serving a building or portion thereof is less than 10 feet in width, the egress court walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet above the floor of the egress court. Openings within such walls shall be provided by opening protectives having a fire protection rating of not less than 3/4 hour.

Exceptions:

- 1 Egress courts serving an occupant load of less than 10.
- 2 Egress courts serving Group R-3

Code Modification or Alternate Requested

To allow windows on an egress court less than 10 feet in width to be sprinklered rather than rated.

Proposed Design

The Broadway Brewery is Type-VB construction and will be fully sprinklered. The egress court located on the south side of the property has a width of less than 10 feet. There are two (2) doors on the south façade which will have a ¾ hour fire rating which is prescriptively compliant with §1028.4.2. There are seven (7) windows on the egress court which are non-rated. All of these windows are fixed pane without mullions.

All windows will have a single fire sprinkler centered and towards the top of the glazing to allow for a full washing of the interior of the glazing.

The proposed design is to provide protection for each of the openings on the egress court by utilizing closely spaced automatic sprinklers on the interior of the windows.

Reason for alternative There are seven (7) existing nonrated windows facing the egress court. One sprinkler will be centered widthwise on each window and will be placed between six and twelve inches away from the glazing in order to provide full coverage.

The south façade has the following opening percentages:

Main level opening area is approximately 78 SF, 6% of the 1,275 SF main level façade. Basement level opening area is approximately 70 SF, 11% of the 630 SF basement level façade.

As this is an existing condition, if there were no change in occupancy, the openings would have remained as currently installed. By installing sprinklers at each of the windows that is located over the egress court, the fire / life safety of the existing conditions is being improved.

Due to the closely spaced sprinklers on glass, the small percentage of openings, and the improvement to the existing conditions, we ask that this proposal be considered equivalent or better to the prescriptive requirements.

Appeal item 4

Code Section

307.4 - High-hazard Group H-2

Requires

Buildings and structures containing materials that pose a deflagration hazard or a hazard from accelerated burning shall be classified as Group H-2. Such materials shall include; but not be limited to, the following:

Combustible dust where manufactured, generated or used in such a manner that the concentration and conditions create a fire or explosion hazard based on information prepared in accordance with Section 414.1.3.

Code Modification or Alternate Requested

That the brewery's grain milling room be considered an F-2 occupancy and not an H-2 occupancy.

Proposed Design

The Broadway Brewery is Type-VB construction and will be fully sprinklered. The Grain Milling Room at the Broadway Brewery is located on the basement level with an adjacent Grain Storage Room. The grain will be stored in 50 lb bags on pallets. There are 40 bags per pallet and there will be an approximate maximum of 80 bags in the building at any given time. There is no mechanical equipment in the Grain Milling Room or in the Grain Storage Rooms that would be a potential ignition source. The grain will be hand carried from the Grain Storage Room, into the Grain Milling Room and fed into the mill feed hopper. The milling process cracks the grain and does not mill it

into fine flour. The grinding equipment is UL Listed with dust tight housing. From the outlet of the mill the grain is transported by chain and disc conveyor to the grist case. The Grain Milling Room will incorporate an extraction fan that will operated whenever the mill and associated equipment are in use. The Grain Milling Room will be used approximately once or twice a week and will be hand cleaned after each milling cycle in accordance with NFPA 654 section 8.

Reason for alternative The milling process at the Broadway Brewery cracks the grain as opposed to milling the grain into flour and will not generate significant amounts of combustible dust. There are no silos proposed on the site and the grain will be stored in individual 50 lb bags. Because of the milling process, closed system, ventilation, regular cleaning procedures, and the lack of any ignition sources, the facility does not produce an environment that meets the code definition of a High-Hazard Occupancy. We request the Grain Milling Room be classified as an F-2 occupancy.

APPEAL DECISION

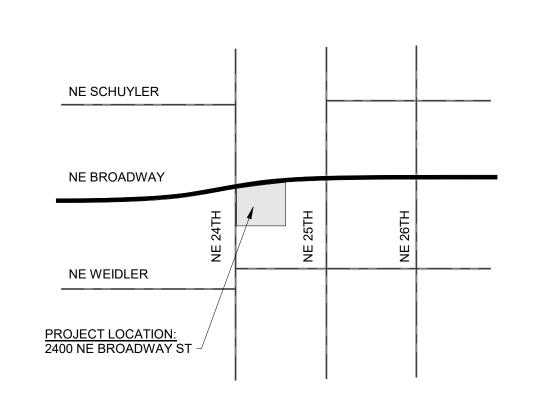
- 1. Use of ship's ladder to access brewery tanks: Hold for additional information.
- 2. Type 13 water curtain sprinkler protection at non-fire rated openings in exterior walls where openings are not allowed: Denied. Proposal does not provide equivalent Life Safety protection.
- 3. Type 13 water curtain sprinkler protection at non-fire rated openings in exterior walls of egress court less than 10' in width: Granted provided windows are non-operable, and sprinklers are spaced not more than 6 feet apart and placed a minimum of 6 inches and a maximum of 12 inches from the opening(s) and a maximum of 12 inches below the ceiling. Sprinklers are to be installed on the occupied side of the openings. A separate permit from the Fire Marshal's Office is required.
- 4. Exemption from high hazard occupancy classifiation for grist milling system: Hold for additional information.

For items 1, 4: 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. The reconsideration will receive a new appeal number.

Include the original attachments and appeal language. Provide new text with only that information that is specific to the reconsideration in a separate paragraph(s) clearly identified as "Reconsideration Text" with any new attachments also referenced. No additional fee is required.

For items 2, 3: For the item granted, 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.



16 3

2

A701

(E) MULTI-STEM TREE 8" DIA

Windows at this

BUILDING

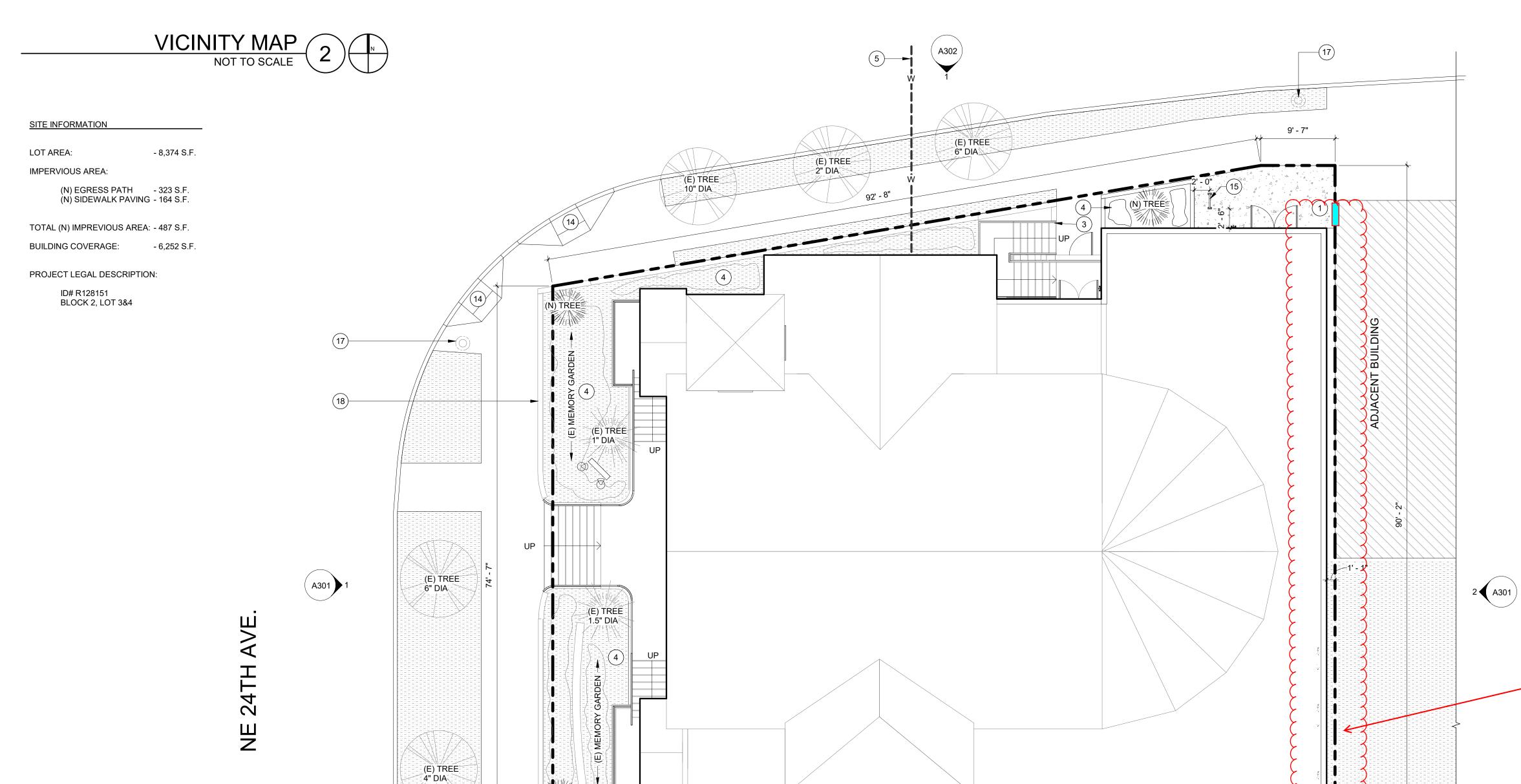
A302

location will be

sprinklered.

Appeal # 3.

NE BROADWAY ST



GENERAL NOTES - SITE PLAN & EROSION CONTROL

1. THIS DRAWING IS FOR GENERAL GUIDANCE ONLY

1. THIS DRAWING IS FOR GENERAL GUIDANCE ONLY. THE G.C. SHALL MEET ALL CITY OF PORTLAND EROSION/SEDIMENT CONTROL REQUIREMENTS.

2. HOLD A PRE-CONSTRUCTION MEETING OF PROJECT CONSTRUCTION PERSONNEL INCLUDING THE INSPECTOR TO DISCUSS EROSION AND SEDIMENT CONTROL MEASURES AND CONSTRUCTION LIMITS.

OPEN CONCEPT

ARCHITECTURE

BREWERY

BROADWAY

BROADWAY ST AND, OR 97232

3. CONSTRUCT EROSION CONTROL IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO INSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE STANDARDS.

4. THE G.C. SHALL LIMIT CONSTRUCTION TRAFFIC TO PAVED AREAS TO PREVENT AND MINIMIZE SEDIMENT TRACKING OFF-SITE. G.C. SHALL SWEEP OR VACUUM PAVED AREAS IF SEDIMENT ACCUMULATION OCCURS.

5. PROVIDE PORTABLE WASH-OUT CONTAINER FOR CONCRETE TRUCKS.

6. EROSION AND SEDIMENT CONTROL MEASURES, INCLUDING PERIMETER SEDIMENT CONTROL, MUST BE IN PLACE BEFORE SEDIMENT IS DISTURBED AND MUST REMAIN IN PLACE AND BE MAINTAINED, PREPAIRED, AND PROMPTLY IMPLEMENTED FOLLOWING PROCEEDURES ESTABLISHED FOR THE DURATION OF CONSTRUCTION, INCLUDING PROTECT FOR ACTIVE STORM DRAIN INLETS AND CATCH BASINS AND APPROPRIATE NON-STORMWATER POLLUTION CONTROLS.

	KEYNOTES - SITE PLAN
1	(N) CONCRETE PAVING IN AREA OF REMOVED RETAINING WALL.
2	(E) 4" SEWER LINE
3	(N) GUARDRAILS AND HANDRAILS AT ALL (E) & (N) EXTERIOR STAIRS. SEE DETAILS.
4	SEE LANDSCAPE PLAN FOR PROPOSED PLANTINGS
5	(E) WATER SUPPLY
6	(E) GAS METER TO REMAIN
7	(E) FENCE TO REMAIN
8	(N) SAMPLING VAULT. LOCATE 10' BELOW GROUND. SEE DETAILS ON A701.
9	(N) GLYCOL CHILLER SHOWN FOR REFERENCE. FINAL LOCATION BY MECHANICAL SUBCONTRACTOR.
10	REMOTE CONDENSER FOR (N) CHILLER SHOWN FOR REFERENCE. FINAL LOCATION BY MECHANICAL SUBCONTRACTOR.
11	(E) TRANSFORMER TO REMAIN
13	(E) CONDENSERS TO REMAIN
14	(E) CURB CUT TO REMAIN
15	(N) PUBLIC BIKE RACKS
16	(N) CONCRETE STAIR. SEE DETAIL.
17	(E) UTILITY POLE TO REMAIN
1	

(E) RETAINING WALL TO REMAIN

Windows along
these exterior
walls will be
sprinklered.
Appeal # 2.

SITE PLAN
1/8" = 1'-0"
1

ISSUE DATES

REVISION LIST

DATE DESC.

PROJECT #: D19-020

A002

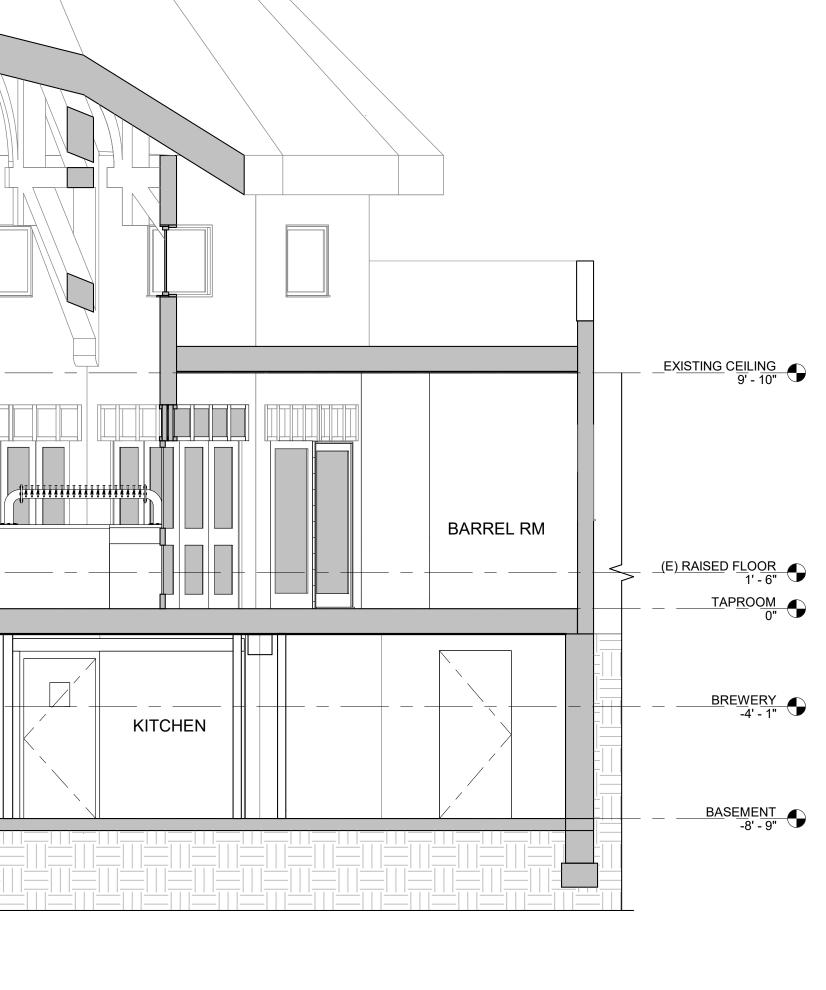
PROPOSED SITE PLAN

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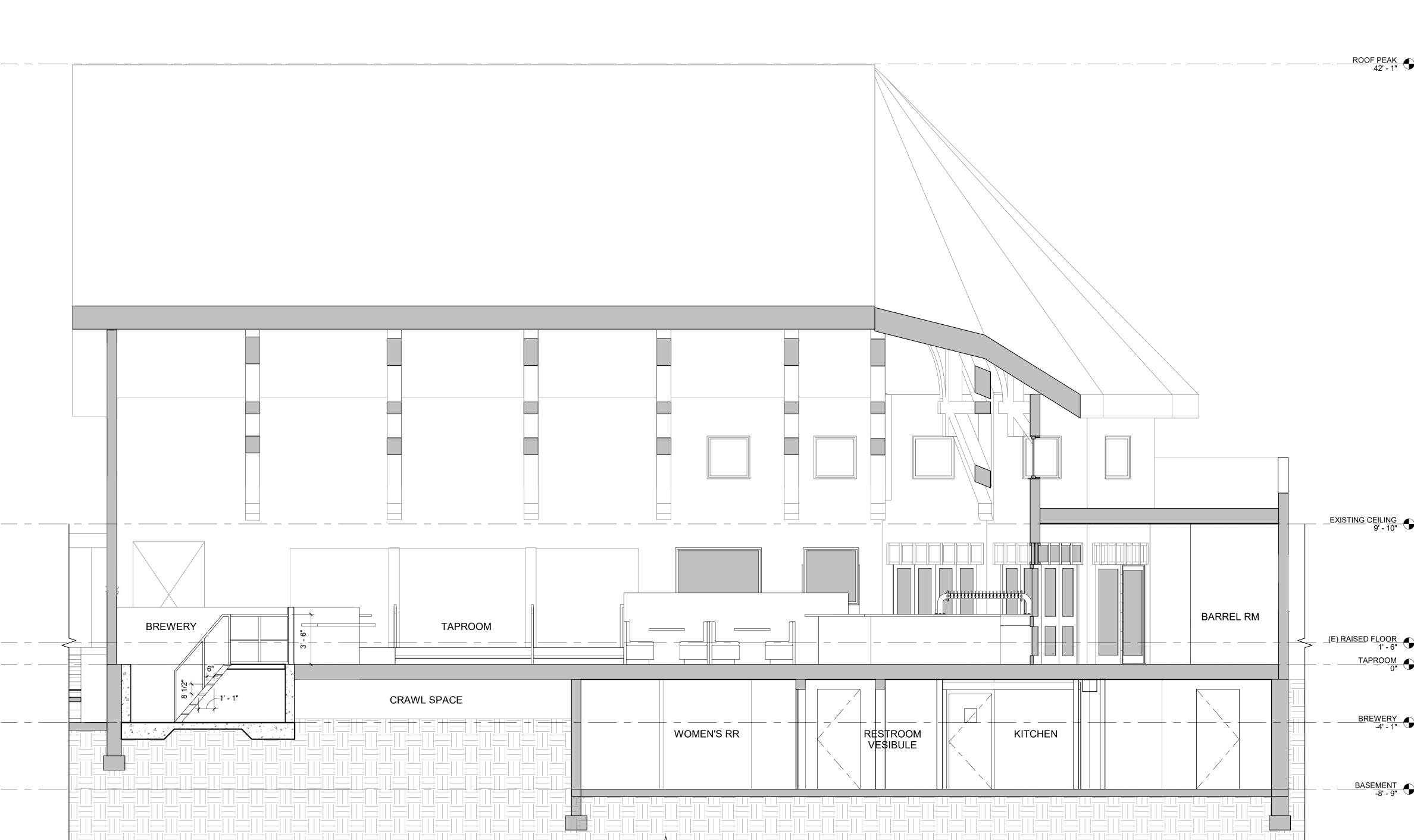
OPEN CONCEPT ARCHITECTURE

A403

BUILDING SECTION



SECTION THROUGH SHIP'S LADDER
1/4" = 1'-0"
1



15 (N) MECHANICAL SCREEN BY AMETCO. ANNODIZED FIXED LOUVER ALUMINUM SCREEN, 100% OBSCURING, PHOENIX MODEL. ACCESS GATES TO BE PROVIDED AS NEEDED FOR EQUIPMENT ACCESS.

BROADWAY BREWERY

OPEN CONCEPT ARCHITECTURE

REVISION LIST
DATE DESC.

ISSUE DATES

PROJECT #: D19-020

A301

EXTERIOR ELEVATIONS

KEYNOTES - EXTERIOR ELEVATIONS

ALL (E) WOOD SHINGLE SIDING TO BE PAINTED, TYP

SEE LANDSCAPE PLAN FOR (N) PLANTINGS (N) POWDER COATED STEEL GUARDRAILS AND HANDRAILS AT ALL **EXTERIOR STAIRS**

ONE (N) SHORT-TERM BIKE RACKS TO BE PROVIDED. RACK TO BE BELSON OUTDOORS, STAINLESS STEEL, SURFACE MOUNT U RACK.

(N) PAIR OF DOORS. SEE DOOR SCHEDULE.

(E) WINDOWS TO REMAIN, U.O.N. ALL (E) WOOD TRIM TO BE REPAINTED, TYP

(E) LOUVERS ALL (E) STAINED GLASS WINDOWS TO REMAIN 10 REPAINT (E) CONCRETE RETAINING WALL 11 (E) SHINGLE ROOFING TO REMAIN, TYP

12 ALL (E) DOORS TO REMAIN, U.O.N. 13 (N) DOOR 15 (N) MECHANICAL SCREEN BY AMETCO. ANNODIZED FIXED LOUVER ALUMINUM SCREEN, 100% OBSCURING, PHOENIX MODEL. ACCESS GATES TO BE PROVIDED AS NEEDED FOR EQUIPMENT ACCESS.

19 REPAINT (E) CONCRETE FOUNDATION WALL INACCESSIBLE PORTION OF FACADE WILL NOT RECEIVE PAINT 23 (N) PLANTER AND LANDSCAPING. SEE LANDSCAPE PLAN FOR

BROADWAY BREWERY

OPEN CONCEPT ARCHITECTURE

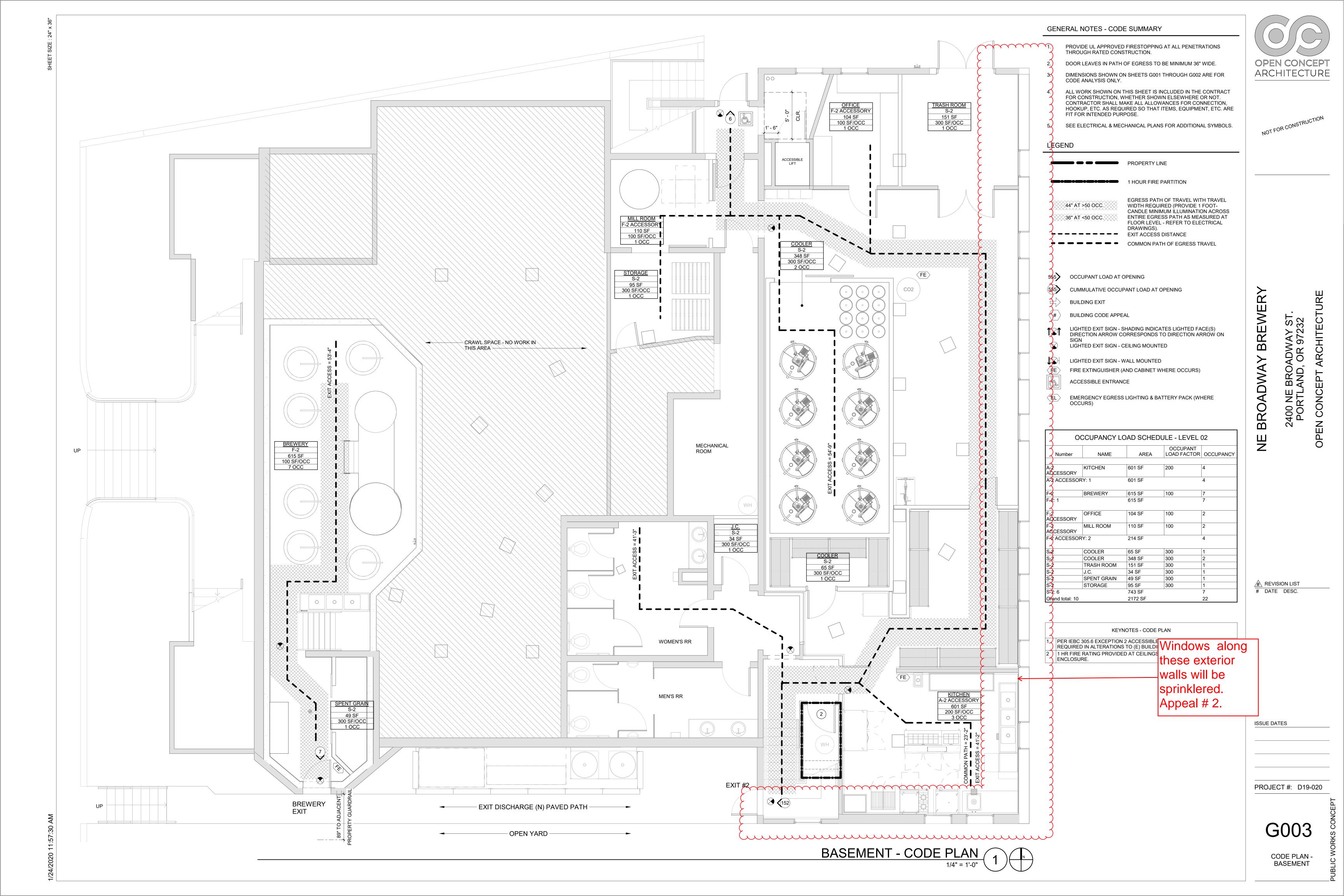
REVISION LIST # DATE DESC.

ISSUE DATES

PROJECT #: D19-020

A302

EXTERIOR ELEVATIONS



OPEN CONCEPT ARCHITECTURE

BREWER

ISSUE DATES

REVISION LIST

DATE DESC.

PROJECT #: D19-020

G004

CODE PLAN - MAIN LEVEL