

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 26448	Project Address: 1520 NW 17th Ave
Hearing Date: 1/26/22	Appellant Name: Michael Barrett
Case No.: B-007	Appellant Phone: 5419689374
Appeal Type: Building	Plans Examiner/Inspector: Maureen McCafferty
Project Type: commercial	Stories: 1 Occupancy: B Construction Type: II-B
Building/Business Name: Bemis	Fire Sprinklers: No
Appeal Involves: Alteration of an existing structure LUR or Permit Application No.: 21-106725-CO	
Plan Submitted Option: pdf [File 1]	Proposed use: Creative Office

APPEAL INFORMATION SHEET

Appeal item 1

Code Section OSSC 2902.1.1 Fixture Calculation

Requires To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 2902.1. Fractional numbers resulting from applying the fixture ratios of Table 2902.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number.

Exception: The total occupant load shall not be required to be divided in half where approved statistical data indicate a distribution of the sexes of other than 50 percent of each sex.

Code Modification or Alternate Requested Allow total occupant load to be counted as gender-neutral when determining plumbing calculations if single-user restrooms are provided.

Proposed Design The project provides three separate single-user restrooms with a water closet and lavatory for building occupants. Operationally, these restrooms are considered gender-neutral and open to all occupants regardless of gender identity.

The design proposes to not divide occupants based on gender and to meet the water closet and lavatory requirements per OSSC 2902.1.1 and to treat the total occupant load as gender neutral occupants. Compliance with Table 2902.1 will meet the more restrictive column, with gender neutral facilities provided through single-user, gender neutral, restrooms.

This approach is in lieu of dividing total occupant load in half per gender and then rounding up to the next full plumbing fixture count.

Reason for alternative The total occupant load (B-Business) for the project is calculated at 94 occupants, between 75 and

100. Following requirements for separate facilities would require 2 water closets and 2 lavatories per gender, or 4 total water closets by dividing in half and rounding up.

However, if the occupants were exclusively men or exclusively women, only 3 water closets would be required to support the occupant load.

The project meets the fixture counts for a single gender occupant load (3 water closets for men or women exclusively). By viewing the total occupant load as also gender-neutral and providing gender-neutral facilities through single-occupant restrooms, the project meets the same criteria established for a single gender.

Appeal item 2

Code Section	OSSC 2902.1 Minimum Number of Fixtures
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Requires	Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not specifically listed in Table 2902.1 shall be considered individually by the building official and shall reflect the use of the space being served by the fixtures. The number of occupants shall be determined by this code.
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Code Modification or Alternate Requested	Non-simultaneous use for plumbing fixture counts between break room and business areas. Acceptance of an alternate method to determine plumbing fixtures under OSSC 2901.2.
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Proposed Design	Exempt the occupant load within the break room for the use in calculating plumbing fixture counts only. Egress requires and Title 24.85 thresholds to use the full occupant load.
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Reason for alternative	The break room is open to adjacent soft seating, but because the two spaces are open to each other the entire room has an occupant load of 15/sf per person. This creates a significant occupant load when calculating required plumbing fixtures.
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This break room is for the exclusive use of the employees of this tenant improvement and not a separate assembly space. Anticipated uses are to support business spaces, such as eating lunch or grabbing coffee. The space could be used for an all staff gathering, but then the adjacent business spaces would not be simultaneously used.

The tenant anticipates a maximum of 36 employees within the space given their furniture layout and staffing projections, far below the total occupant count of 94 people per Table 1004.1.2.

APPEAL DECISION

1. Reduction in the minimum required number of plumbing fixtures based on calculation as non-gendered: Granted provided 2 of the toilet rooms are fully accessible.

2. Reduction in the minimum required number of plumbing fixtures based non non-simultaneous use: Denied. Proposal does not provide equivalent sanitary protection.

Appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov 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 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.

FIRE LIFE SAFETY (BY GENERAL CONTRACTOR)

THE FOLLOWING ITEMS ARE FIRE LIFE SAFETY REQUIREMENTS TO BE COMPLETED BY THE GENERAL CONTRACTOR. PROVIDE THE APPROPRIATE SUBMITTAL TO THE ARCHITECT FOR REVIEW AND COORDINATION PRIOR TO SUBMITTING TO THE AUTHORITY HAVING JURISDICTION.

CODE REQUIRED SIGANGE

- A. PROVIDE REQUIRED CODE REQUIRED SIGNAGE AS PRESCRIBED BY THE OREGON STRUCTURAL SPECIALTY CODE AND THE INTERNATIONAL FIRE CODE. COORDINATE LOCATION WITH ARCHITECT AND AUTHORITY HAVING JURISDICTION PRIOR TO INSTALLATION.
- B. THE FOLLOWING ITEMS ARE TYPICALLY PROVIDED BY THE GENERAL CONTRACTOR, BUT MAY NOT EXHAUSTIVE OF ALL UNIQUE PROJECT REQUIREMENTS. COORDINATE EXTENT OF CODE REQUIRED SIGNAGE WITHIN THIS PROJECT WITH ARCHITECT OF RECORD PRIOR TO SUBSTANTIAL COMPLETION.
- C. OREGON SPECIALTY STRUCTURAL CODE - BASED ON THE INTERNATIONAL BUILDING CODE (IBC)
- OCCUPANT LOAD (1004.3)
 - TWO-WAY COMMUNICATION DEVICES (IBC 1007.8.2)
 - AREAS OF REFUGE (IBC 1007.9)
 - DELAYED EMERGENCY EXIT DOORS (IBC 1008.1.9)
 - KEY LOCKS ON EGRESS SIDE OF DOORS (IBC 1008.1.9)
 - EXIT SIGNAGE (IBC 1011.1)
 - FLOOR IDENTIFICATION (IBC 1022.8)
 - ACCESSIBILITY ELEMENTS AND DIRECTIONAL SIGNAGE (IBC 1110)
 - ELEVATOR EMERGENCY SIGNS (IBC 3002.3)
- D. OREGON FIRE CODE - BASED ON THE INTERNATIONAL FIRE CODE (IFC)
- NO SMOKING (IFC 310.3)
 - PREMISES IDENTIFICATION (IFC 505.1)
 - FIRE PROTECTION EQUIPMENT SIGNS (IFC 509.1)
 - ELECTRICAL CONTROL ROOMS (IFC 605.3.1)
 - FIRE DOORS (IFC 703.2.1)
 - FIRE DEPARTMENT CONNECTIONS (IFC 912.4)

RATED ASSEMBLIES

- A. WHERE RATED ASSEMBLIES ARE SHOWN ON THE FLS PLAN, PROVIDE A UL OR GA LISTED RATED ASSEMBLY TO MEET THE FIRE RATINGS REQUIREMENTS TO THE ARCHITECT FOR REVIEW.
- B. PROVIDE A UL OR GA LISTED PERIMETER JOINT ASSEMBLY AND THROUGH PENETRATION FIRE STOP ASSEMBLY MEETING THE FIRE RATED REQUIREMENT OF THE WALL, FLOOR/CEILING OR ROOF ASSEMBLY SHOWN ON THE FLS PLANS.
- C. PROVIDE A SUBMITTAL CUTSHEET TO THE ARCHITECT OF EACH SELECTED FIRE RESISTANT ASSEMBLY PRIOR TO INSTALLATION.

EMERGENCY LIGHTING REQUIREMENTS

- A. MEANS OF EGRESS, INCLUDING EXIT DISCHARGE, SHALL BE ILLUMINATED AT ALL TIMES THE BUILDING SPACE IS SERVED BY THE MEANS OF EGRESS.
- B. PROVIDE MINIMUM 1 FOOT-CANDLE OF ILLUMINATION AT ALL MEANS OF EGRESS. THE POWER SUPPLY FOR THE MEANS OF EGRESS ILLUMINATION SHALL NORMALLY BE PROVIDED BY THE BUILDING'S ELECTRICAL SUPPLY. IN THE EVENT OF A POWER FAILURE, THE EMERGENCY POWER SHALL PROVIDE POWER FOR A DURATION OF NOT LESS THAN 90 MINUTES AND SHALL CONSIST OF STORAGE BATTERIES, UNIT EQUIPMENT, OR AN ON-SITE GENERATOR. THE INSTALLATION OF THE EMERGENCY POWER SYSTEM SHALL BE IN ACCORDANCE WITH 2015 IBC SECTION 2702 AND 2015 IBC SECTION 1006.
- C. PRIOR TO FINAL INSPECTION, SUBMIT DOCUMENTATION SUBSTANTIATING THE COMPLETION OF TEST FOR THE MEANS OF EGRESS ILLUMINATION LEVEL PER 2015 IBC 1008.2.1, 1008.3 AND EMERGENCY POWER PER 1008.3.5.

DELEGATED DESIGN SUBMITTALS/PERMITS

- A. ITEMS LISTED AS A DEFERRED SUBMITTAL OR DESIGN BUILD ITEMS ON SHEET G001 REQUIRE ENGINEERING TO BE PROVIDED BY THE GENERAL CONTRACTOR.
- B. PROVIDE A COMPLETE AND ENGINEERED SYSTEM TO MEET THE DESIGN INTENT CONTAINED WITHIN THESE CONTRACT DOCUMENTS. PROVIDE A SUBMITTAL TO THE ARCHITECT FOR REVIEW OF DESIGN INTENT CONFORMANCE ONLY. THIS REVIEW DOES NOT CONSTITUTE A PROFESSIONAL PEER REVIEW OF THE SYSTEMS SUBMITTED.
- C. WHERE A LICENSED DESIGN PROFESSIONAL IS REQUIRED BY THE AUTHORITY HAVING JURISDICTION, THE GENERAL CONTRACTOR IS TO SECURE THESE SERVICES AND PROVIDE STAMPED DOCUMENTS TO MEET THE LOCAL REQUIREMENTS FOR A DEFERRED SUBMITTAL OR SEPARATE PERMIT.
- D. ADDITIONAL DEFERRED SUBMITTAL OR PERMIT FEES TO BE PAID BY THE GENERAL CONTRACTOR.

ORS 447.241 (25% ADA RULE) COMPLIANCE

EVERY PROJECT FOR RENOVATION, ALTERATION OR MODIFICATION TO AFFECTED BUILDINGS AND RELATED FACILITIES THAT AFFECTS OR COULD AFFECT THE USABILITY OF OR ACCESS TO AN AREA CONTAINING A PRIMARY FUNCTION SHALL BE MADE TO INSURE THAT, TO THE MAXIMUM EXTENT FEASIBLE, THE PATHS OF TRAVEL TO THE ALTERED AREA AND THE RESTROOMS, TELEPHONES AND DRINKING FOUNTAINS SERVING THE ALTERED AREA ARE READILY ACCESSIBLE TO AND USEABLE BY INDIVIDUALS WITH DISABILITIES UNLESS SUCH ALTERATIONS ARE DISPROPORTIONATE TO THE OVERALL ALTERATIONS IN TERMS OF COST AND SCOPE.

EXISTING NON-COMPLIANT ITEMS WITHIN THE PATH OF TRAVEL TO THE AFFECTED AREA(S) OR ELEMENTS SERVING THE ALTERED AREA PROPOSED TO BE REMEDIATED WITHIN THIS PROJECT SCOPE INCLUDE:

- MODIFICATION OF EXISTING RAISED AREA TO MEET MAXIMUM AREA REQUIREMENTS FOR AN EMPLOYEE WORK AREA (OSSC 1103.2.2, ACCESSIBLE ROUTES)
- NEW VERTICAL GRAB BAR WITHIN EXISTING ADA COMPLIANT RESTROOM

FOLLOWING COMPLETION OF THIS PROJECT, NO ADDITIONAL BARRIERS ARE KNOWN WITHIN THE PROJECT AREA SUBJECT TO ORS 447.241.

NOTE THAT TWO EXISTING SINGLE OCCUPANT RESTROOMS ARE CONSIDERED COMPLIANT WITH THE AMERICAN WITH DISABILITIES ACT TITLE III - SAFE HARBOR EXCEPTION FOR MEETING THE REQUIREMENTS OF ANSI A117.1-1991 AS MODIFIED AND CODIFIED BY CHAPTER 11 OF THE 1990 OSSC. THESE RESTROOMS ARE CONNECTED BY A COMPLIANT ACCESSIBLE ROUTE FROM ALL ALTERED AREAS WITHIN THIS PROJECT.

EXISTING BUILDING COMPLIANCE (IEBC)

THE FOLLOWING ITEMS DESCRIBED PRESCRIPTIVE COMPLIANCE PATH REQUIREMENTS FOR THE PROJECT TO MEET CHAPTER 3 AND CHAPTER 5 REQUIREMENTS OF THE 2018 INTERNATIONAL BUILDING CODE REFERENCED THROUGH CHAPTER 34 OF THE OREGON SPECIALTY STRUCTURAL CODE.

CHAPTER 3 - PROVISIONS FOR ALL COMPLIANCE METHODS

THE FOLLOWING REQUIREMENTS APPLY TO ALL ALTERATIONS, REPAIRS, ADDITIONS AND CHANGES OF OCCUPANCY REGARDLESS OF COMPLIANCE METHODS.

- A. EXISTING MATERIALS (302.4) - MATERIALS ALREADY IN USE IN THE BUILDING IN COMPLIANCE WITH THEIR TIME OF INSTALLATION SHALL BE PERMITTED TO REMAIN UNLESS DETERMINED BY THE BUILDING OFFICIAL TO BE UNSAFE.
- B. NEW & REPLACEMENT MATERIALS (302.5) - MATERIALS ALLOWED UNDER CURRENT CODES FOR NEW CONSTRUCTION SHALL BE USED. IN THE CASE OF REPAIRS OR ALTERATIONS, LIKE MATERIALS TO EXISTING MAY BE USED IF THEY PROVIDE NO HAZARD TO LIFE, HEALTH OR PROPERTY.
- C. ACCESSIBILITY FOR EXISTING BUILDINGS (305) -
- EXTENT OF APPLICATION (305.3) - ALTERATIONS SHALL NOT REDUCE OR HAVE THE EFFECT OF REDUCING ACCESSIBILITY OF A FACILITY OR PORTION OF A FACILITY.
 - ALTERATIONS (305.6) - ALTERATIONS OF PRIMARY FUNCTIONS/20% RULE (305.7) - WHERE AN ALTERNATION AFFECTS AN AREA CONTAINING A PRIMARY FUNCTION, THE ROUTE TO THE PRIMARY FUNCTION SHALL BE ACCESSIBLE. THE ACCESSIBLE ROUTE TO THE PRIMARY AREA SHALL INCLUDE TOILET FACILITIES AND DRINKING FOUNTAINS SERVING THIS AREA. THE MAXIMUM COSTS OF PROVIDING THE ACCESSIBLE ROUTE SHALL NOT EXCEED 20% OF THE COSTS OF THE ALTERATIONS AFFECTING THE PRIMARY AREA.

CHAPTER 5 - PRESCRIPTIVE COMPLIANCE

THIS PROJECT PROPOSES USING THE PRESCRIPTIVE COMPLIANCE METHOD OUTLINED IN CHAPTER 5 OF THE 2018 INTERNATIONAL EXISTING BUILDING CODE (IEBC) AS MODIFIED BY CHAPTER 34 OF THE OSSC.

- A. THIS PROJECT SHALL MEET THE REQUIREMENTS OF CHAPTER 5 (PRESCRIPTIVE COMPLIANCE METHOD) OF THE INTERNATIONAL EXISTING BUILDING CODE. NO PORTION OF THIS PROJECT SHALL ALTER THE EXISTING BUILDING TO BECOME LESS SAFE THAN ITS EXISTING CONDITION.
- B. ALTERNATIONS (503): ALTERATIONS TO EXISTING BUILDINGS SHALL COMPLY WITH CURRENT BUILDING CODE FOR NEW CONSTRUCTION.
- STRUCTURAL ELEMENTS - GRAVITY LOAD - LOADS ON EXISTING STRUCTURAL ELEMENTS CARRYING GRAVITY LOADS SHALL NOT BE INCREASED MORE THAN 5% OR WILL NEED TO BE STRENGTHENED.
 - STRUCTURAL ELEMENTS - LATERAL LOADS - ADDITIONAL LOADS LESS THAN 10% ON THE DEMAND-CAPACITY RATIO OF EXISTING ELEMENTS MAY BE IGNORED.
- C. WINDOWS AND EMERGENCY ESCAPE OPENINGS (505):
- REPLACEMENT WINDOW OPENING CONTROL DEVICE (505.2) - WITHIN R-2 OCCUPANCIES, WINDOW OPENING CONTROL DEVICES COMPLYING ASTM F2090 SHALL BE INSTALLED WHERE AN EXISTING WINDOW IS REPLACED.
 - EMERGENCY ESCAPE AND RESCUE OPENINGS (505.4) - EMERGENCY ESCAPE AND RESCUE OPENINGS SHALL BE OPERATIONAL FROM THE INSIDE OF THE ROOM WITHOUT THE USE OF KEYS OR TOOLS.
- D. CHANGE OF OCCUPANCY (506):
- NO CHANGES OF OCCUPANCY SHALL BE MADE UNLESS THAT BUILDING IS MADE TO COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE FOR THAT USE OR OCCUPANCY. CHANGES OF OCCUPANCY SHALL NOT MAKE THE BUILDING LESS COMPLIANT WITH CODE REQUIREMENTS THAN IT WAS PRIOR TO THE CHANGE.

PLUMBING CALCULATIONS (2902.1)

TOTAL OCCUPANT LOAD: 94 PEOPLE (94 NON-BINARY)

94 PEOPLE (B - BUSINESS)

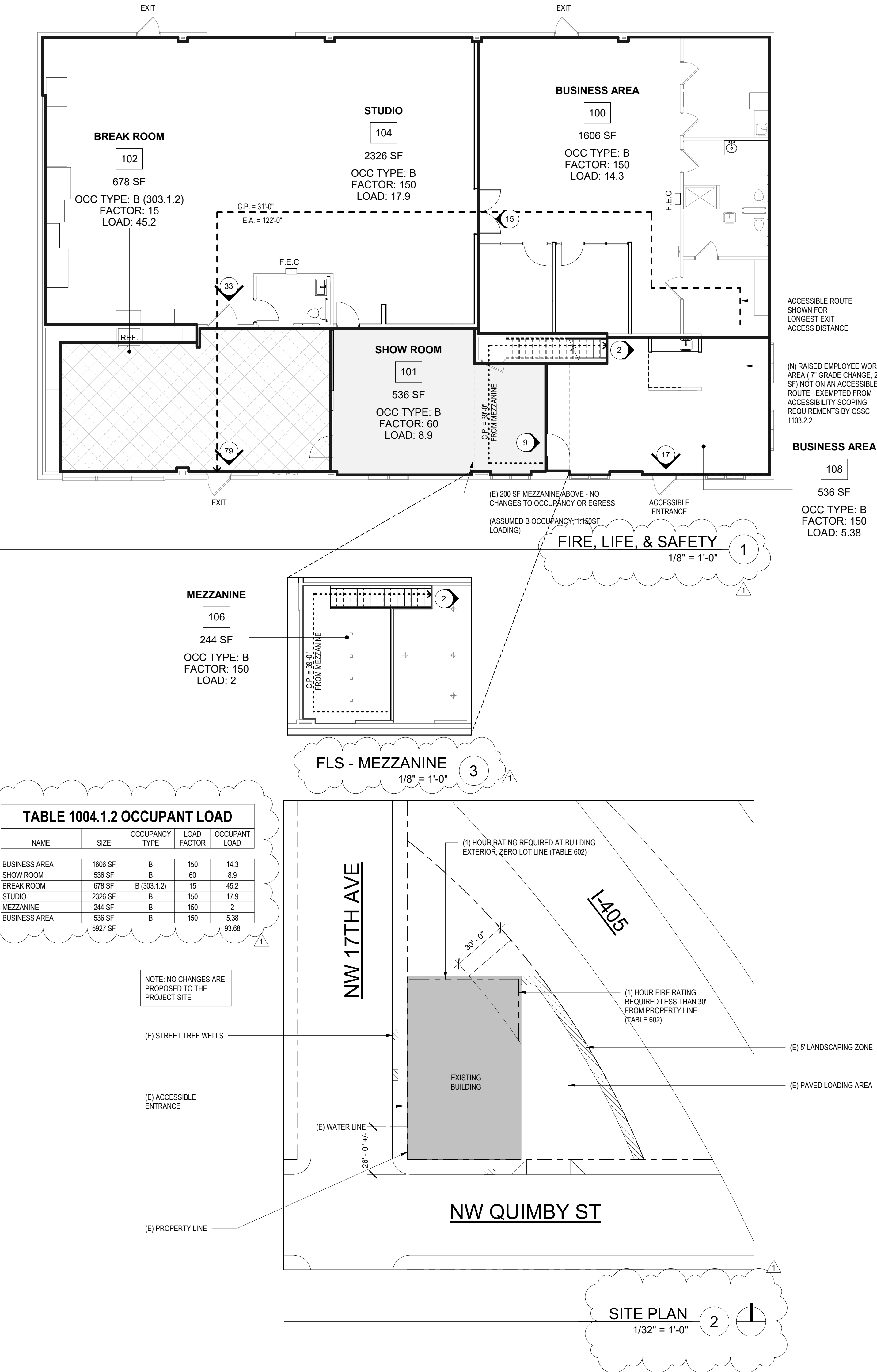
WATER CLOSETS: 3 TOTAL REQUIRED / 3 PROVIDED
2.9 (B @ 25 PER GENDER - 1:25 FOR FIRST 50, 1:50 AFTER)

NOTE: 3 TOTAL FAMILY RESTROOMS COMPLYING WITH OSSC 2-902.2.1 AND 2021 IBC 2902.2 EXEMPTION 6 ARE PROVIDED WITHIN THE PROJECT.

LAVATORIES: 3 REQUIRED PER GENDER/3 PROVIDED

2.2 (B @ 46.4 PER GENDER - 1:40 FOR FIRST 80, 1:80 AFTER)

DRINKING FOUNTAINS: NOT REQUIRED
PER 2902.5.1



CODE SUMMARY

APPLICABLE CODES

2019 OREGON STRUCTURAL SPECIALTY CODE (OSSC)
2021 OREGON ENERGY EFFICIENCY SPECIALTY CODE (OEESC)
2019 OREGON MECHANICAL CODE (OMSC)
2021 OREGON PLUMBING SPECIALTY CODE (OPSC)
2021 OREGON ELECTRICAL SPECIALTY CODE (OESC)
2021 PORTLAND FIRE CODE (2019 OFC)
ICC/ANSI A117.1 - 2009

CITY OF PORTLAND MUNICIPAL CODE

CONSTRUCTION TYPE & USE (CHAPTERS 3.4 & 5)

BUILDING OCCUPANCY: B (OFFICE)
CONSTRUCTION TYPE: III-B (NON-SPRINKLERED)
STORIES: 1 STORY + MEZZANINE
SEPARATION: NON-SEPARATED

FIRE-RESISTANT RATING REQUIREMENTS (CHAPTER 6)

PRIMARY STRUCTURAL FRAME: 0 HOURS
BEARING WALLS: EXTERIOR: 2 HOURS, INTERIOR: 0 HOURS
NON BEARING WALLS AND PARTITIONS: EXTERIOR: 1 HOUR < 30' (SEE SITE PLAN), INTERIOR: 0 HOURS
FLOOR CONSTRUCTION: 0 HOURS
ROOF CONSTRUCTION: 0 HOURS

INTERIOR FINISHES (CHAPTER 8)

ALL INTERIOR AND CEILING FINISH MATERIALS TO BE CLASSIFIED IN ACCORDANCE WITH ASTM E84 OR UL T23 AND MEET THE FOLLOWING SMOKE-DEVELOPED INDEXES AS REQUIRED BY TABLE 803.9 BELOW.

INTERIOR EXIT STAIRWAYS, EXIT RAMPS AND EXIT PASSAGeways: CLASS A
CORRIDORS AND ENCLOSURES FOR EXIT STAIRWAYS AND RAMPS: CLASS B
ROOMS AND ENCLOSED SPACES: CLASS C

MEANS OF EGRESS (CHAPTER 10)

1006.2.1 NUMBER OF EXITS: MORE THAN ONE EXIT IS REQUIRED FROM EACH TENANT SUITE IF THE OVERALL OCCUPANT LOAD IS GREATER THAN 49

1006.2.1 COMMON PATH OF EGRESS TRAVEL: THE MAXIMUM COMMON PATH OF EGRESS TRAVEL FOR OCCUPANCY GROUPS B SHALL NOT BE MORE THAN 100 FEET WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH 903.3.1.1

1007.1.1 EXIT DISTANCE: WHERE TWO EXITS ARE REQUIRED, THE SEPARATION DISNACE SHALL NOT BE LESS THAN 1/3RD THE DIAGONAL WITH AN AUTOMATIC SPRINKLER SYSTEM.

1016.2 EXIT TRAVEL DISTANCE: MAXIMUM TRAVEL DISTANCE FOR OCCUPANCY B, SPRINKLERED: 300'

1020.1 CORRIDOR FIRE-RESISTANCE RATING: NO FIRE RESISTANT RATING IS REQUIRED FOR OCCUPANCY TYPES B FOR BUILDINGS EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM IN ACCORDANCE WITH 903.3.1.1

LEGEND - FLS PLANS

NOTE: PROVIDE CONTINUOUS UL LISTED ASSEMBLIES FOR ALL CONSTRUCTION JOINTS AND THROUGH WALL PENETRATIONS MATCHING THE FIRE RESISTANT RATING OF ALL WALLS INDICATED BELOW:

- 1/2 HOUR FIRE PARTITION - 20 MINUTE DOOR
- 1 HOUR FIRE PARTITION - 45 MINUTE DOOR
- 1 HOUR FIRE BARRIER - 60 MINUTE DOOR
- 2 HOUR FIRE BARRIER - 90 MINUTE DOOR
- 3 HOUR FIRE BARRIER - 20 MINUTE DOOR
- EGRESS PATH OF TRAVEL WITH MINIMUM CLEARANCE WIDTH INDICATED. PROVIDE MINIMUM ILLUMINATION FOR EXITING.
- C.P. X' - COMMON PATH OF EGRESS TRAVEL (OSSC 1104.3)
- X' - EXIT ACCESS DISTANCE (OSSC 1016)
- OCCUPANT LOAD AT OPENING
- CUMMALTIVE OCCUPANT LOAD AT OPENING
- LIGHTED EXIT SIGN - CEILING MOUNTED SHADING INDICATES LIGHTED FACE(S), DIRECTION ARROW CORRESPONDS TO DIRECTION ARROW ON SIGN
- LIGHTED EXIT SIGN - WALL MOUNTED
- FIRE EXTINGUISHER CABINET - COORDINATE LOCATION WITH FIRE MARSHAL