

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 14729

Project Address: 602 NE Prescott St

Hearing Date: 3/8/17

Appellant Name: Megan McKinnie

Case No.: B-009

Appellant Phone: 503-847-2186

Appeal Type: Building

Plans Examiner/Inspector: Marc Vieno

Project Type: commercial

Stories: 2 **Occupancy:** A-3, B, F **Construction Type:** V-B

Building/Business Name:

Fire Sprinklers: No

Appeal Involves: Erection of a new structure, Alteration of an existing structure

LUR or Permit Application No.: 16-285497-CO, 16-285508-CO

Plan Submitted Option: pdf [File 1] [File 2] [File 3]

Proposed use: Non Profit Community Theater

APPEAL INFORMATION SHEET

Appeal item 1

Code Section OSSC 1009.8

Requires

OSSC 1009.8 states where the stairway has a straight run the depth need not exceed 48 inches. Doors opening onto landing shall not reduce the landing to less than one-half the required width. When fully open, the door shall not project more than 7 inches into a landing.

Proposed Design

The project includes a major renovation of the basement and minor renovation of Level 1 of a 1906 building originally used as a church. The building currently houses the non-profit community theater, Portland Playhouse, under a conditional use permit. Please see attached Exhibit A showing basement layout and exits. The occupancy in the basement exceeds 50 occupants at 82. As such, 2 means of egress are required by table 1015.1. Per 1007.1, not less than one accessible means of egress shall be provided. Per exception 1 Accessible means of egress are not required in alterations in existing buildings. Due to the change of use in the basement, it is required to be brought up to code.

The basement provides (2) means of egress. The means of egress at the south is proposed to be the accessible means of egress. The means of egress at the north end of the basement has an existing door swinging in. The proposed design will flip the swing of the door and add panic hardware. This includes replacing the door and frame and refinishing the surrounding surfaces this affects. This means of egress has existing stairs on either side, and is not accessible for a wheelchair.

At the exterior side of the door an existing 36" wide stair has an existing 31.1" deep landing before several more steps. Railings will be added at this stair. Per 1009.8 doors are only allowed to encroach onto a stair landing no more than 7". This door would swing almost fully onto the bottom stair landing. The North Basement door will solely be used in one direction, for egress, it will not be

used for ingress. Signage will be posted on the exterior of the door to indicate it is an exit only. Please see Exhibit B for a photo of the door from the exterior.

Reason for alternative As an existing building, meeting current codes can be challenging. The existing North basement door exterior landing is shorter than required by code. This is typically desired so that someone coming down the stairs will not be hit by the door swinging open and so that appropriate pull clearances are provided for accessibility. As this door is an exit only door and will not be used for ingress, these concerns do not apply. There is currently not enough space to move the stair and landing above to meet appropriate landing cross grades and allow for a deep enough landing to meet this requirement. The sidewalk in the ROW has a grade of 3.8% average. This exceeds the required cross slope of 2% for a landing. As such, the top landing for the exterior stair must lie within the property line. This prevents the stair from moving to create a deeper bottom landing.

Appeal item 2

Code Section OSSC 1012.6

Requires OSSC 1012.6 states ... where handrails are not continuous between runs, the handrails shall ... continue to slope for the depth of one tread beyond the bottom riser.

Proposed Design The project includes a major renovation of the basement and minor renovation of Level 1 of a 1906 building originally used as a church. The building currently houses the non-profit community theater, Portland Playhouse, under a conditional use permit. Please see attached Exhibit A showing basement layout and means of egress. The occupancy in the basement exceeds 50 occupants at 82. As such, 2 means of egress are required by table 1015.1. Per 1007.1, not less than one accessible means of egress shall be provided. Per exception 1 Accessible means of egress are not required in alterations in existing buildings. Due to the change of use in the basement, it is required to be brought up to code.

The basement provides (2) means of egress. The means of egress at the south is proposed to be the accessible means of egress. The means of egress at the north end of the basement has an existing door swinging in with a clear width of 30.75". The proposed design will flip the swing of the door and add panic hardware. This includes replacing the door and frame and refinishing the surrounding surfaces this affects.

At the exterior of the north door an existing 36" wide stair has an existing 31.1" deep landing before the egress door. Railings will be added to this stair with the exception of a bottom landing extension. The railings will have a horizontal extension at the top of the stair 12" and no extension at the bottom of the stair. The proposed design omits bottom handrail extensions.

Reason for alternative As an existing building, meeting current codes can be challenging. We are providing a fully compliant basement (with exception of the nw corner where the north door resides) with a fully compliant accessible means of egress through the other basement exit. Signs will be provided to clarify the accessible exit.

With flipping the existing door swing out to meet the intent of code and enhance life safety, the door would interfere with bottom railing extensions. The current landing outside the door is only 31.15" deep and 36" wide. The existing exterior stair has an existing awning that is part of the character and history of the building. Widening the stair and landing to accommodate bottom rail extensions would be destructive to this characteristic part of the building, which is currently supported tight to the landing (see exhibit B). In addition there is not enough space to deepen the landing to allow for bottom railing extensions and maintain an adequate top landing. The sidewalk

at the property line has too great of a slope (3.8%) to be used as the stair landing. The top landing therefore must remain within the property.

Appeal item 3

Code Section OSSC 1009.4

Requires OSSC 1009.4 states the width of stairways shall be determined as specified in Section 1005.1, but such width shall not be less than 44 inches.

Proposed Design The project includes a major renovation of the basement and minor renovation of Level 1 of a 1906 building originally used as a church. The building currently houses the non-profit community theater, Portland Playhouse, under a conditional use permit. Please see attached Exhibit A showing basement layout and exits. The occupancy in the basement exceeds 50 occupants at 82. As such, 2 means of egress are required by table 1015.1. Per 1007.1, not less than one accessible means of egress shall be provided. Per exception 1 Accessible means of egress are not required in alterations in existing buildings. Due to the change of use in the basement, it is required to be brought up to code.

The basement provides (2) means of egress. The means of egress at the south is proposed to be the accessible means of egress. The means of egress at the north end of the basement has an existing door swinging in with a clear width of 30.75". The proposed design will flip the swing of the door and add panic hardware. This includes replacing the door and frame and refinishing the surrounding surfaces this affects.

At the exterior of the door an existing 36" wide stair has an existing 31.1" deep landing before several more steps. Railings will be added at this stair.

Reason for alternative As an existing building, meeting current codes can be challenging. The existing exterior stair has an existing awning that is part of the character and history of the building. If the stair were to get wider to meet the 44" minimum width, we would not be able to preserve this part of the building as the structure of the awning is tight to the current stair and bottom landing (See Exhibit B). In addition, 1009.4 exception 1 allow stairways to be 36" minimum if serving under 50 occupants. While the basement occupant load is greater than 50 (82), the stair only serves half of that occupancy as a means of egress (42). This provides equivalent life safety as intended by code.

Appeal item 4

Code Section OSSC 1008.1.1

Requires OSSC 1008.1.1 states the minimum width of each door opening shall be sufficient for the occupant load thereof and provide a clear width of 32 inches.

Proposed Design The project includes a major renovation of the basement and minor renovation of Level 1 of a 1906 building originally used as a church. The building currently houses the non-profit community theater, Portland Playhouse, under a conditional use permit. Please see attached Exhibit A showing basement layout and exits. The occupancy in the basement exceeds 50 occupants at 82. As such, 2 means of egress are required by table 1015.1. Per 1007.1, not less than one accessible means of egress shall be provided. Per exception 1 Accessible means of egress are not required in alterations in existing buildings. Due to the change of use in the basement, it is required to be brought up to code.

The basement provides (2) means of egress. The means of egress at the south is proposed to be the accessible means of egress. The means of egress at the north end of the basement has an

existing door swinging in with a clear width of 29". The proposed design will flip the swing of the door outward and add panic hardware, but not enlarge the opening. This includes replacing the door and frame and refinishing the surrounding surfaces this affects. This means of egress has stairs on either side, and is not accessible for a wheelchair.

Reason for alternative As an existing building, meeting current codes can be challenging. Creating a larger door opening in the wall could be structurally and characteristically damaging to the building which currently contributes to the historic character of the neighborhood. An existing characteristic awning is tight to this door on the exterior (see Exhibit B) and the existing electrical supply panels for the building are located inside the building immediately south of the opening. Creating a larger door opening would be detrimental to the existing awning structure and is limited by the location of the electrical panels. In addition, we are providing a fully compliant basement (with exception of the nw corner where the north door resides) with a fully compliant accessible means of egress through the other basement exit. Signs will be provided to clarify the accessible exit. A typical renovation would not require an exit to be accessible. It is only the change of use of the space that requires it. The current proposed design provides greater accessibility and life safety than a typical renovation.

Appeal item 5

Code Section OSSC 1014.3

Requires The Common Path of egress travel shall not exceed the common path of egress travel distances in Table 1014.3.

Proposed Design The shop located in the south of the new building is occupancy F. As such, section table 1014.3 dictates a maximum 75' common path of egress travel distance. The common path in the design leads from the most remote point in the shop into a court located between the new building and existing building. The provided common path from the shop is 89 feet in length.

Reason for alternative Due to required large front setbacks and side setbacks, the shop cannot be moved any closer to the ROW.

The proposed common path only exceeds the code by 14', a small distance that does not reduce life safety.

The calculated shop occupant load is only 5 occupants. The occupancy in this area will likely be only 1-2 people due to activity and space. Per OSSC 1027.4.2 exception 1, an occupant load of less than 10 occupants does not trigger the need to provide increased protection. As such, our common path provides equivalent life safety.

In addition the majority of the path passes through a wide exterior court, over 10' in width except at one junction where it is 6'-7". While the shop is a higher hazard occupancy, F, most of the egress path is outside (See Exhibit C), uncovered and between two buildings with a lower hazard use category reducing the risk of obstructing the egress path for persons exiting the shop in the event of an emergency.

APPEAL DECISION

1. 31" landing depth and full door encroachment at stair landing: **Granted as proposed**
2. Omission of handrail extensions at bottom landing of exterior stair: **Granted as proposed**
3. 36" stair width: **Granted as proposed**

4. Reduced width of existing egress door: Granted as proposed

Items 1-4 are granted for this use only, based on the basement being for staff-only functions.

5. Increase in length of common path of egress travel from Shop area: Granted as proposed.

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 180 calendar days of the date this decision is published. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.



EXISTING BUILDING CANOPY

EXIT ONLY SIGNAGE

EXISTING STEPS

RAILINGS TO BE ADDED, BOTH SIDES OF STAIRS

EXIT 2 - EXISTING 30.75" CLEAR DOORWAY, FLIPPED TO SWING OUT STAIRS AT EXTERIOR

36" STAIRWAY WIDTH PER 1009.4 EXCEPTION 1
25' - 0" TO C.L. OF R.O.W.

CIRCULATION
AREA: 211 SF
OT: B
OLF: 100
OCC: 3

DRESSING ROOM B
AREA: 158 SF
OT: B
OLF: 15
OCC: 11

DRESSING ROOM A
AREA: 185 SF
OT: B
OLF: 15
OCC: 13

OFFICE
AREA: 174 SF
OT: B
OLF: 100
OCC: 2

UTILITY
AREA: 84 SF
OT: B ACC
OLF: 300
OCC: 1

BATHROOM
AREA: 99 SF
OT: B
OLF: 100
OCC: 1

RESTROOM
AREA: 74 SF
OT: B
OLF: 100
OCC: 1

ARTIST COMMONS
AREA: 261 SF
OT: B
OLF: 15
OCC: 17

FLEX
AREA: 96 SF
OT: B
OLF: 100
OCC: 1

CONFERENCE
AREA: 223 SF
OT: B
OLF: 15
OCC: 14

NE 6TH AVE

EXISTING STAIR NOT USED FOR EGRESS

CIRCULATION
AREA: 442 SF
OT: B
OLF: 100
OCC: 5

OFFICE
AREA: 93 SF
OT: B
OLF: 100
OCC: 1

OPEN OFFICE
AREA: 604 SF
OT: B
OLF: 100
OCC: 7

OFFICE
AREA: 109 SF
OT: B
OLF: 100
OCC: 2

OFFICE
AREA: 82 SF
OT: B
OLF: 100
OCC: 1

EXIT 1 PROVIDES WHEELCHAIR ACCESS, 36" WIDE DOOR TO ACCOMODATE 32" CLEAR.

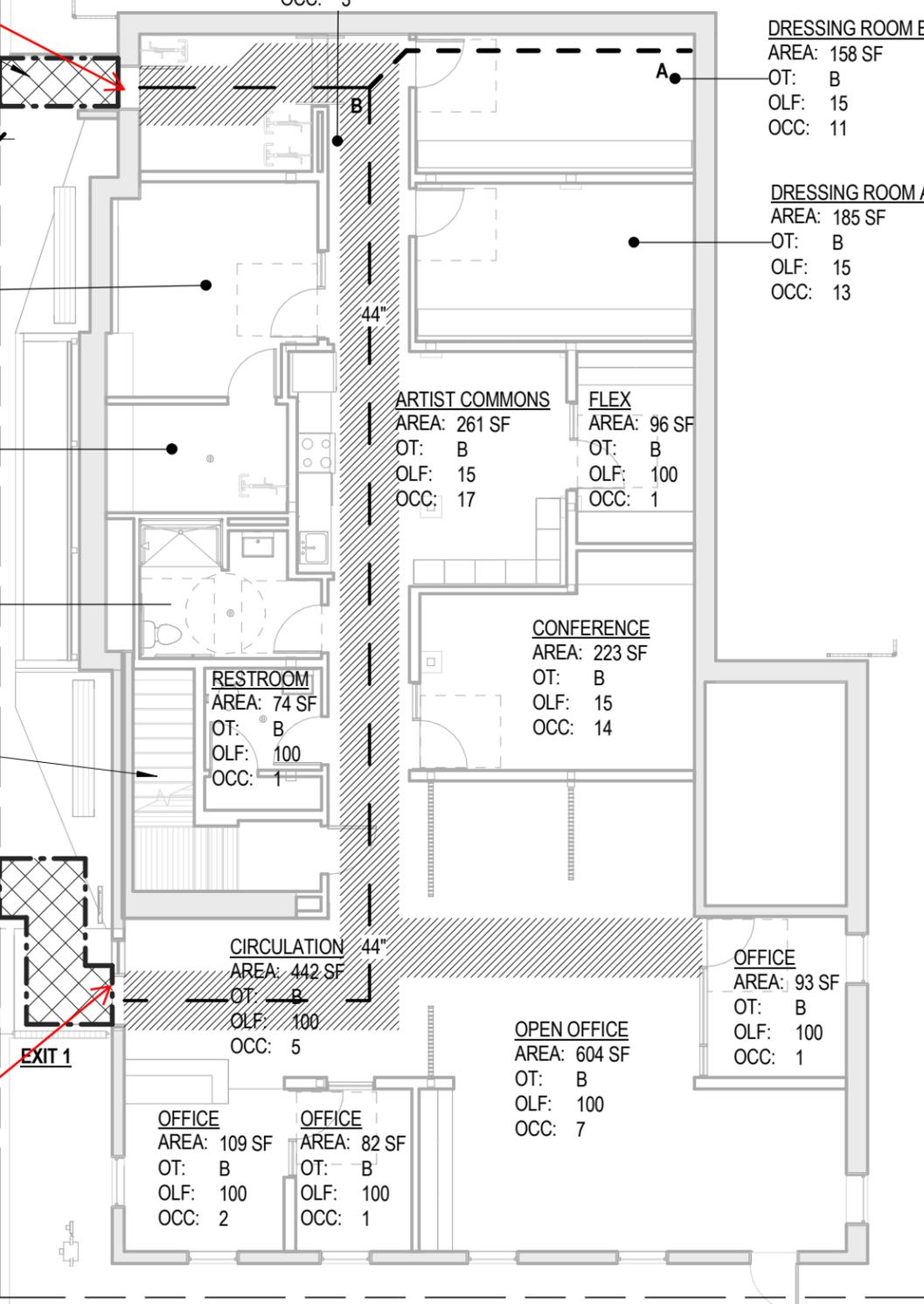


EXHIBIT A 1 
1" = 10'-0"

