

# Development Services

## From Concept to Construction

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### APPEAL SUMMARY

**Status:** Decision Rendered

<b>Appeal ID:</b> 15366	<b>Project Address:</b> 4732 N Albina Ave
<b>Hearing Date:</b> 7/12/17	<b>Appellant Name:</b> Marissa Brown
<b>Case No.:</b> B-022	<b>Appellant Phone:</b> 503-235-9400
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Peter Drake
<b>Project Type:</b> commercial	<b>Stories:</b> 5 <b>Occupancy:</b> R-2, A-2, B, S, S-2 <b>Construction Type:</b> V-A over 1-A
<b>Building/Business Name:</b> Albina Apartments	<b>Fire Sprinklers:</b> Yes - All levels
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 17-112866-CO
<b>Plan Submitted Option:</b> pdf [File 1] [File 2] [File 3]	<b>Proposed use:</b> Multiple Family Residential

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** 1029.1 and Table 1021.2 (1)

**Requires** 2nd Life Safety Checksheet dated June 14th included Item 12:

1029.1: In addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in group R2 occupancies in accordance with tables 1021.2(1) and 1021.2(2).

In this case, table 1021.2(1) Basements and sleeping areas below the fourth floor above grade plane shall have at least one emergency escape and rescue opening in accordance with this section. Checksheet response included Exception 2, Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door that opens directly into a public way or to a yard, court or exterior exit balcony that opens to a public way. But this exception does not apply, because the sleeping areas do not have an exit door that opens into the public way. The sleeping areas are behind the bathroom/kitchen core and the living space has direct access to the public way. Show where the beds are located. You may need to appeal this.

I have included the following code sections for reference to support our argument:

- Per Table 1021.2(1) Stories With One Exit or Access to One Exit For R-2 Occupancies: Maximum number of 4 dwelling units are allowed on Basement, First, Second or Third story for those stories to only have one exit, provided the building is equipped throughout with an automatic sprinkler system and provided with emergency escape and rescue openings in accordance with Section 1029.
- 1021.2 Exits from stories. Two exits, or exit access stairways or ramps providing access to exits, from any story or occupied roof shall be provided where one of the following conditions exists:

The occupant load or number of dwelling units exceeds one of the values in Table 1021.2(1) or 1021.2(2).

The exit access travel distance exceeds that specified in Table 1021.2(1) or 1021.2(2) as determined in accordance with the provisions of Section 1016.1.

Helistop landing areas located on buildings or structures shall be provided with two exits, or exit access stairways or ramps providing access to exits.

Exceptions:

Rooms, areas and spaces complying with Section 1015.1 with exits that discharge directly to the exterior at the level of exit discharge, are permitted to have one exit.

Individual dwelling units in compliance with Section 1021.2.3.

- 1015.1 Exits or exit access doorways from spaces. Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

The occupant load of the space exceeds one of the values in Table 1015.1.

Exceptions:

In Group R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

- 1021.2.3 Single-story or multiple-story dwelling units. Individual single-story or multiple-story dwelling units shall be permitted to have a single exit within and from a dwelling unit provided that all of the following criteria are met:

The dwelling unit complies with Section 1015.1 as a space with one means of egress and

Either the exit from the dwelling unit discharges directly to the exterior at the level of exit discharge, or the exit access outside the dwelling unit's entrance door provides access to not less than two approved independent exits.

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**Proposed Design**

The proposed Albina Apartments R-2 project has 55 total dwelling units on the Ground Floor through 5th Floor. The project is proposed to be equipped throughout with an automatic sprinkler system. 5 single-story individual Studio Apartment dwelling units are proposed on the Ground Floor (level of exit discharge). Each of these units has one means of egress. Each exit is 7'-3" travel distance to the public Right-of-Way and has a clear and unobstructed path of egress to the sidewalk. Per 1021.2, Exception 1, the proposed dwelling units comply with Section 1015.1 with exits that discharge directly to the exterior at the level of exit discharge and so are permitted to have one exit. Each dwelling unit has an occupant load of 3 occupants, below the maximum occupant load of 10 for R-2 space (per Table 1015.1), complying with Section 1015.1 as a space with one means of egress. Also per 1015.1 Exception 1, one means of egress is permitted from individual dwelling units with maximum occupant load of 20 where dwelling unit is equipped throughout with an automatic sprinkler system.

Finally, per 1021.2 Exception 5, the proposed individual dwelling units comply with 1021.2.3., because the exit from each unit discharges directly to the exterior on the level of exit discharge, and as mentioned above, the units comply with Section 1015.1.

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**Reason for alternative**

We are seeking an Appeal to confirm that the proposed individual dwelling units are in compliance with the OSSC means of egress chapter. As noted in the Life Safety Plan Review checksheet, Section 1029.1 states that in addition to the means of egress required by this chapter, provisions shall be made for emergency escape and rescue openings in group R2 occupancies in accordance with tables 1021.2(1). However, we believe that Table 1021.2(1) Stories With One Exit or Access to One Exit For R-2 Occupancies does not apply because we are not proposing a story with one exit, we are proposing individual dwelling units with one exit each. A greater level of safety is provided by direct exit to the public way rather than exiting these units into a common corridor. Furthermore, individual dwelling units on the level of exit discharge are allowed to have one exit and so emergency and rescue openings are not required from the sleeping areas of the ground floor dwelling units.

## Appeal item 2

**Code Section** 1022.1, 1023.4

**Requires**

2nd Life Safety Checksheet dated June 14th listed the following items:

- 1022.1 Interior exit stairways and ramps shall lead directly to the exterior of the building or extend to the exterior of the building with an exit passageway conforming with Section 1023.
- 1023.4 Exit Passageways on the level of exit discharge shall terminate at an exit discharge.
- 1027.1 Exits shall discharge directly to the exterior of the building. Stair 2 exits into a vestibule before exiting into the public way. You may need to appeal this.

I have included the following code sections for reference to support our argument:

1022.1: Exit enclosures shall lead directly to the exterior of the building or shall be extended to the exterior of the building with an exit passageway conforming to the requirements of Section 1023, except as permitted in Section 1027.1.

### SECTION 1027 EXIT DISCHARGE

#### 1027.1

##### Exceptions:

A maximum of 50 percent of the number and capacity of interior exit stairways and ramps is permitted to egress through areas on the level of exit discharge provided all of the following are met:

- 1.1. Such enclosures egress to a free and unobstructed path of travel to an exterior exit door and such exit is readily visible and identifiable from the point of termination of the enclosure.
- 1.2. The entire area of the level of exit discharge is separated from areas below by construction conforming to the fire-resistance rating for the enclosure.
- 1.3. The egress path from the interior exit stairway and ramp on the level of exit discharge is protected throughout by an approved automatic sprinkler system. All portions of the level of exit discharge with access to the egress path shall either be protected throughout with an automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2, or separated from the egress path in accordance with the requirements for the enclosure of interior exit stairways or ramps.

**Proposed Design**

The proposed design for the exiting of 50% of occupants from levels 2 through 5 is by an Interior Exit Stairway of wood stair construction, labeled Stair 2, enclosed within a 2 hour fire barrier on levels 2-5 (Type VA), and enclosed within a 3 hour fire barrier on Ground Floor (Type 1A) after it penetrates the 2nd Floor 3-hour rated fire resistive floor assembly. The Exit Enclosure does not lead directly to the exterior of the building, nor is it extended to the exterior of the building with an exit passageway. We have not proposed a vestibule at the termination of Stair 2. We have proposed what is described in Exception 1 of Code Section 1027.1: Stair 2 exits into a covered, open-air parking area on the level of exit discharge (Ground Floor). The Stair 2 exit enclosure egresses through Door 110A to a free and unobstructed path of travel to an exterior exit door, Door 109A, which is readily visible and identifiable from the point of termination of the enclosure. The two doors are separated by the 48" minimum space between two doors in a series plus the width of the door swing of Door 110A. The egress path between door 110A and 109A continues straight, in same direction of travel as Stair 2. The ground floor is the lowest level of the building, there is no level below the level of exit discharge. The egress path in the covered parking area between doors 110A and 109A, as well as the covered open-air parking area, bike parking, trash/recycling area, and all other interior spaces on the Ground Floor (Type 1A) which may egress into the parking area, are proposed to be protected by an approved automatic sprinkler system.

**Reason for alternative** As the majority of occupants using Door 109A will be entering or exiting the parking area with

bicycles, we prefer to avoid a vestibule or exit passageway which would require movement through two doors in a series in close proximity to pass between parking area and exterior of building. Door 110A (free egress) provides secured access to levels 2-5 for building tenants during times when the elevator is reserved for move-ins/move-outs. We prefer to leave this secured door within the parking area which requires key fob for access so that there are two points of secured access (at door 109A and door 110A before a person has access to residential floors 2-5). We believe the means of egress configuration described above meets requirements of Exception 1 of 1027.1, and request appeal of the Life Safety review checklist items listed above.

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## APPEAL DECISION

**1. Omission of emergency escape / rescue opening in five first floor apartments: Appeal not required.**

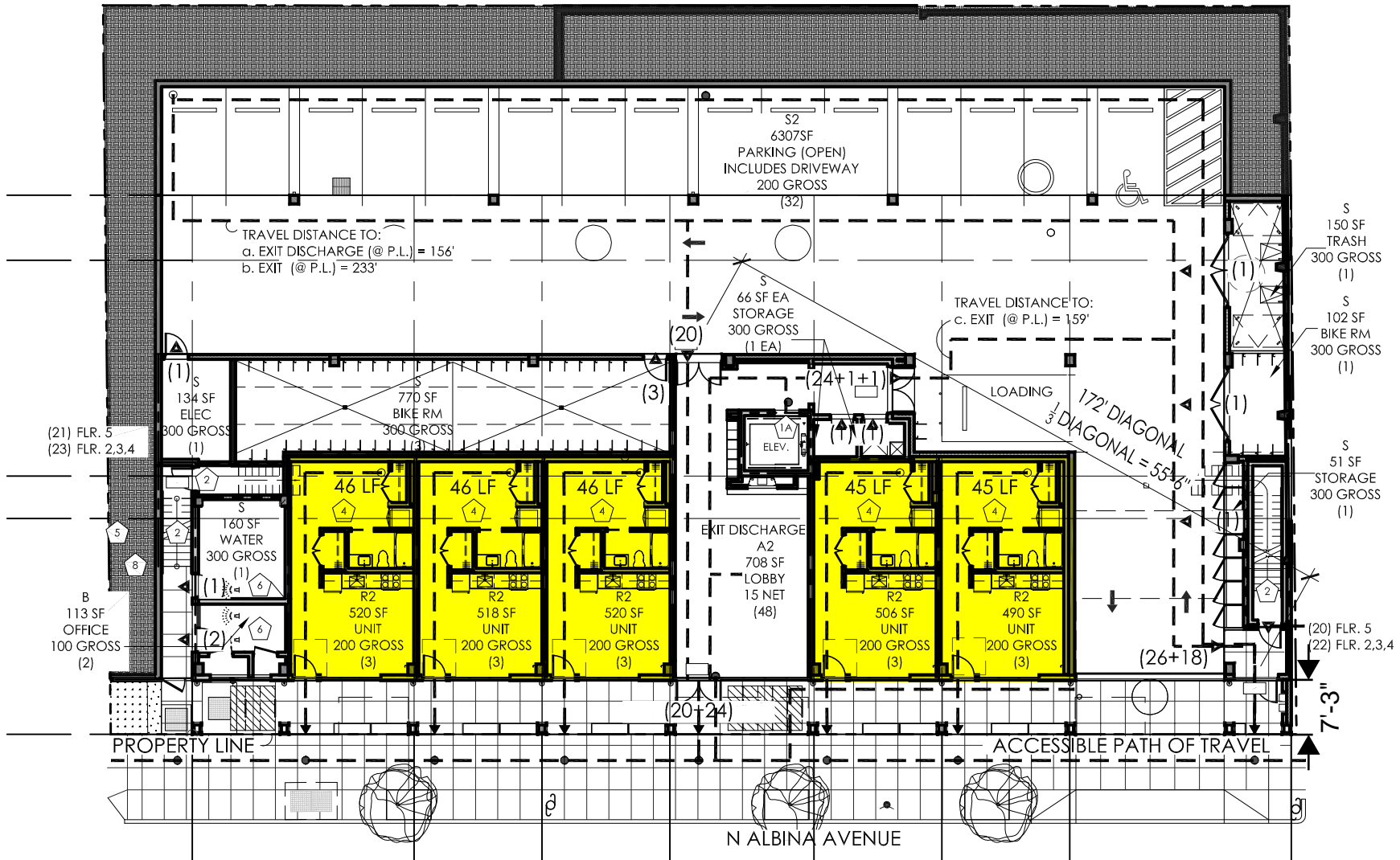
**Board finds that the proposal meets prescriptive code.**

**2. Interior exit stair #2 discharge within building: Denied. Proposal does not provide equivalent Life Safety protection.**

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

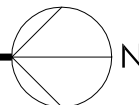
Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 180 calendar days of the date this decision is published. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

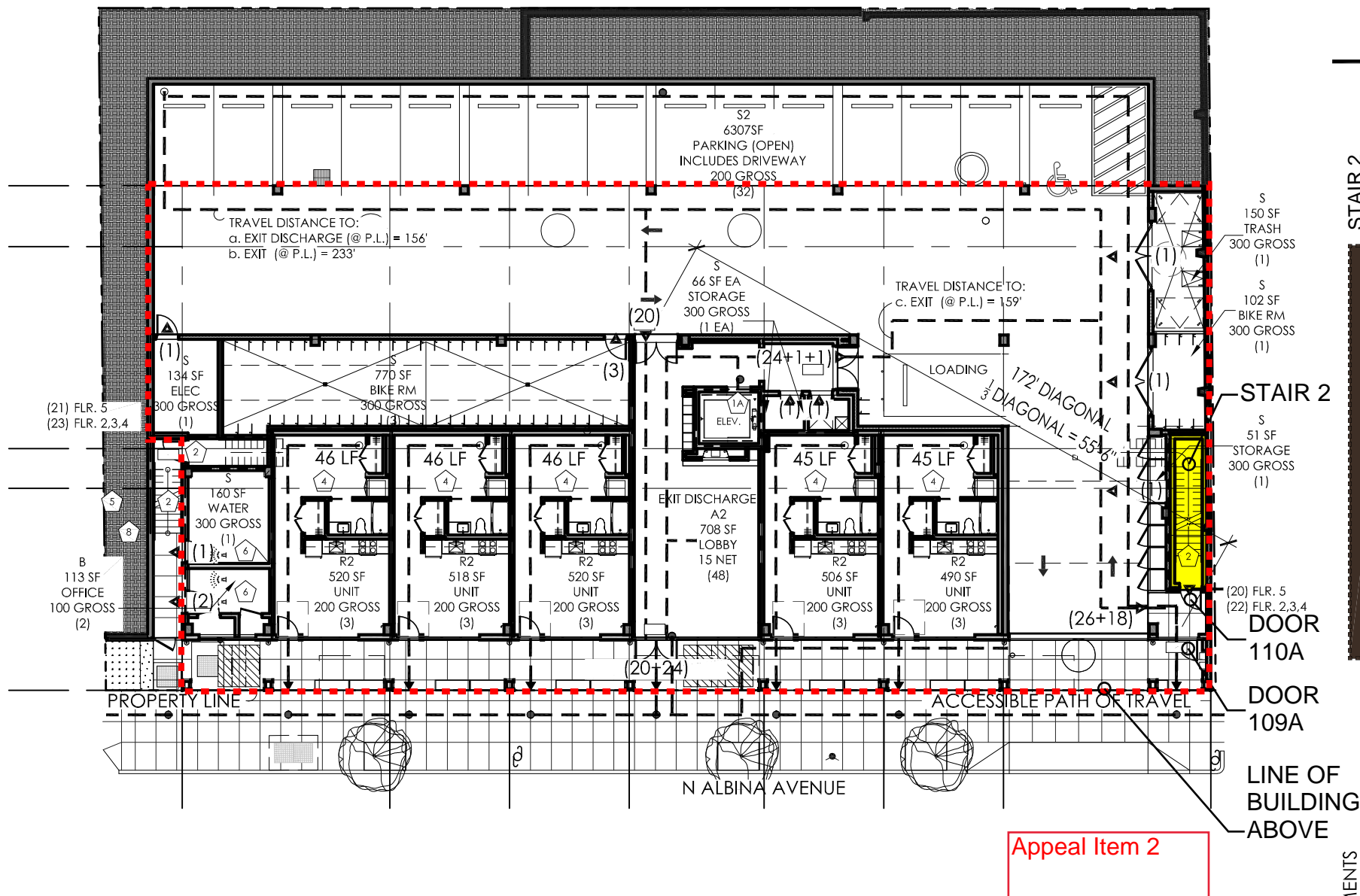
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# GROUND FLOOR PLAN

SCALE: 1" = 250'

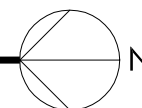


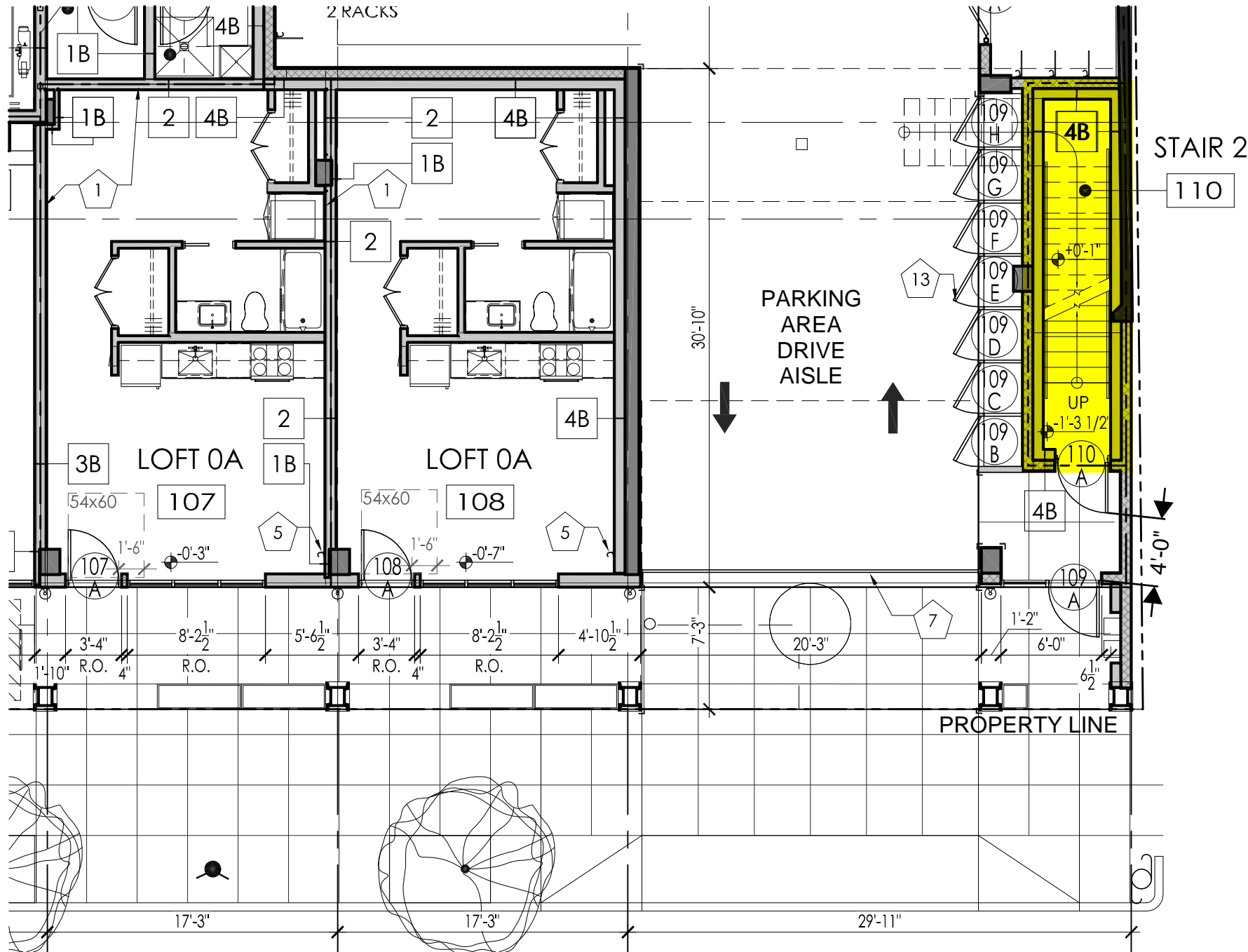


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## GROUND FLOOR PLAN

SCALE: 1" = 250'





# ENLARGED GROUND FLOOR PLAN

SCALE: 1/8" = 1'

SK-1B

DATE: 07-10-17

STAIR 2  
EGRESS  
APPEAL  
JOB #: 1531

EMERICK ARCHITECTS

ALBINA APARTMENTS

4732 N ALBINA AVE.

PORTLAND, OR 97217

NOT FOR CONSTRUCTION