

Development Services

From Concept to Construction

Phone: 503-823-7300 Email: bds@portlandoregon.gov 1900 SW 4th Ave, Portland, OR 97201

More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 18782	Project Address: 111 SW Naito Pkwy
Hearing Date: 12/19/18	Appellant Name: Sara Ruzomberka
Case No.: B-005	Appellant Phone: 503-896-5360
Appeal Type: Building	Plans Examiner/Inspector: Gail Knoll; Megan Sita Walker
Project Type: commercial	Stories: 4e Occupancy: B Construction Type: III-B
Building/Business Name:	Fire Sprinklers: Yes - under canopy
Appeal Involves: Erection of a new structure	LUR or Permit Application No.: 18-255157-LU
Plan Submitted Option: pdf [File 1]	Proposed use: Screening and Protection of trash/recycling and mechanical equipment.

APPEAL INFORMATION SHEET

Appeal item 1

Code Section OSSC 1027.4, 1206, 1019, 1016.2

Requires See explanations under Reason for Alternate

Proposed Design Refer to attached sheets A1.01, A2.01 and A3.01. The proposed design including screening and a canopy for protection of the trash/recycling and mechanical equipment. The canopy and screening structure is proposed to be made entirely of non-combustible materials (concrete and steel), and fully sprinklered. It is proposed to have the protected 44" egress path go from the building, under the canopy, and out through the egress court to the public way. The proposed minimum clear height under than canopy in the egress path is 8'-4" above finish grade.

Reason for alternative The team is proposing the canopy with lockable screening because the building owner has had a long and continual issue with security in their trash and recycling area. They deal with almost daily issues of people going through the trash and spreading it around the area, including breaking bottles creating safety hazards. The owner would like to create a secure area to contain the trash and recycling. The canopy roof is to provide weather protection as well as securing the area so people cannot jump over the fence as they have continually done with the current fenced trash enclosure.

In our Preliminary Life Safety Review meeting on December 11, 2018, Gail Knoll stated the proposed canopy covering the trash area conflicts with the definition of egress court. Gail cited OSSC section 1206 for yards or courts, and OSSC 202 defining yards or courts as "an open uncovered spaced, unobstructed to the sky".

SEA is appealing this interpretation. These are outlined below:

While the definition of courts and yards, states “unobstructed to the sky”, OSSC 1027.4 specifically states “...The minimum width of egress courts shall be unobstructed to a height of 7 feet.” We would like to argue that because there is a specific height listed in the section for egress courts that assumes there could be obstructions above 7 feet in egress courts, this would overrule the minor definitions for courts and yards and allow a cover for the space (above 7 feet).

OSSC 1027.4 states that egress courts may serve as a portion of the exit discharge in the means egress system. OSSC 1027 describes the requirements for an Exit Discharge. The area below the canopy serves as an Exit Discharge and meets the requirements. Section 1027.3 states Exit Discharge components shall be sufficiently open to the exterior so as to minimize the accumulation of smoke and toxic gasses. The proposed canopy is sufficiently open to the exterior.

In addition, OSSC 1019 Egress Balconies provides a similar construction situation to the one proposed with clear statements and compliances which are met by the proposed cover. In this section it states that balconies used for egress purposes shall conform to the same requirements as corridors for width, headroom, dead ends and projections. Exterior egress balconies shall be separated from the interior of the building by walls and opening protectives as required for corridors. The long side of an egress balcony shall be at least 50 percent open, and the open area above the guards shall be so distributed as the minimize the accumulation of smoke or toxic gas. Exterior egress balconies shall have a minimum FSD of 10' from exterior edge of the egress balcony to adjacent lot lines. While we understand the area under our proposed canopy is not an actually balcony, it fits the definition of Egress Balcony. From the exit door on the building to the east gate of the canopy, you are along a length of 2-hr rated exterior wall with no openings so the path is protected from fire. Taking it more literally, we could revise the design of the canopy walls to be 50% perforated meeting the 50% open requirement. Technically, it is 10' from the south lot line to the 44" wide egress route. OSSC 1016.2.1 Exterior Egress Balcony Increase states, Exit access travel distances specified in Table 1016.2 shall be increased up to an additional 100 feet provided the last portion of the exit access leading to the exit occurs on an exterior egress balcony constructed in accordance with Section 1019. The length of the balcony shall not be less than the amount of the increase taken. This definition states the code recognizes that egress balconies that are protected per 1019, are safe component of exit access. We would argue that because the proposed canopy fits the requirements, it should be allowed to be part of the exit access.

Appeal item 2

Code Section	OSSC 1104.2
Requires	At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.
Proposed Design	Refer to attached sheet A1.01 and A2.01. The project proposes connecting the existing window wells on the south façade of the existing Smiths' Block building, to the unoccupied egress court, with 1 to 2 steps.
Reason for alternative	<p>In our Preliminary Life Safety Meeting, Gail Knoll stated that we would need an accessible ramp connecting each window well to the egress court, but cited no building code section stating such requirement.</p> <p>For this appeal, we cite OSSC section 1104.2 which states at least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. The southern tenant space containing the window wells is accessible to the egress court through its accessible entry on the east façade, and through the accessible east facing gates in our proposed design. The route is short and realistic. The proposed steps from the window wells are merely a convenience. We find no code section stating the requirement for the added ramps.</p>

APPEAL DECISION

1. Exit discharge through trash enclosure: Denied. Proposal does not provide equivalent Life Safety protection.

2. Omission of ramp at proposed exterior stairs: 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, call (503) 823-7300 or come in to the Development Services Center.

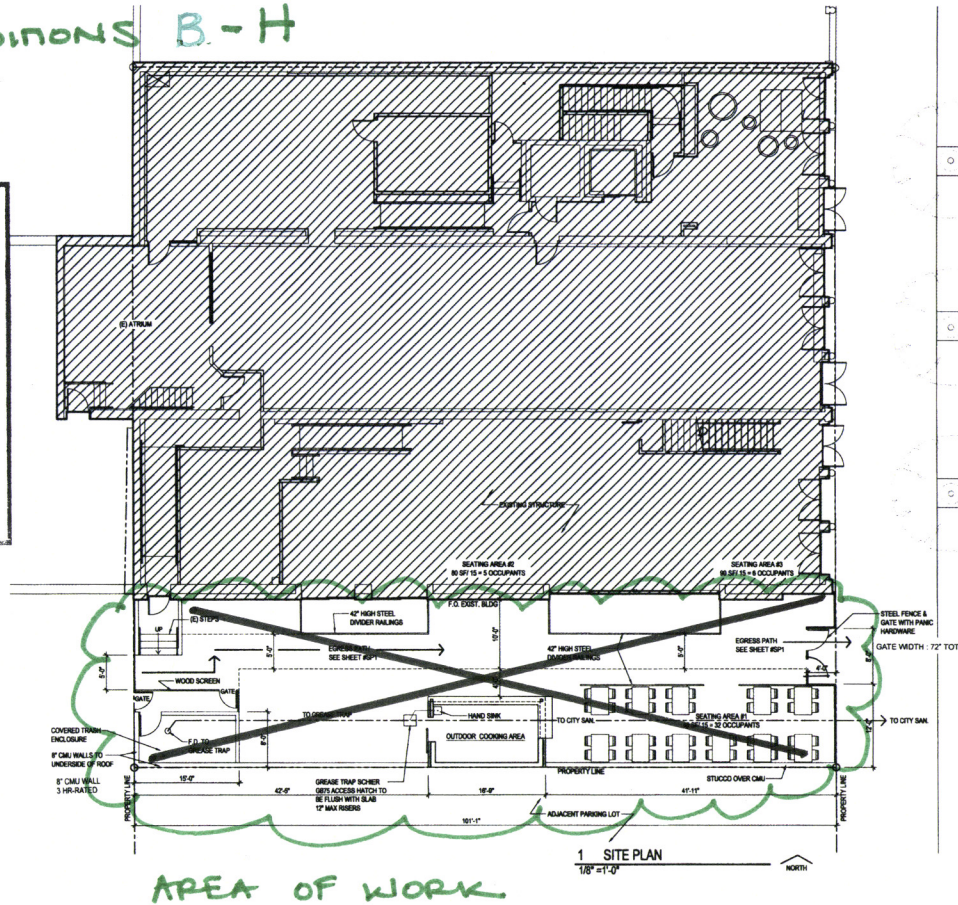
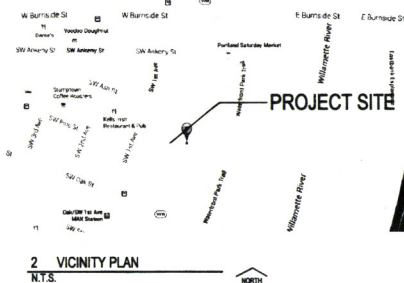
*** SITE REFERENCE ONLY
FOR PLAN VIEW
SEE EXT C-2**

*** APPROVED PER CONDITIONS B-H**

PROJECT SUMMARY	
PROJECT ADDRESS: 117 SW NAITO PKY PORTLAND, OR 97204 PROPERTY ID: 1248412	
OWNER: CMF	
PROJECT SCOPE OF WORK: CONSTRUCTION OF NEW 144 SQ. FT. FREE STANDING OPEN COOKING AREA IN PARKING LOT ADJACENT TO EXISTING RESTAURANT	

**Le Chon
Bistro**
117 SW Naito Pkwy
Portland, OR 97204
**Outdoor
Cooking Area**

Approved	
City of Portland	
Bureau of Development Services	
Planner	<i>[Signature]</i>
Date	11.13.17
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.	



SW NAITO PKY

Client Project No.	
PROJECT	
DATE	06.08.15
SHEET TITLE	COVER SHEET SITE PLAN
SHEET	A1

**EXIT C-1
LU 16-228830 HR**

ROSS P. FARLAND, A.I.A.
3531 DRIFT CREEK RD SE
SUBLIMITY, OR. 97385
(VOICE) -- 503-291-7160
(E)ross@dezineworks.biz

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A.I.A., WHICH RESERVES ALL COPYRIGHTS,
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Project Name
**Le Chon
Bistro
Outdoor Cooking
Area**

Plan Set
Status
PERMITS

Project Location
**117 SW Natio Pkwy
PORTLAND, OR**

REVISIONS

No.	Date	Issue
-		PERMIT

Distribution Date 10/23/2017

Project No. Project Number

Drawing Scale As indicated

Drawing Title:

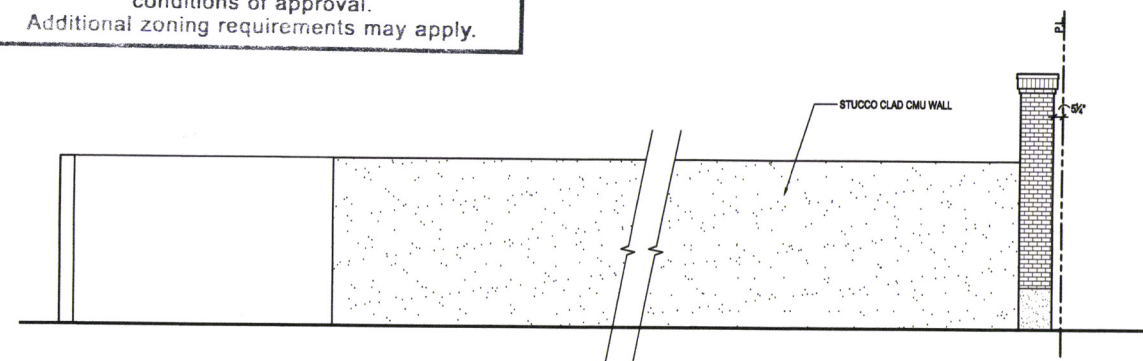
PLAN, ELEVATIONS

Sheet No..

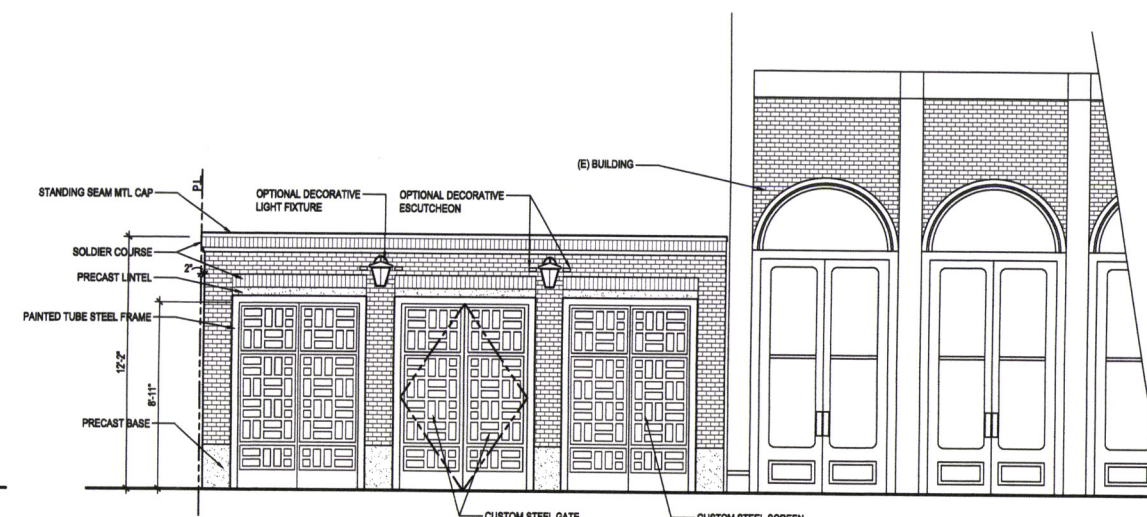
A1.0

EXH C-2
LU 16-228830 HR

Approved
City of Portland
Bureau of Development Services
Planner Hallen
Date 11.13.17
* This approval applies only to the
reviews requested and is subject to all
conditions of approval.
Additional zoning requirements may apply.



2 SOUTH ELEVATION
1/4" = 1'-0"



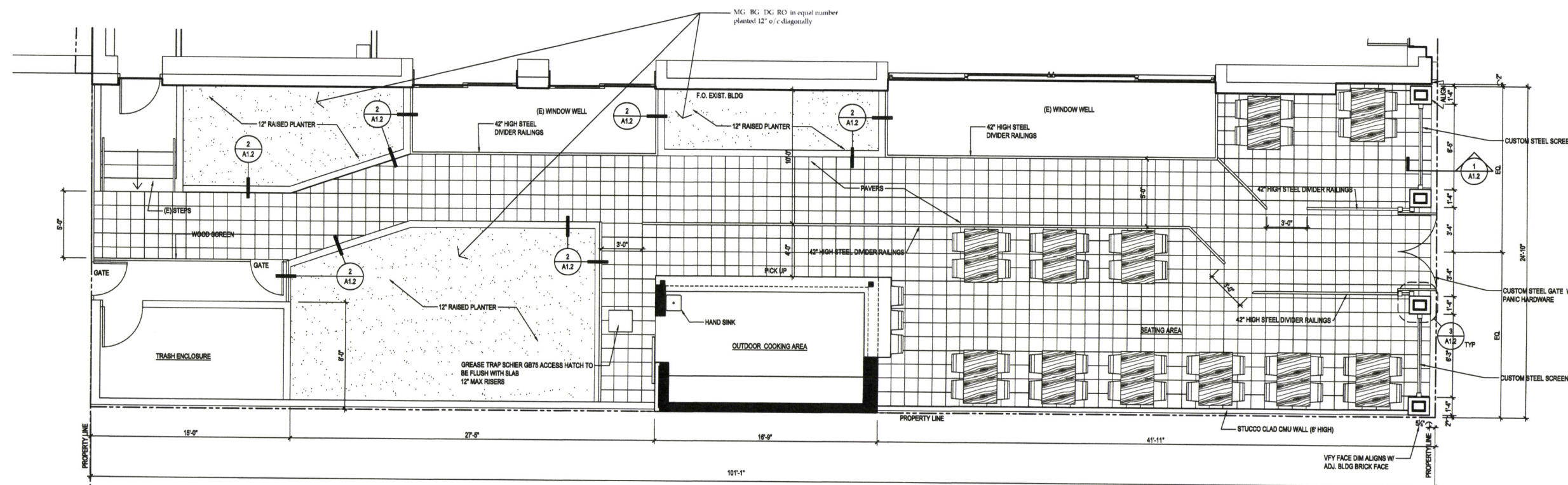
1 EAST ELEVATION
1/4" = 1'-0"

*** APPROVED PER CONDITIONS B-H**

Plant List:

Mark	Size	Common Name
EC	4" pots	Emerald corynet
BG	4" pots	Blue oat grass
MG	4" pots	Magellan grass
DG	4" pots	Deer grass
RO	4" pots	"Ken Taylor" rosemary

MG, BG, DG, RO in equal number
planted 12" o/c diagonally

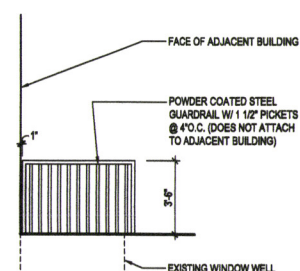


3 PATIO PLAN
1/4" = 1'-0"

Approved
City of Portland
Bureau of Development Services
Planner M. J. [Signature]
Date 11.13.17
* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.



1 SOUTH ELEVATION (ADJACENT BUILDING)
1/4" = 1'-0"



2 WEST ELEVATION @ GUARDRAIL
1/4" = 1'-0" EAST SIMILAR

R P Ross P. Farland
Architect

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Project Name
**Le Chon
Bistro
Outdoor Cooking
Area**

Plan Set
Status
PERMITS

Project Location
**117 SW Natio Pkwy
PORTLAND, OR**

REVISIONS

No.	Date	Issue
-	-	PERMIT

Distribution Date 10/23/2017

Project Project Number

Drawing Scale As indicated

Drawing Title:

ELEVATIONS

Sheet No..

A1.1

EXH C-3
LV 16-228030 HR

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Project Name
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Plan Set
Status
PERMITS

Project Location
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PORTLAND, OR**

REVISIONS

No.	Date	Issue
-	-	PERMIT

Distribution Date 10/23/2017

Project No. Project Number

Drawing Scale As indicated

Drawing Title:

DETAILS

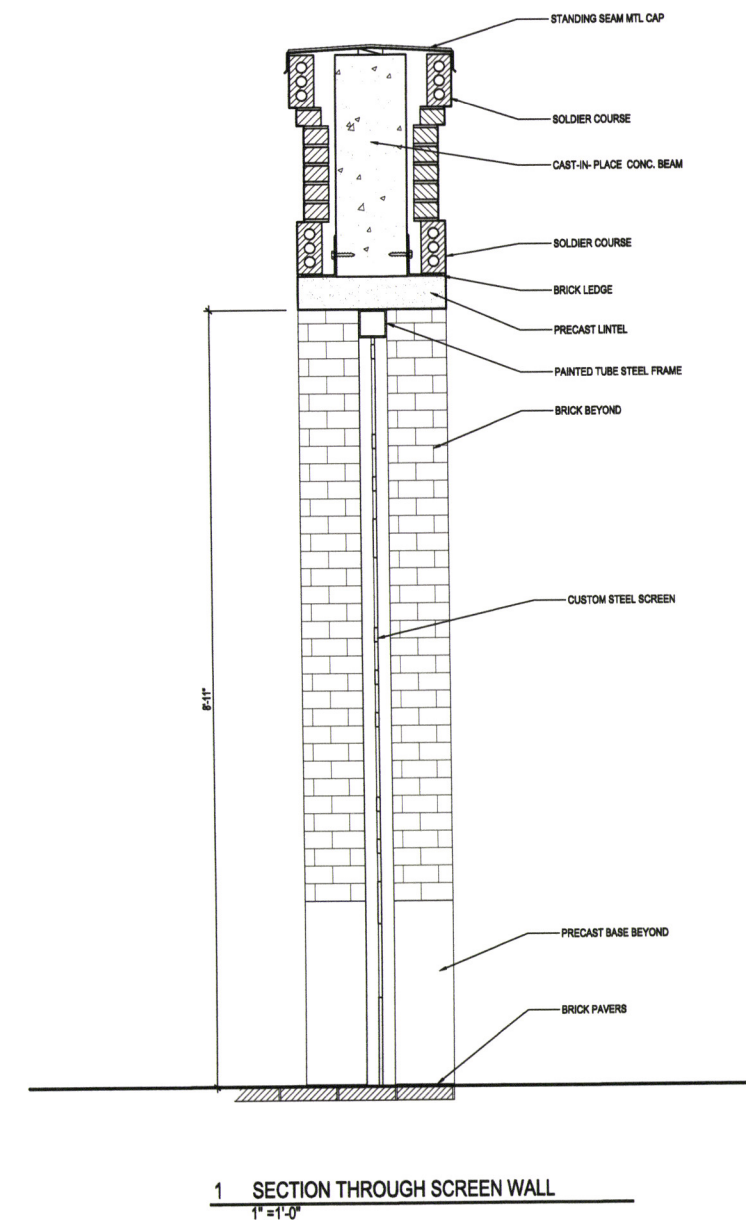
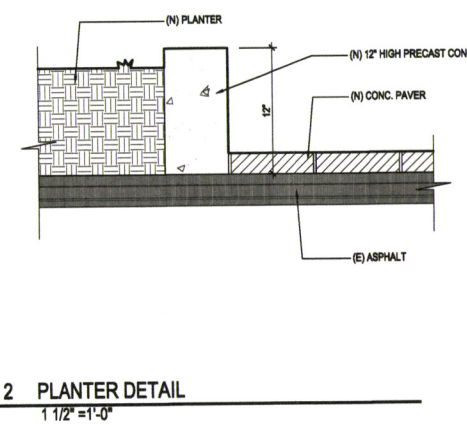
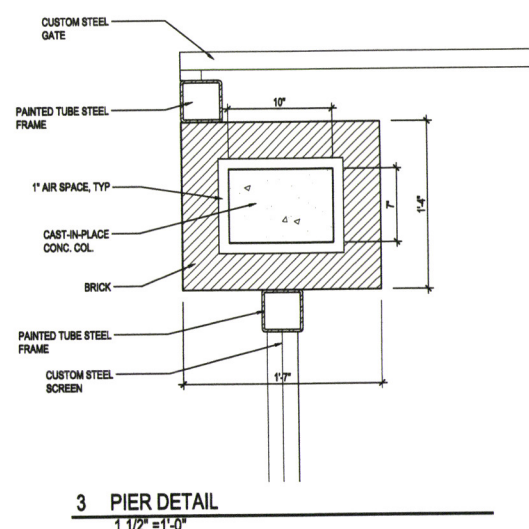
Sheet No..

A1.2

EXH C-4
LV 16-2280301+2

Approved
City of Portland
Bureau of Development Services
Planner [Signature]
Date 11.13.17

* This approval applies only to the
reviews requested and is subject to all
conditions of approval.
Additional zoning requirements may apply.





City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

November 2, 2018

Sara Ruzomberka
Scott Edwards Architecture
2525 E Burnside St
Portland, OR 97214

Re: Land Use Review LU 18-255157 HR – Smith Block Enclosures, Mechanical Unit, and Awnings

Dear Sara Ruzomberka:

The Bureau of Development Services received your application for a Historic Resource Review located at 111-113 SW FRONT AVE on October 19, 2018. Your case has been assigned to me, Megan Sita Walker. In order to continue to review your application, additional information is needed. Once you submit this information, your application will be considered complete, and I will proceed with a full review of your proposal. Up to this point, your application has been reviewed only to determine if all required information has been submitted. The application has not been fully reviewed to determine if it meets the relevant approval criteria, however some issues you may want to consider are identified in Section II below.

I. Information Necessary to Complete Application

The following information must be submitted before your proposal can be evaluated:

1. Revised Narrative that includes the following
 - a) Zoning Summary noting how all applicable development standards are met.
Including, but not limited to:
 - i. 33.510 Central City Plan District
 - ii. 33.130 Commercial/Mixed Use
 - b) Description of the proposed use of the newly enclosed area.

Note: All applicable development standards must be met. If a development standard is not met, a request for modification with the accompanying fee (\$945 per standard being modified) and response to approval criteria, [PZC, 33.846.070 Modifications Considered During Historic Resource Review](#), must be provided.
2. Clarify Points of connection to the Landmark - All points of connection to the landmark must be clarified.
 - a) The connection of “Light metal framed canvas awnings” to the south façade of the landmark must be clarified – to-scale detail must be provided.
 - b) Clarify the relationship of the roof of the structure (currently noted as detached) to the sills of the existing historic windows to remain with an enlarged section drawing.
 - c) Clarify the point(s) of connection between the proposed walk-in cooler through the South façade of the Landmark. Close-up photos and connection details are required.
3. Full East Elevation – Provide a full East Elevation showing how the proposed addition to the Landmark Property relates to the Landmark.

4. Floor Plan – Provide a floor plan of the main floor of the Landmark adjacent to the outdoor area to show what areas of the building are proposed to be connected to the outdoor area by the proposed steps.
5. Section Details – Provide section details to show how the proposed structures (including the proposed awnings over the existing doors) will be constructed and supported. Section details should call out all materials and dimensions.
6. Material Samples and Manufacturer's Specifications – Material samples and Manufacturer's specifications for all manufactured products should be provided.
7. Response to Life Safety Concerns – Provide a response to the most recent Life Safety Checksheet from Life Safety Reviewer Gail Knoll, dated June 6, 2019 for 18-150985 CO (attached). This site has extensive history of Life Safety concerns with unpermitted construction where work is currently proposed. These concerns do not appear to be addressed in the proposal. Life Safety requirements associated with the new proposal should be understood before moving forward with the proposal and should be addressed prior to Historic Resource Review approval.

Staff recommends that the team set up a [Preliminary Life Safety Meeting](#) prior to moving forward with the current Historic Resource Review case. Per Gail Knoll's email to the Owner's Representative, Jeff Leuthold on July 18, 2018, "The Architect of record for the project should be the contact person compiling the information required for the meeting which includes plans and code compliant questions (all of which have been discussed many times previously). This is a complicated building with exiting issues. The historic and planning requirements have little to do with the Life Safety requirements. Please see the attached outstanding Life Safety checksheet" (attached).

Applications for additional reviews will not be accepted unless accompanied by the required fees. Please note that failure to submit the needed application with the required fee may result in a denial of your proposal.

II. Issues to Consider

While not necessary to determine the application complete, additional information may be needed to show that your proposal meets the applicable approval criteria. You are encouraged to address the following issues regarding the approvability of your proposal:

- a) **Relationship of the proposed Enclosures to the Landmark building and to the Street** – The proposed enclosures do not adequately address the applicable approval criteria and are not supportable as designed. Specially, Guidelines A2, C2, and C3 are not currently met. Guideline A2 states, "Maintain and Strengthen the Street Wall in New Construction, Additions, and Improvements to Open Portions of Sites" and then further states that this can be accomplished by "providing substantial entry gateways to alleys and courtyards".

Look to page 30 of the *Skidmore/ Old Town Historic District Design Guidelines* for an example of Block 8L courtyard gateway (recently approved by the Portland Historic Landmarks Commission) as an example of a successful solution to a very similar situation. In addition, an enclosure that addressed the street was approved on this site in 2017. If the proposal were revised to meet the previous approval, an additional review would not be required. If changes in scope of review of the previous approval continue to be proposed – requiring another review - staff encourages the team to look at the recently approved enclosure in terms of relationship to the Landmark and to the street as a starting point.

- b) **Integrate Barrier-Free Design** – While the programming of the space is unclear based on the partial plan provided and limited information in the narrative, the proposal does appear to be connecting a near outdoor area to the main building by adding steps and railing. Based on the information provided, the proposal does not appear to meet *Central City Fundamental Design Guideline, B7 Integrate Barrier-Free Design* which calls for proposals to, “Integrate access systems for all people with the building’s overall design concept”.
- c) **Proposed Materials** – Based on the information provided, the materials proposed do not adequately address the approval criteria. Specially, the corrugated metal, cedar clad CMU, and exposed CMU do not meet: *Skidmore/ Old Town Historic District Design Guidelines, Guidelines A4 Materials and Color, D8 Rich Detail and Quality Construction; Central City Fundamental Design Guidelines, Guidelines C2 Promote Quality and Permanence in Development, C5 Design for Coherency, or PZC, 33.846.060.G* Other approval criteria, #8 or #10.

III. Time to Complete Application

The Portland Zoning Code allows you up to 180 days to complete your application. Since the 180-day period began on the day we received the application, the deadline to make your application complete is **Wednesday, April 17, 2019**.

IV. Determination of a Complete Application

The application will be determined complete when you have submitted:

1. All of the requested information included in Section I, above. If you cannot provide all of the requested information at one time and intend to submit additional information, please include a written statement with each separate submittal indicating that you still intend to provide the additional missing information by the **Wednesday, April 17, 2019** deadline, **or**
2. Some of the requested information included in Section I, above, and a written statement that no additional information will be provided; **or**
3. A written statement that none of the requested information included in Section I, above, will be provided.

Please be aware that not submitting the requested information may result in your application being denied. The information is needed to demonstrate the approval criteria are met. Once the application is deemed complete, review of your application can proceed using the information you have provided.

Your application will be approved if it meets the relevant land use review approval criteria. It is your responsibility to document how the approval criteria are met. The items listed above will help provide that documentation.

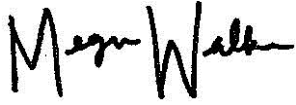
Voiding of Application

If your application is not complete by **Wednesday, April 17, 2019**, it will be voided, and the application fee will not be refunded. The City's land use review procedures are outlined in Chapter 33.730 of the Portland Zoning Code.

Please contact me if you have any questions about this letter. My telephone number is **503-823-7294**, and my e-mail address is MeganSita.Walker@portlandoregon.gov. You may mail correspondence to me at the Bureau of Development Services, Suite 5000, 1900 SW Fourth Avenue, Portland, OR 97201. If you deliver the requested material in person, please

bring it to the **fifth** floor receptionist at 1900 SW Fourth Avenue. Please label all correspondence and materials you submit with the case number LU 18-255157 HR.

Sincerely,

A handwritten signature in black ink, appearing to read "Megan Walker". The signature is fluid and cursive, with the first name "Megan" and last name "Walker" clearly distinguishable.

Megan Sita Walker, Planner
Land Use Services Division

cc: Jeff Leuthold | Owner's Representative | PO Box 1847 Woodland, WA 98674
Smith Block Enterprises LLC | Owner | 2455 NW 133rd PL Portland, OR 97229
Application Case File

Enc: June 6, 2018 Checksheet from Life Safety Reviewer Gail Knoll

SMITH'S BLOCK
COURTYARD111 SW NAITO PARKWAY
PORTLAND, OREGON 97204

EXISTING REQUIRED EXIT FROM
ADJACENT RAILWAY BUILDING
112 SW 1ST AVE.

PER PERMIT #: 91-106906
OCCUPANCY: M / R-2
CONSTRUCTION: TYPE-III 1-HR

AREAS WITH ATRIUM ACCESS:

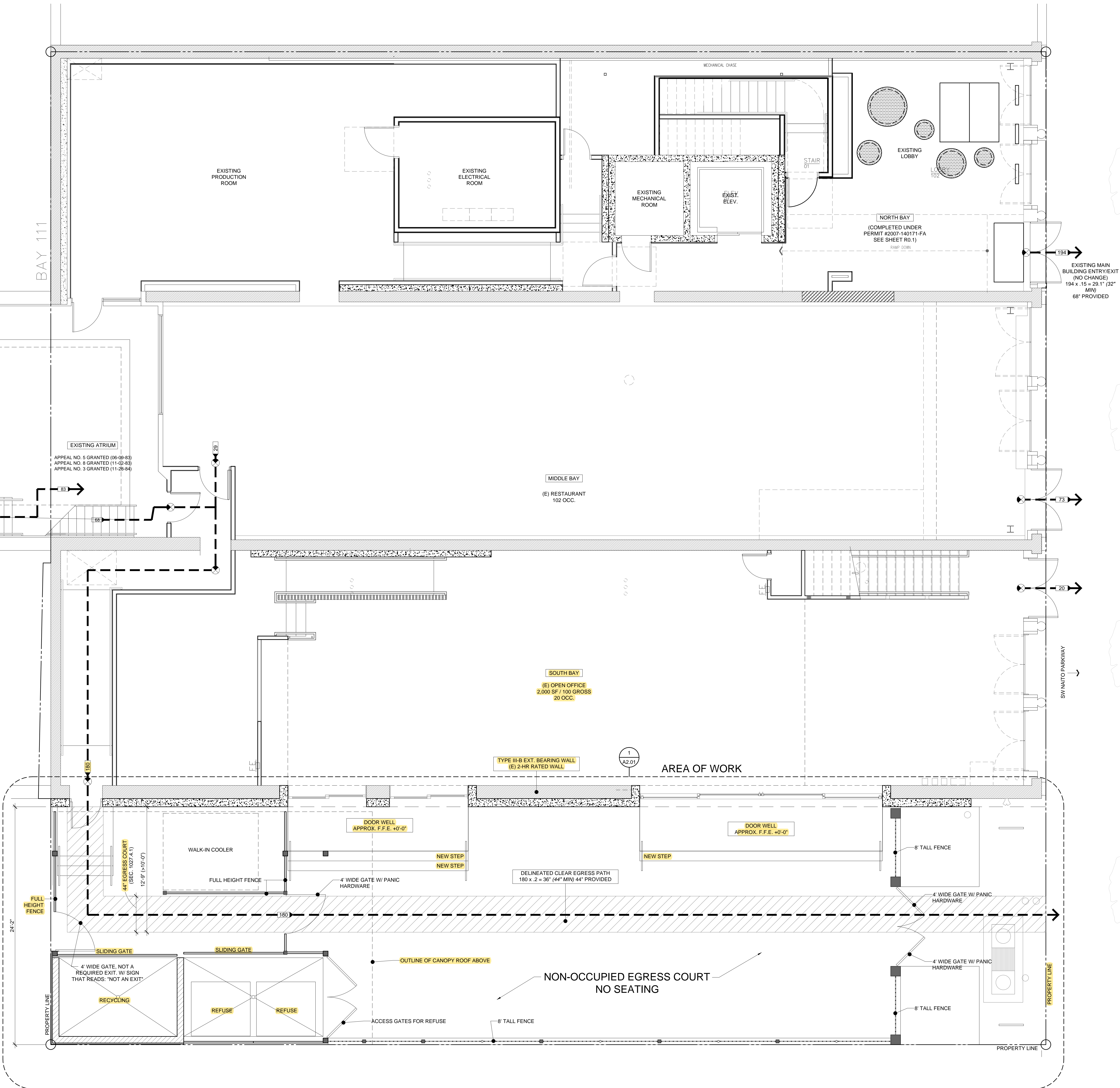
M OCCUPANCY (30 GROSS):
1ST FLR: 6,025 SF/30
= 201 OCC./3 EXITS
= 67 OCC.

R-2 OCCUPANCY (200 GROSS):
3RD FLR: 6,150 SF/200
= 31 OCC./2 EXITS
= 16 OCC.

TOTAL:
= 83 OCC.

CODE SUMMARY:

APPLICABLE CODES		
2014 OREGON STRUCTURAL SPECIALTY CODE (OSSC)		
I. BUILDING OCCUPANCY	(E) OFFICE	PROPOSED
BUILDING OCCUPANCY DATA	& RESTAURANT	REFUSE ENCLOSURE
OCCUPANCY CLASSIFICATION (section 303 & 304)		
BUSINESS OCCUPANCY (B)	B	NO CHANGE
OCCUPANCY SEPARATION (table 508.3.3)	N/A	N/A
OCCUPANCY LOAD (table 1004.1.2)		
	200 SF GROSS 11/15 SF NET	NO CHANGE
TOTAL OCCUPANTS	382	
II. BUILDING CONSTRUCTION	(E) OFFICE	PROPOSED
TYPE OF CONSTRUCTION	TYPE III-B	TYPE III-B
CONSTRUCTION CLASSIFICATION (section 602)		
BUILDING LIMITATIONS		
ALLOWABLE BUILDING HEIGHT (table 503)	41 FT EXISTING	NO CHANGE
NUMBER OF STORIES (table 503)	4 STORIES EXISTING	NO CHANGE
TOTAL ALLOWABLE AREA PER FLOOR (section 506.1)		
Aa = At + (At * H/100) + (At * H/100)		
Aa = 19,000 + (19,000 * 25/100) + (19,000 * 200/100) = 61,750 SF	61,750 SF ALLOWED	
BUILDING AREA BY FLOOR	EXISTING	PROPOSED
FLOOR 1	4,547 SF	NO CHANGE
FLOOR 2	5,142 SF	NO CHANGE
FLOOR 3	6,884 SF	NO CHANGE
FLOOR 4	5,903 SF	NO CHANGE
TOTAL BUILDING AREA (GROSS SF)	EXISTING 21,837 GSF	PROPOSED 21,837 GSF
FIRE RESISTIVE BUILDING ELEMENTS		
FIRE RESISTIVE REQUIREMENTS (table 601)	REQUIRED	PROVIDED
STRUCTURAL FRAME	NR	NR
EXTERIOR BEARING WALLS	2-HR	2-HR
INTERIOR BEARING WALLS	NR	NR
EXTERIOR NONBEARING WALLS & PARTITIONS	1-HR	2-HR
INTERIOR NONBEARING WALLS & PARTITIONS	NR	NR
FLOOR CONSTRUCTION	0-HR	0-HR
ROOF CONSTRUCTION	0-HR	0-HR
FIRE RESISTANCE OF EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE		
WALL (table 602)	DISTANCE	RATING
NORTH	0 FT	2 HR
WEST	0 FT	1 HR
SOUTH	< 5 FT	1 HR
EAST	> 25 FT	0 HR
III. BUILDING EXITING		EGRESS COURTYARD
SECTION 1027.4.1 WIDTH	44" REQUIRED	



1

SITE PLAN / EGRESS DIAGRAM

1/4" = 1'-0"

LAND USE REVIEW 10/16/2018

Drawing:

SITE PLAN /

EGRESS PLAN

Job No: 18122

Date: 10/16/18

Drawn By: SWH

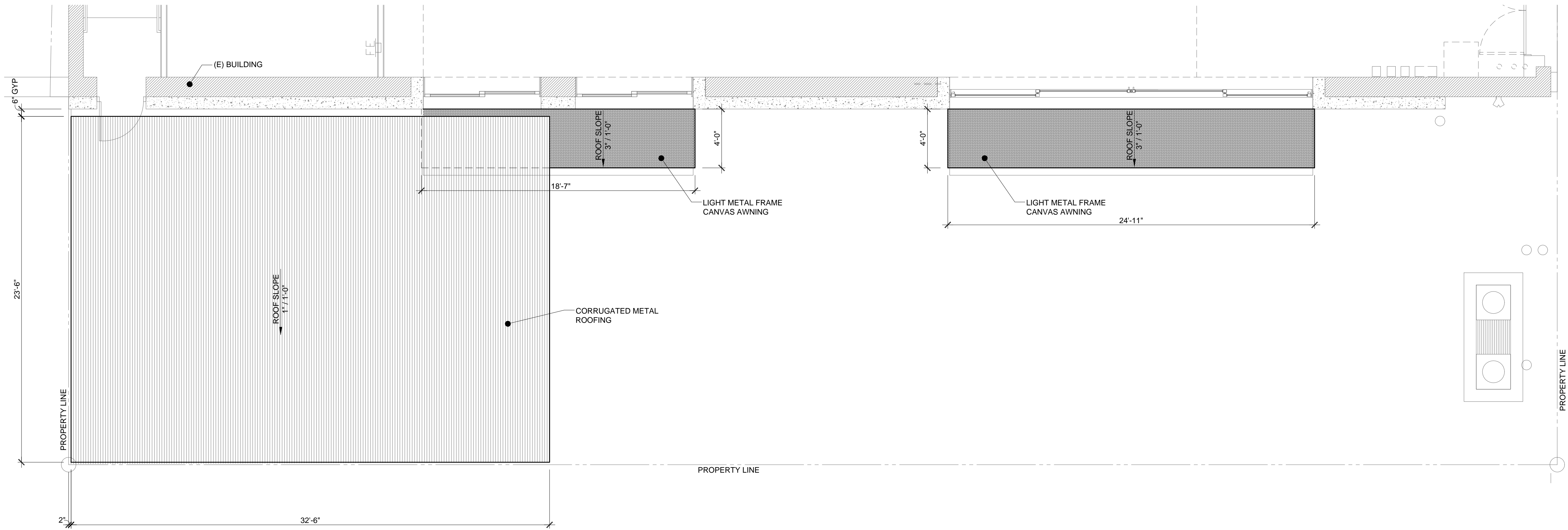
Checked By: SR

Sheet No:

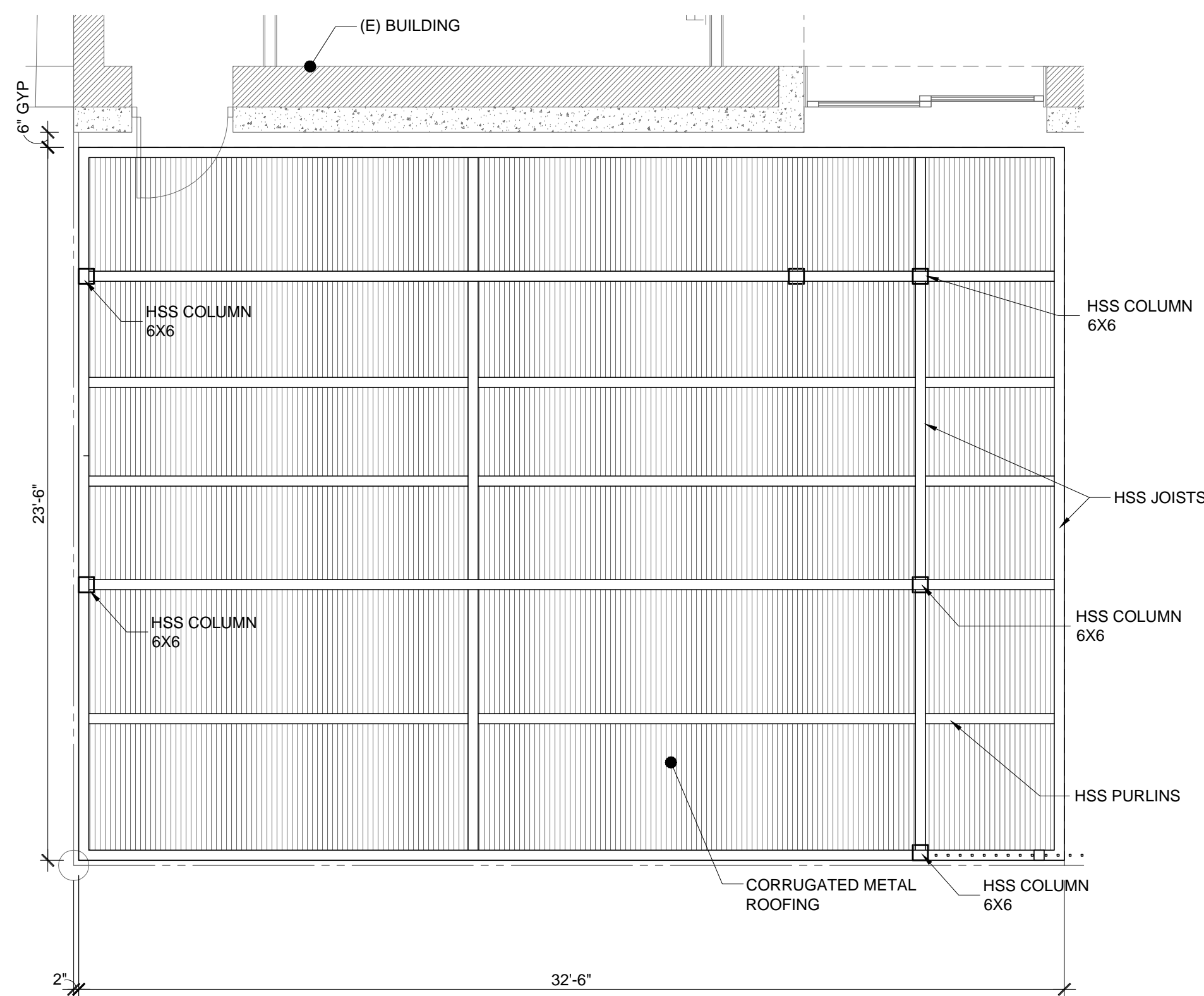
A1.01

SMITH'S BLOCK
COURTYARD

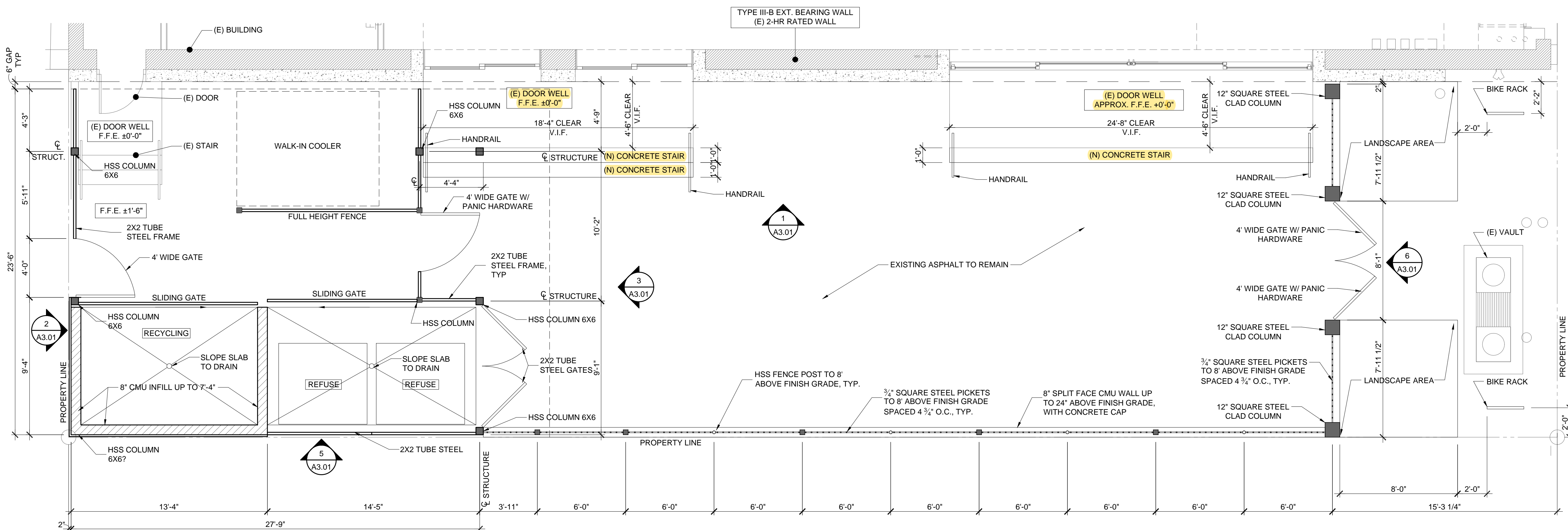
111 SW NAITO PARKWAY
PORTLAND, OREGON 97204



3 ROOF PLAN
1/4" = 1'-0"



2 REFLECTED CEILING PLAN
1/4" = 1'-0"



1 FLOOR PLAN
1/4" = 1'-0"

LAND USE REVIEW 10/16/2018

Drawing:

FLOOR PLANS &
ROOF PLAN

Job No: 18122

Date: 10/16/18

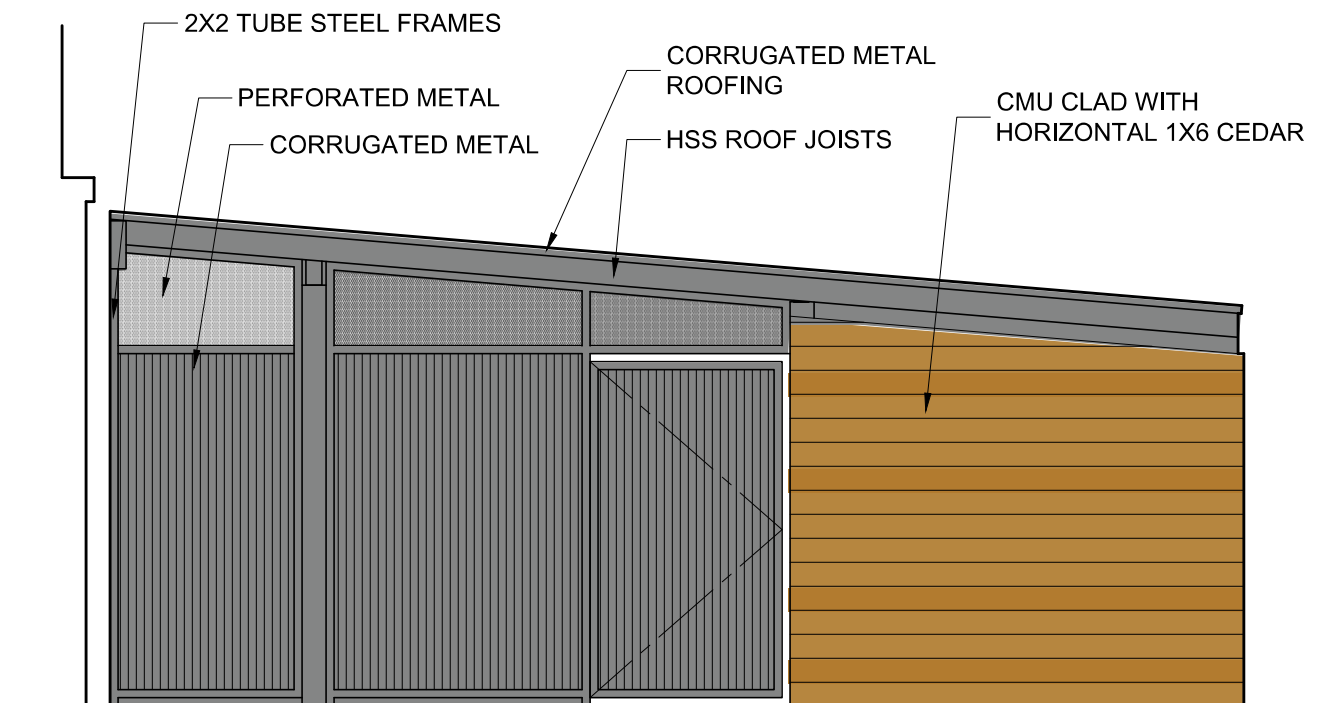
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Checked By: SR

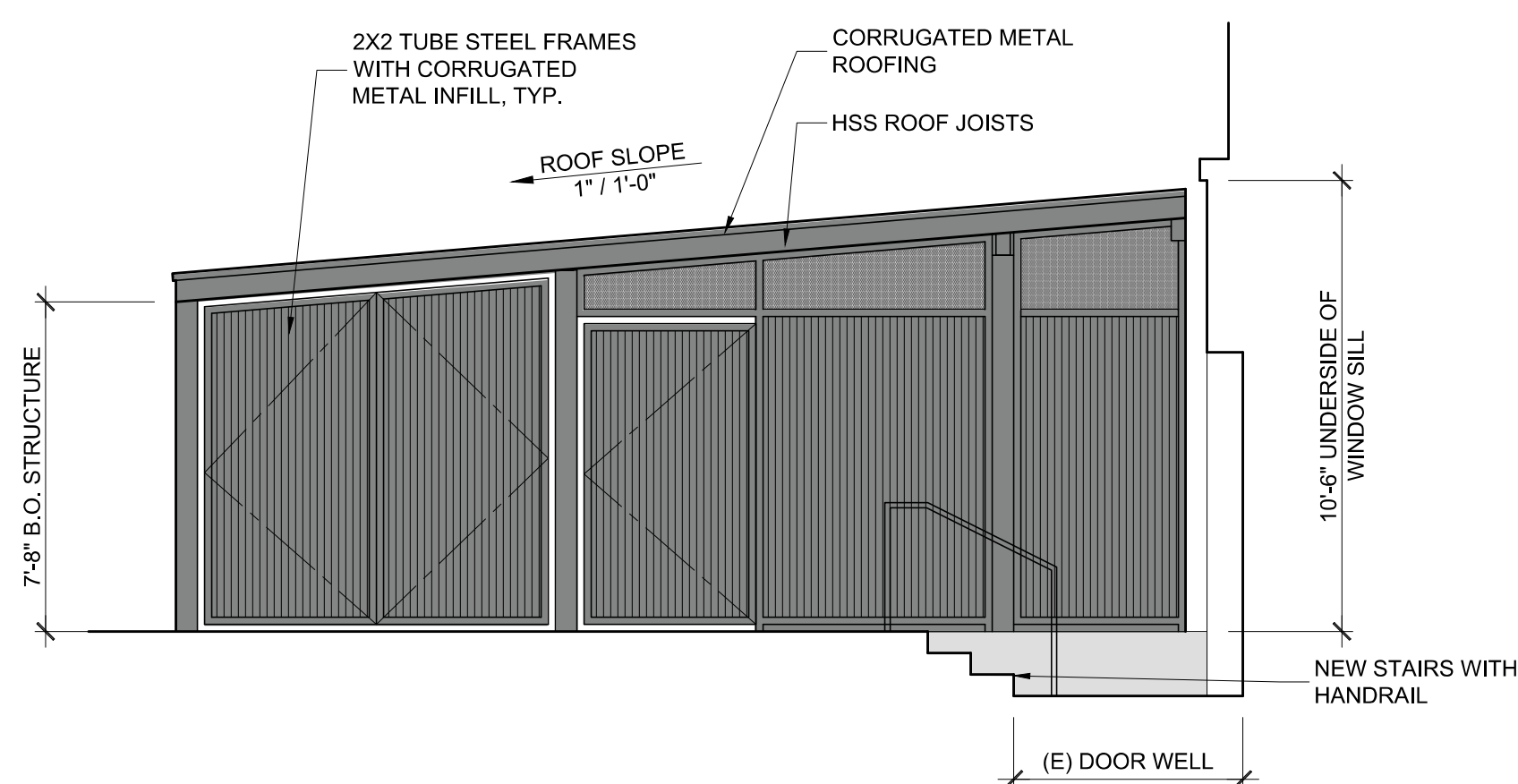
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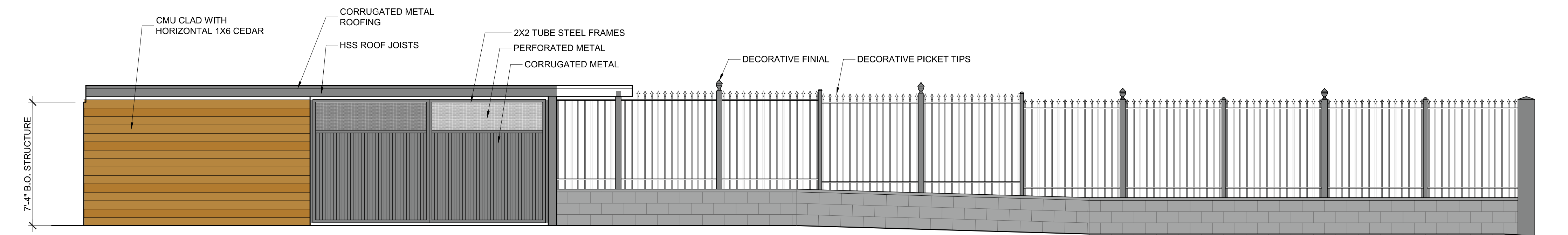
1 SOUTH ELEVATION
1/4" = 1'-0"



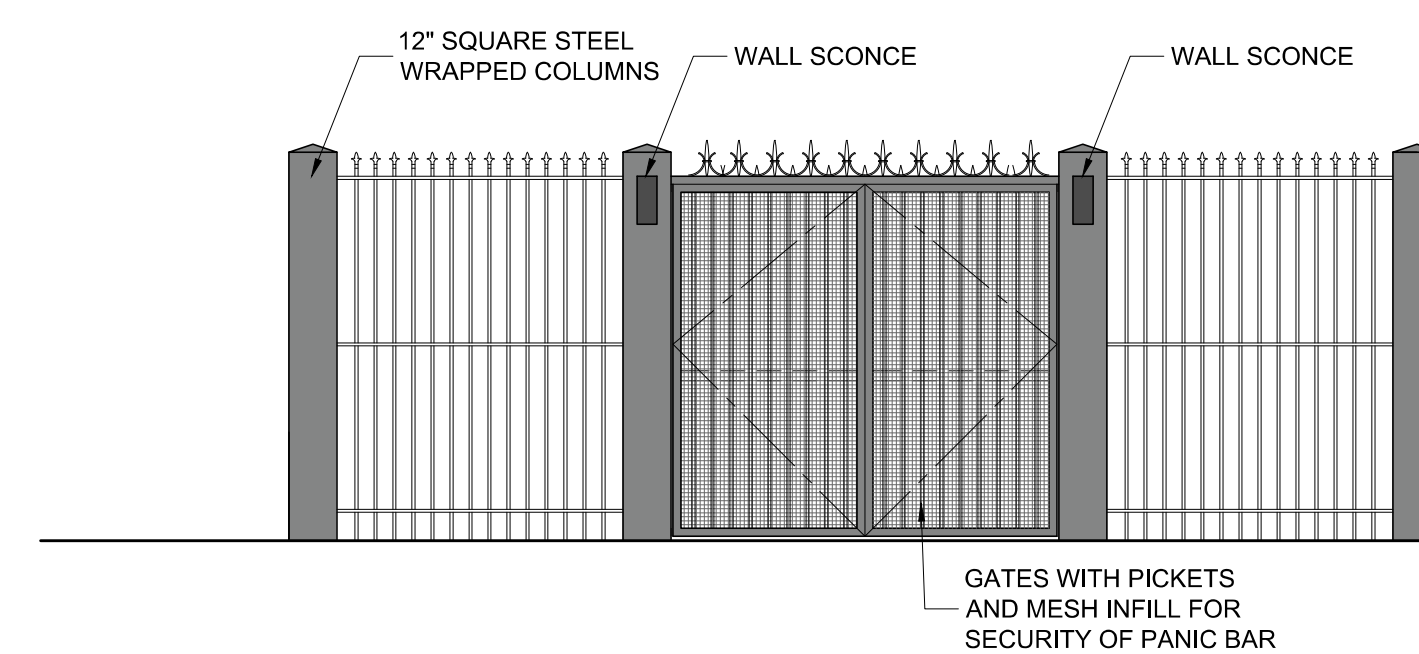
2 WEST ELEVATION
1/4" = 1'-0"



3 EAST ELEVATION
1/4" = 1'-0"



5 SOUTH ELEVATION
1/4" = 1'-0"



6 EAST ELEVATION
1/4" = 1'-0"

PRECEDENT OF REFUSE ENCLOSURE: CORRUGATED METAL DOORS WITH PERFORATED UPPER AREA. STEEL ROOF. CMU WALL PROTECTION.



PRECEDENT OF SPLIT FACE CMU FOR LOW WALL OF FENCE



PRECEDENT OF WROUGHT IRON FENCE STYLE WILL ORNAMENTAL TIPS



PRECEDENT OF HORIZONTAL CEDAR SIDING TO COVER CMU OF TRASH ENCLOSURE



S|E A

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PRELIMINARY
NOT FOR CONSTRUCTION

SMITH'S BLOCK COURTYARD

111 SW NAITO PARKWAY
PORTLAND, OREGON 97204

LAND USE REVIEW 10/16/2018
Drawing:

SITE PLAN /
EGRESS PLAN

Job No: 18122
Date: 10/16/18
Drawn By: SWH
Checked By: SR
Sheet No:

A3.01