

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered - Reconsideration of ID 20302

Appeal ID: 21895	Project Address: 2124 NW Flanders St
Hearing Date: 9/18/19	Appellant Name: Anne Marie Kuban/Brian Emerick
Case No.: B-010	Appellant Phone: (503)235-9400
Appeal Type: Building	Plans Examiner/Inspector: Guy Altman
Project Type: lur	Stories: 4 Occupancy: R-2,S, B Construction Type: V-B
Building/Business Name: 2124 NW Flanders	Fire Sprinklers: Yes - Fully-sprinklered
Appeal Involves: Reconsideration of appeal	LUR or Permit Application No.: 19-207902-EA
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Apartments

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	OSSC 1007.3
Requires	1007.3 Stairways. "....Exit access stairways that connect levels in the same story are not permitted as part of an accessible means of egress."
Proposed Design	<p>The proposed design includes two egress stairways. Each egress path meets the strict definitions and exceptions allowed by Code.</p> <p>Half of the building's occupant load egresses through the South Stair. It is an enclosed interior exit stairway that extends from the basement level to the roof deck with an exit to the east exterior egress court, leading to the public way. The other half of the building's occupant load egresses through the North Stair and Front Stair (stair in question). The North Stair plus the Entry Stair are both exit access stairways that are enclosed (2HR) at floors 2 through the roof deck. It uses an enclosed exit discharge lobby (2HR) to transfer occupants on the level of exit discharge to the public way. Within the exit discharge lobby there is the Entry Stair which transfers occupants 5'-6" down to the public way.</p> <p>a) OSSC 1007.3 prohibits the use of exit access stairs being used as an accessible means of egress.</p> <p>b) The ICC Code Commentary explains that this prohibition is based upon the understanding that exit access stairs can be found in any location in the building and are not protected. "People with mobility impairments cannot be asked to wait anywhere in the building; they must be able to get to the stairways where the fire department will be coming into the building."</p> <p>c) IBC 2018 Sections repeat the same information; the 2018 Code Commentary also repeats the same discussion.</p> <p>d) Please see attached sheets for Code/Commentary references.</p>

The proposed design:

- d) Provides protected (2HR) enclosure for the North Stair and the Entry Stair.
- e) Allows for people with mobility issues to wait in a protected exit access stairway and in a protected exit discharge lobby near the location where fire personnel would be entering the building.
- f) Includes a 5'-4" wide landing at the top of the entry stair, giving wheelchair user space to wait for emergency personnel while allowing egress for able-bodied persons. (No area of refuge is required since the building is fully sprinklered.)

In discussing this Appeal with Staff, it has been mentioned that the exit discharge lobby acts as an exit passageway or stair. To reiterate, the exit discharge lobby is distinguished differently from an exit passageway or stair. Please see Code Commentary Section provided.

Prior Appeals granted the egress system that is proposed:

- a) Prior Appeal 20302 #1 granted the project the use of both stairs, including the front stair, as the accessible means of egress. This Appeal was based upon the number of building stories, but also showed the Entry Stair as part of the egress path.
- b) Appeal 20698 #1 granted the open stair for the North Stair (exit access stairway) with Fire Marshal's approval.
- c) Appeal 20811 #1 (Fire) granted the open stair if the lobby was to remain 2HR rated and the elevator shaft is separated from with an elevator lobby or is provided with pressurization.

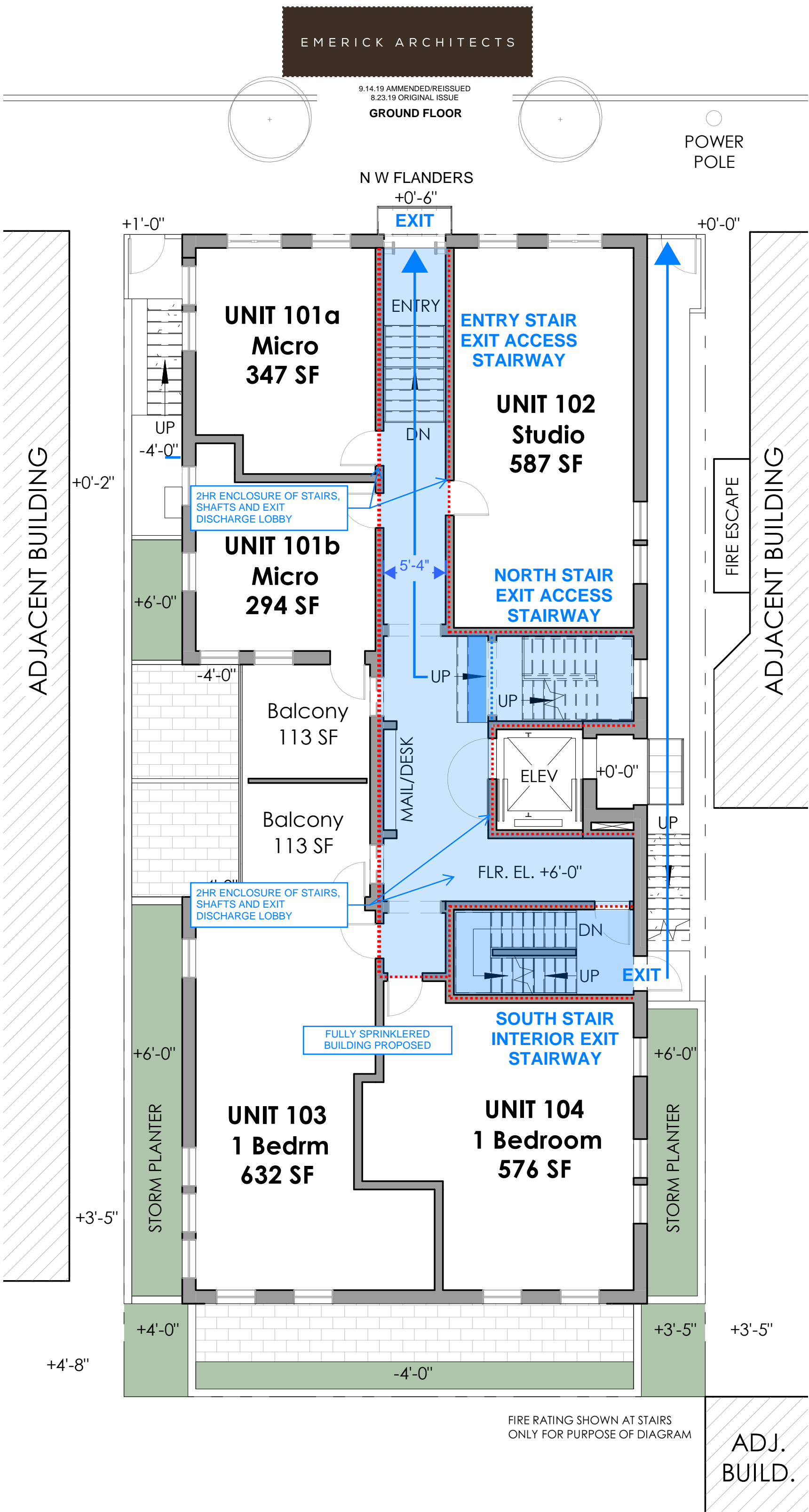
Reason for alternative This Alternate design, the Entry Stairs being both an exit access stairway and an accessible means of egress within a protected enclosure (2HR) is not discussed specifically in the Code. The ICC's own interpretation commentary allows for an exit access stairway being used as an accessible means of egress if it is protected. The proposed design provides a safe egress systems for occupants to the public way in protected construction.

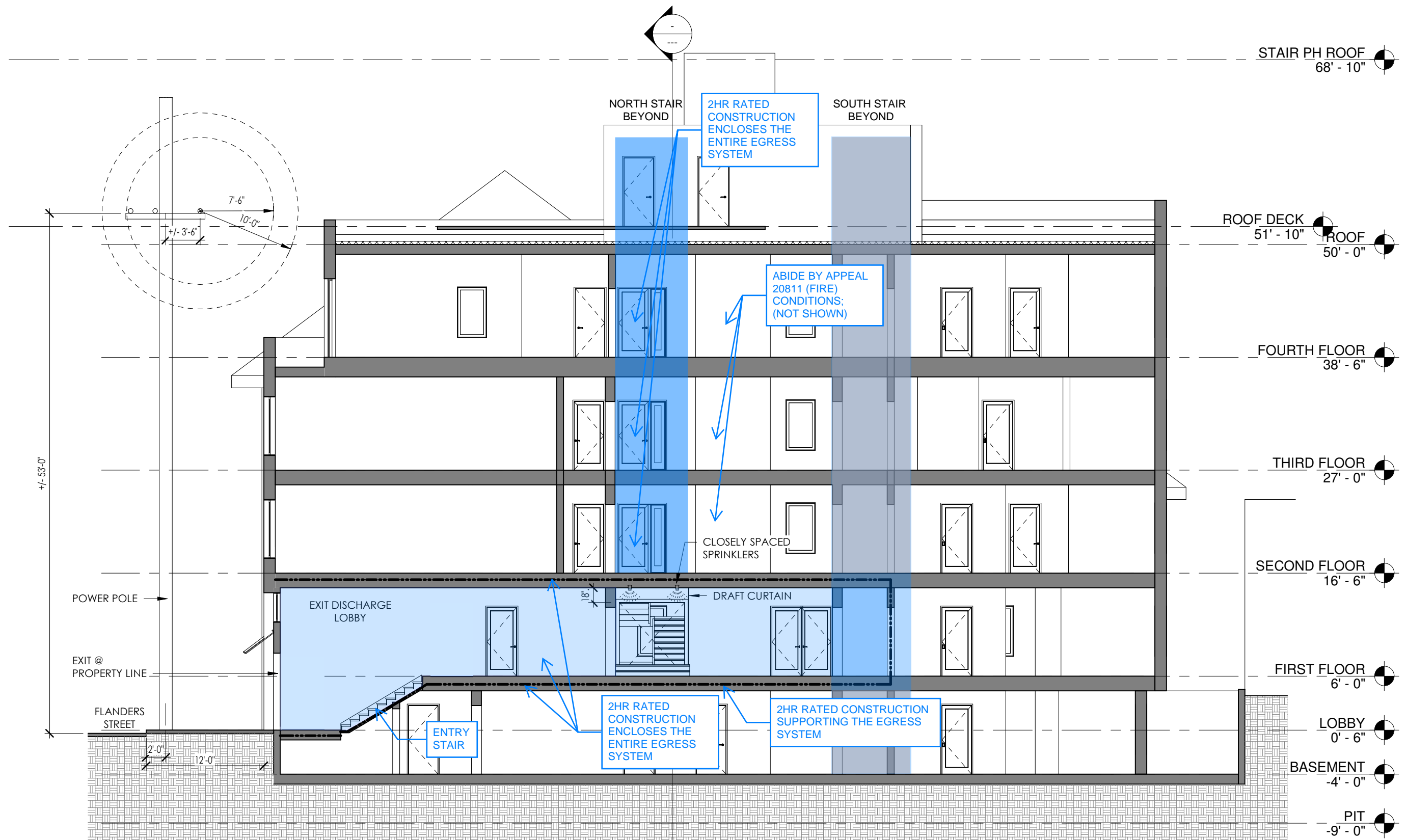
APPEAL DECISION

Use of lobby as waiting area for egress assistance: 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 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.





DIMENSIONS WITH +/- ARE BEING VERIFIED BY SURVEY

FIRE RATING SHOWN AT STAIRS
ONLY FOR PURPOSE OF DIAGRAM

— 1HR FIRE BARRIER
- - - 2HR FIRE BARRIER

SECTION THRU EXIT DISCHARGE

EMERICK ARCHITECTS

9.14.19 AMENDED/REISSUED
8.22.19 REISSUED
07.15.19 ORIGINAL ISSUE

2014 OSSC and IBC COMMENTARY

2014 OSSC

1007.3 Stairways. In order to be considered part of an *accessible means of egress*, a *stairway* between stories shall have a clear width of 48 inches (1219 mm) minimum between *handrails* and shall either incorporate an *area of refuge* within an enlarged floor-level landing or shall be accessed from either an *area of refuge* complying with Section 1007.6 or a *horizontal exit*. *Exit access stairways that connect levels in the same story are not permitted as part of an accessible means of egress.*

Exceptions:

1. The clear width of 48 inches (1219 mm) between *handrails* is not required in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2.
2. *Areas of refuge* are not required at *stairways* in buildings equipped throughout by an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2.
3. The clear width of 48 inches (1219 mm) between *handrails* is not required for *stairways* accessed from a *horizontal exit*.
4. *Areas of refuge* are not required at *stairways* serving *open parking garages*.
5. *Areas of refuge* are not required for smoke protected seating areas complying with Section 1028.6.2.
6. The *areas of refuge* are not required in Group R-2 occupancies.

2012 IBC COMMENTARY

6. The *areas of refuge* are not required in Group R-2 occupancies.

❖ This section addresses stairways between floor levels or to a mezzanine level. The last sentence indicates that steps that connect raised areas are not permitted to be part of an accessible means of egress. People with mobility impairments cannot be asked to wait at the top of steps that may be anywhere in the building; they must be able to get to the stairways where the fire department will be coming into the building.

Stairways (exit or exit access) between floor levels, while not part of an accessible route, can serve as part of the accessible means of egress when they are used as part of an assisted evacuation route. The starting point for these requirements is that the stairways must be 48 inches (1219 mm) clear width between handrails; and either include or be accessed directly by a location where people can wait for assisted evacuation. This place to wait can be either an “area of refuge” (see Section 1007.6) or a “refuge area” created by a horizontal exit (see Section 1025).

There are many mobility impairments that can limit or negate a person’s ability to walk up and down the stairs. The taller the building, the higher the percentage of the population that will be affected. For example, an elderly person or a person with a broken foot may be able to get down a couple of flights, but not from an upper floor in a high-rise.

2018 IBC and IBC COMMENTARY

2018 IBC

1009.3 Stairways.

In order to be considered part of an *accessible means of egress*, a stairway between stories shall comply with Sections 1009.3.1 through 1009.3.3.

1009.3.1 Exit access stairways.

Exit access stairways that connect levels in the same story are not permitted as part of an accessible means of egress.

Exception: Exit access stairways providing means of egress from mezzanines are permitted as part of an accessible means of egress.

1009.3.2 Stairway width.

Stairways shall have a clear width of 48 inches (1219 mm) minimum between *handrails*.

Exceptions:

1. The clear width of 48 inches (1219 mm) between *handrails* is not required in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The clear width of 48 inches (1219 mm) between *handrails* is not required for stairways accessed from a refuge area in conjunction with a *horizontal exit*.

1009.3.3 Area of refuge.

2018 IBC COMMENTARY

1009.3.1 Exit access stairways. *Exit access stairways that connect levels in the same story are not permitted as part of an accessible means of egress.*

Exception: *Exit access stairways providing means of egress from mezzanines are permitted as part of an accessible means of egress.*

❖ This section indicates that steps that connect raised or lowered areas in the same story are not permitted to be part of an accessible means of egress. People with mobility impairments cannot be asked to wait at the top of steps that may be anywhere in the building; they must be able to get to the stairways where the fire department will be coming into the building.

In the building code, a mezzanine is considered part of the room below, with a required height of at least 7'-0" (2134 mm) underneath (Section 505.2). For purposes of accessible means of egress, this exception allows for this exit access stairway to be considered the same as a stairway leading from the second floor.

IBC COMMENTARY: 1027 EXIT DISCHARGE LOBBY (EXCERPTS)

2012 IBC COMMENTARY

❖ The exit discharge is the third piece of the means of egress system, which includes exit access, exit and exit discharge. The general provisions for means of egress in Sections 1003 through 1013 are applicable to the exit discharge. The basic provision is that exits must discharge directly to the outside of the building. The exit discharge is the path from the termination of the exit to the public way. When it is not practical to discharge directly to the outside, there are four alternatives: an exit passageway (see Section 1023), an exit discharge lobby (see Sections 1027.1, Exception 1), an exit discharge vestibule (see Section 1027.1, Exception 2) or a horizontal exit (see Sections 1025 and 1027.1, Exception 3).

While Exceptions 1 and 2 could be applicable for exit passageways and exit ramps, most of the real-life application of the exceptions is for exit stairways. This

An interior exit discharge lobby is permitted to receive the discharge from an exit stairway in lieu of the stairway discharging directly to the exterior. A fire door must be provided at the point where the exit stairway discharges into the lobby. Without an opening protective between the stairway and a lobby, it would be possible for the stairway to be directly exposed to smoke movement from a fire in the lobby. The opening protective provides for full continuity of the vertical component of the exit arrangement. Additionally, in buildings where stair towers must be pressurized, pressurization would not be possible without a door at the lobby level.

An exit discharge lobby is the sole location recognized in the code where an exit element can be used for purposes other than pedestrian travel for means of egress. The lobby may contain furniture or decoration and nonoccupiable spaces may open directly into the lobby. The lobby, and all other areas on the same level that are not separated from the lobby by fire barriers consistent with the rating of the stair enclosure, must be sprinklered in accordance with an NFPA 13 or NFPA 13R system [see Figure 1027.1(1)]. If the entire level is sprinklered, no separation is required. In this case, the automatic sprinkler system is anti-

2012 IBC COMMENTARY

❖ The exit discharge is the third part of the means of egress system, which includes exit access, exit and exit discharge. The general provisions for means of egress in Sections 1003 through 1015 are applicable to the exit discharge. The basic provision is that exits must discharge directly to the outside of the building. The exit discharge is the path from the termination of the exit to the public way. Where it is not practical to discharge directly to the outside, there are four alternatives: an exit passageway (see Section 1024), an exit discharge lobby (see Section 1028.1, Exception 1), an exit discharge vestibule (see Section 1028.1, Exception 2) or a horizontal exit (see Section 1026 and Section 1028.1, Exception 3). While Exceptions 1 and 2 could be applicable to exit passageways and exit ramps, they are most often applied to exit stairways. Most of the commentary for Section 1028 will be limited to interior exit stairways that are enclosed in accordance with Section 1023. See Sections 1006, 1019.3 and 1028.1, Item 1.4, for exit access stairway requirements. Up to 50 percent of the interior exit stairways in a building may use either Exception 1 or 2; therefore, neither exception is viable for a single-exit building. In a two- or three-exit building, either a lobby, a vestibule or a horizontal exit can be used for exit discharge for one of the exit stairways. In a four-exit building, two of the exit stairways can use either a lobby, a vestibule or a horizontal exit for exit discharge.

An exit discharge lobby is the sole location recognized in the code where an exit element can be used for purposes other than pedestrian travel for means of egress. The lobby may contain furniture or decoration, and nonoccupiable spaces may open directly into the lobby. The lobby, and all other areas on the same level that are not separated from the lobby by fire barriers consistent with the rating of the stair enclosure, must be sprinklered in accordance with an NFPA 13 or 13R system [see Commentary Figure 1028.1(1)]. If the entire level is sprinklered, no separation is required. In this case, the automatic sprinkler system is anticipated to control and (perhaps) eliminate the fire threat so as not to jeopardize the path of egress of the occupants. The lobby floor and any supporting construction must be rated the same as the stairway enclosure. If the lobby is slab on grade, this requirement is not applicable. This is consistent with the fundamental concept that an exit enclosure provides the necessary level of protection from adjacent areas. A path of travel through the lobby must be continually clear and available. The exit door leading out of the building must be immediately visible and identifiable when a person leaves the exit. This does not mean the exterior exit door must be directly in front of the door at the bottom of the stairway, but the intent is that it should be within the general range of vision. A person should not have to turn completely around or go around a corner to be able to see the way out.

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APPEAL WITH EDITED FOR BREVITY AND CLARITY

APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 20302	Project Address: 2124 NW Flanders St
Hearing Date: 4/24/19	Appellant Name: Brian Emerick/Anne Marie Kuban
Case No.: B-018	Appellant Phone: 5032359400
Appeal Type: Building	Plans Examiner/Inspector: Guy Altman
Project Type: commercial	Stories: 4 Occupancy: R-2, S, B Construction Type: V-A
Building/Business Name: 2124 NW Flanders	Fire Sprinklers: Yes - FULLY SPRINKLERED
Appeal Involves: Erection of a new structure	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1]	Proposed use: Apartment Building R2

APPEAL INFORMATION SHEET

Appeal item 1

Code Section Confirmation of Code Sections 1007.2.1 and 1007.3

Requires	Code Sections 1007.2.1 requires the elevator to be the accessible means of egress if there is an accessible floor that is four stories or more above/below a level of exit discharge. It must then comply with 1007.4.
Proposed Design	The level of exit discharge is the ground floor with the street exit and the most south stair providing egress to the public way. The building has three stories above the level of exit discharge and a proposed roof deck which is not a story. See Appeal request #6. Both the egress stairs can be considered the accessible means of egress. The proposed stairs can be an accessible means of egress using Section 1007.3 Exception 1. The proposed stair width is 36" between stringers and the building is fully sprinklered per 903.3.1.1 or 903.3.2.1.
Reason for alternative	The building has 3 occupied stories above a level of exit discharge; the proposed design with a roof deck allows the stairs to be the accessible means of egress per 1007.2.1.

APPEAL DECISION

1. Determination of elevator as not required for accessible means of egress: Granted as proposed.

2. Stair discharge into Lobby: Denied. Proposal does not provide equivalent Life Safety protection.

3. Open stair discharge into Lobby: Denied. Proposal does not provide equivalent Life Safety protection.

4. Measurement of 1/3 diagonal distance between exits: Granted as proposed.

5. Type 13 water curtain sprinkler protection at non-fire rated openings in exterior walls of egress court less than 10' in width: Granted provided operable windows are one hour rated and do not open into the width of the egress court, non-operable windows have sprinklers 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.

6. Roof deck located above maximum number of stories: Granted as proposed per ICC approved 2018 IBC model code change lifting restriction on location of roof decks in a fully sprinkled building and with occupant notification in the area of the occupied roof. Elements or structures enclosing the occupied roof areas shall not extend more than 48" inches above the surface of the occupied roof. Fire Marshal's office may revoke if found to be in violation of this appeal.

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

For the items 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 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.

