

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 22215	Project Address: 4245 SE Milwaukie Ave
Hearing Date: 12/11/19	Appellant Name: Tom Jaleski
Case No.: B-021	Appellant Phone: 9712385266
Appeal Type: Building	Plans Examiner/Inspector: Preliminary
Project Type: commercial	Stories: 5 Occupancy: R-2, A-2, S-2 Construction Type: III-B
Building/Business Name: Ethos - Brookland Apartments	Fire Sprinklers: Yes - Throughout
Appeal Involves: Erection of a new structure	LUR or Permit Application No.: 19-255744-CO
Plan Submitted Option: pdf [File 1]	Proposed use: Multifamily Residential

APPEAL INFORMATION SHEET

Appeal item 1

Code Section 2014 OSSC Section 303.1.2; 2014 OSSC Table 503

Requires

2014 OSSC Section 303.1.2 Small Assembly Spaces

The following rooms and spaces shall not be classified as Assembly occupancies:

A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

A room or space used for assembly purposes that is less than 750 sf in area and accessory to another occupancy shall be classified as a Group B occupancy or as part of that occupancy.

2014 OSSC Table 503 General Building Height and Area Limitations

Group A-2/A-3 is limited to 3rd floor (with sprinkler increase) in Type III-B building. Occupied roofs are not addressed

2019 OSSC Section 503.1.4 - Occupied roofs

A roof level or portion thereof shall be permitted to be used as an occupied roof provided the occupancy of the roof is an occupancy that is permitted by Table 504.4 for the story immediately below the roof. The area of the occupied roofs shall not be included in the building area as regulated by Section 506.

Exceptions:

The occupancy located on an occupied roof shall not be limited to the occupancies allowed on the story immediately below the roof where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 and occupant notification in accordance with Section 907.5 is provided in the area of the occupied roof.

Code Modification or Alternate Requested

Proposed Design The proposed apartment building (primarily Group R-2 occupancy) includes rooftop amenity area on Level 5. This includes ~715 sf indoor lounge area and ~1,270 sf outdoor patio. This area is only accessible for the residents and their guest.

The proposed design will include the following requirements for compliance:

The indoor lounge is a small assembly area that is less than 750 sf (that includes all the areas including a restroom under a roof). This will follow 2014 OSSC Section 303.1.2 item #2, which allows this area to be classified as part of the main occupancy (Group R-2). This will allow the lounge to be prescriptively located on the 5th story.

The outdoor patio is an assembly area that will not have any enclosure. This will follow 2019 OSSC Section 503.1.4 exception #1 for occupied roofs and includes NFPA 13 sprinklers for the building, occupant notification device provided in this area.

Reason for alternative The rooftop amenity on Level 5 is provided for the project to serve as support areas for the occupants and is only accessible by the residents and their guest. This includes indoor area (covered by roof) and outdoor areas.

For the indoor lounge covered by roof, the floor area is less than 750 sf. Per 2014 OSSC Section 303.1.2 item #2, this area is allowed to be classified as Group R-2. The 2012 IBC Commentary supports this classification, as the purpose of the assembly space is accessory to the principal occupancy of the structure.

For the outdoor patio, the purpose of this assembly space is also to support the principal occupancy of the structure. The 2019 OSSC added a section for occupied roofs, as this was not addressed in the 2014 OSSC. The ~1,270 sf outdoor patio will not be surrounded by walls, except for the roof parapet at less than 48 inches and the walls of the lounge room bordering the space. These provisions require that occupant notification be provided throughout to ensure occupants are made aware of an emergency as soon as an alarm is sounded. This will be provided through fire alarm manual pull stations and audible and visual alarm notification devices. All areas of the building will be sprinklered per NFPA 13 and the roof deck will have access to two 2-hour fire-rated stair enclosures that lead directly to the exterior.

In addition, internally illuminated exit signage will be provided at each stair enclosure, allowing visibility of the exit from a greater distance. And, the proximity of standpipe from the exit stair assists fire personnel should a fire event occur in the outdoor patio.

Therefore, along with the additional mitigation measures provided, it is requested that the 2019 OSSC Section 503.1.4 exception #1 be allowed to classify the area of the outdoor patio.

Appeal item 2

Code Section 2014 OSSC 2902.2

Requires Separate facilities: Where plumbing fixtures are required, separate facilities shall be provided for each sex per OSSC 2902.2.

Code Modification or Alternate Requested

Proposed Design The proposed design is a lounge lobby for a multi-family apartment building with a café embedded in the corner. Due to the desire to not have any rated assemblies between the spaces, the design

has the entire lobby as a A-2 assembly. We propose providing one private toilet for the café with an additional toilet for the tenant attached to the R-2 assembly fitness room and sauna.

Reason for alternative Per OSSC Table 2902.1, the plumbing fixture count for an assembly occupancy classification of 60 occupants. However, the café and kitchen occupants are only 15. See attached life safety plans.

Per OSSC 2902.2 exemption 2 we would propose that the single toilet provided be adequate for the use by the café and the remaining occupants be covered by the toilet in the fitness area and to be considered as non-simultaneous with the residential units.

For reference, the following similar appeals have been granted in the City of Portland: 18895, 18761, 18669, 16864, 15237.

Appeal item 3

Code Section 2014 OSSC Section 1015.1; Table 1015.1

Requires 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.

Table 1015.1 – Group R spaces with maximum occupant load of 10 requires one exit or exit access doorway.

Code Modification or Alternate Requested

Proposed Design The proposed five story building includes a residential corridor that is located around a courtyard at the south end of the building. This layout is typical at Level 1 to 5. These corridors meet all the requirements of Section 1015 for a single exit including the travel distance, except that the occupant load from the corridor exceeds the 20 occupancy per Section 1015.1 exception #1 for single exit in Group R-2 occupancy. This exceed the limit at each floor by about 2-4 occupants. See the attached drawing for the location.

The proposed design is to classify these corridors open to the courtyard as egress balconies, and follow the provisions per Section 1019, including width, headroom, dead ends and projections.

Reason for alternative The code intent of Section 1015 for requiring two exits or exit access doorway is to provide exits for large occupants within a space. This space is assumed to be enclosed corridors, which provides concerns when occupants have to navigate through a single exit (or exit access) door.

This is not the case with the proposed design, as the corridors surround an open courtyard. There are no doors leading to the exit stairs, which doesn't restrict the occupant movement through the open corridor. Each of the dwelling units has two routes to get to the pinch point, where the occupants can then can two different routes to the different stairs.

This corridor meets all the requirements of egress balcony. The openness of the egress balcony provides any smoke to vent out. In any event of fire, the product of combustion would not be expected to build up in the balcony area as would commonly occur in an interior corridor. The egress balcony will be fully sprinklered in accordance with NFPA 13. Egress balconies are

considered same as exit access corridors and need to meet width, dead end, headroom, projections.

Based on the corridor surrounding an open courtyard, meeting the provisions of egress balcony, we urge to grant this alternate request.

APPEAL DECISION

1. Roof deck located above maximum number of stories: Denied. Proposal does not provide equivalent Life Safety protection.

2. Single all user toilet room in lieu of separate facilities: Granted as proposed.

3. Single exit corridor with increase in maximum allowable occupant load to 22: Hold for additional information.

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

For the item 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 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.

LIFE SAFETY PLAN LEGEND

1 HOUR FIRE RATED SEPARATION

2 HOUR FIRE RATED SEPARATION

PATH OF EGRESS
(MAXIMUM DISTANCE INDICATED)
PROVIDE EGRESS LIGHTING, REF ELECTRICAL

S SMOKE BARRIER

0

EXIT (WITH NUMBER OF OCCUPANTS)

EGRESS COMPONENT WIDTH DATA

ROOM OR AREA NAME

OCCUPANT LOAD FACTOR (NET OR GROSS)

NUMBER OF OCCUPANTS

OCCUPANCY CLASS

* ACCESSORY USE

(S) 20 MIN LABELED, SELF CLOSING DOOR
WITH 45 MIN RELITE WHERE APPLICABLE

(KB) KNOX BOX

(SP) STANDPIPE

(FE) FIRE EXTINGUISHER

(FAPS) FIRE ALARM PULL STATION

(DFDE) DESIGNATED FIRE DEPARTMENT ENTRANCE

OCCUPANT LOAD LEGEND:

200 GROSS OCC.

50 GROSS OCC.

100 GROSS OCC.

15 NET OCC.

300 GROSS OCC.

ARCHITECTS
HACKER
1615 SE 3rd Ave., 5th Floor, Portland, OR 97214

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STAMP

REGISTERED ARCHITECT
Charles M. Dom
Portland, OR
License 4158
State of Oregon
Exp. 12/31/2020

REVISION NO. DATE

KEY PLAN - (NTS)

Ethos - Brookland Apartments

ADDRESS
4245 SE MILWAUKIE AVE
PORTLAND OR 97202

ISSUANCE
PERMIT SET
PROJECT NUMBER
01910
DATE
11/27/2019
SCALE
As Indicated
DRAWING TITLE
LIFE SAFETY PLANS

SHEET NUMBER
G-100

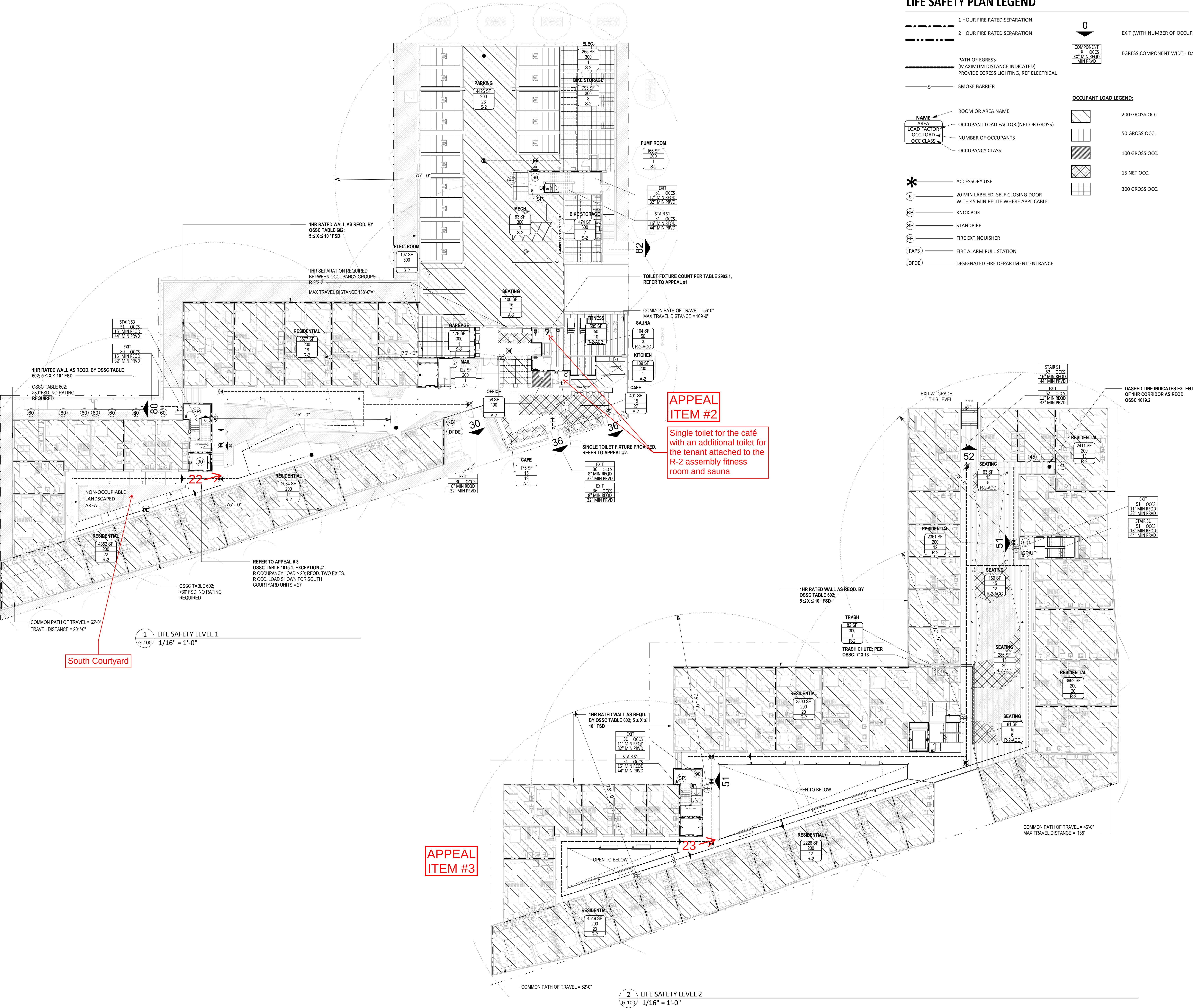
**APPEAL
ITEM #3**

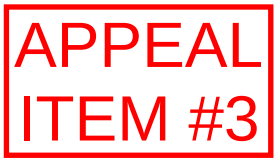
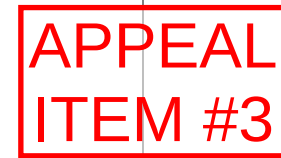
PLAN
NORTH

**APPEAL
ITEM #2**

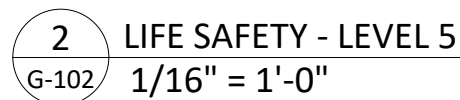
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**APPEAL
ITEM #3**

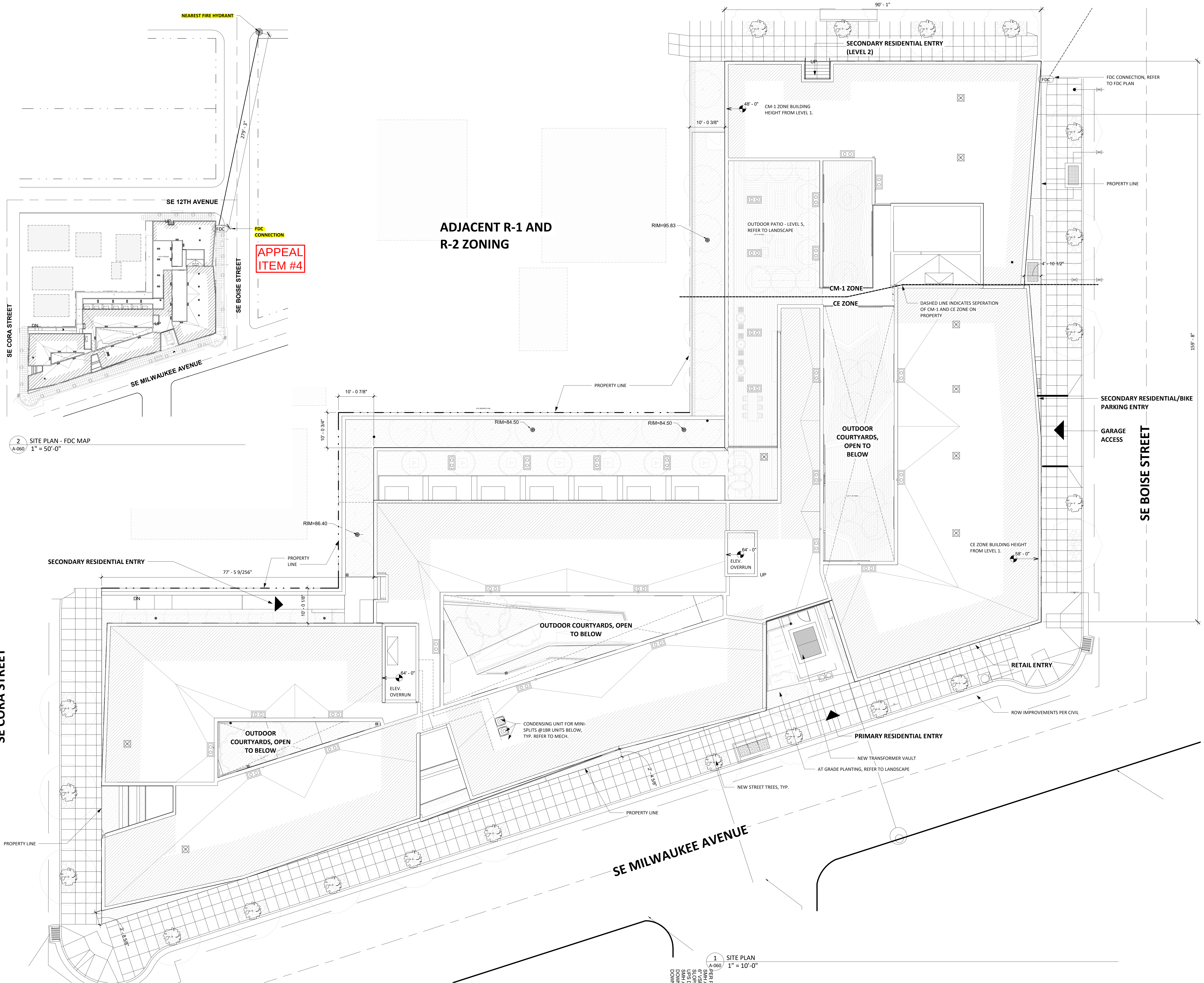




G-101



G-102



ARCHITECTS

HACKER

1615 SE 3rd Ave., 5th Floor, Portland, OR 97214

ETHOS | Development

STAMP



REVISION NO. DATE

KEY PLAN - (NTS)



**Ethos - Brookland
Apartments**

ADDRESS
4245 SE MILWAUKIE AVE
PORTLAND OR 97202

ISSUANCE
PERMIT SET
PROJECT NUMBER
01910

DATE
11/27/2019

SCALE
As indicated

DRAWING TITLE
ARCHITECTURAL SITE PLAN

SHEET NUMBER

A-060