

# Development Services

## From Concept to Construction

Phone: 503-823-7300 Email: [bds@portlandoregon.gov](mailto: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

<b>Appeal ID:</b> 23494	<b>Project Address:</b> 2118 SE Division St
<b>Hearing Date:</b> 2/26/20	<b>Appellant Name:</b> Bob Schatz
<b>Case No.:</b> B-008	<b>Appellant Phone:</b> 5032358585
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Preliminary
<b>Project Type:</b> commercial	<b>Stories:</b> 3 <b>Occupancy:</b> R-1 <b>Construction Type:</b> 5-B
<b>Building/Business Name:</b> Roxy	<b>Fire Sprinklers:</b> Yes - 13R in building
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b>
<b>Plan Submitted Option:</b> pdf [File 1]	<b>Proposed use:</b> R1 short term rental

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** 1028.4 EGRESS COURTS

**Requires** Per Chapter 2 Definition of Egress Court (p.30): A court or yard, which provides access to a public way for one or more exits.

Per Chapter 2: Definition of Court (p.27): an open, uncovered space, unobstructed to the sky, bounded on three or more sides by exterior building walls or other enclosing devices.

**Code Modification or Alternate Requested** To define an egress court

**Proposed Design** A 11'-0" section of the egress court is covered and enclosed on two sides. This portion of the egress court shall be called an 'open exit passageway' is considered exterior space. This covered open exit passageway section has a minimum of 9'-0" high ceiling and surrounded by a 2-hour fire rated wall on the two sides and a 2-hour fire rated ceiling. There is no occupied space above the open exit passageway, it is just a roof area to keep the entry to the court dry during a rain.

**Reason for alternative** A. This appeal has been previously approved through  
APPEAL ID# 5500 Dated: 8/22/2008  
Also Appeal ID# 13,447 Dated 5/12/2016

B. The definition of court is to determine the type of space and not intended to be a fire code regulation.

C. The proposed covered section of the egress court has 2 hour rated walls and ceiling.

D. It would benefit the inhabitants of the building to get out of the rain before entering the property.

## Appeal item 2

<b>Code Section</b>	TABLE 1006.3.3(2)
<b>Requires</b>	1-exit not allowed with R1 occupancy when the occupied space is 2nd or 3rd story above grade plane.
<b>Code Modification or Alternate Requested</b>	To provide a small hotel space with one exit instead of the required 2
<b>Proposed Design</b>	The proposal is within a building that is small enough that the whole 2nd and 3rd floor is a single R1 occupant with an occupant load of 8. That single occupant space will have it's own staircase from the 2nd to 1st floor with a small 68 square foot lobby on the first floor with direct access to the public sidewalk. That lobby is only accessible to this one tenant and the lobby is required per zoning code (windows from the sidewalk to an R1 occupancy are not allowed per zoning code but are allowed to a lobby). The egress stairwell between the 1st and 2nd floor will be 2-hour fire rated and have a 45 minute door at the top of the egress stairwell.
<b>Reason for alternative</b>	<p>The entire property is 1,250 square feet with only 25 feet of street frontage which is difficult to add a second egress due to limitations in space. In table 1006.3.3(2) it states that a single exit is allowed from the first story if the occupant load is 10 or fewer and our exit access travel distance is under 75 feet. With this proposed design our occupant load is 10 or fewer and if you count the fire rated door at the top of the egress stairwell as the start of the EXIT, our exit access travel distance is under 75 feet thus meeting the intention of the code.</p> <p>Also considering this same code allows a larger 3-story hotel with a couple hundred occupants and 2 exits, this single exit hotel space with 8 occupants has to be a safer design.</p>

## APPEAL DECISION

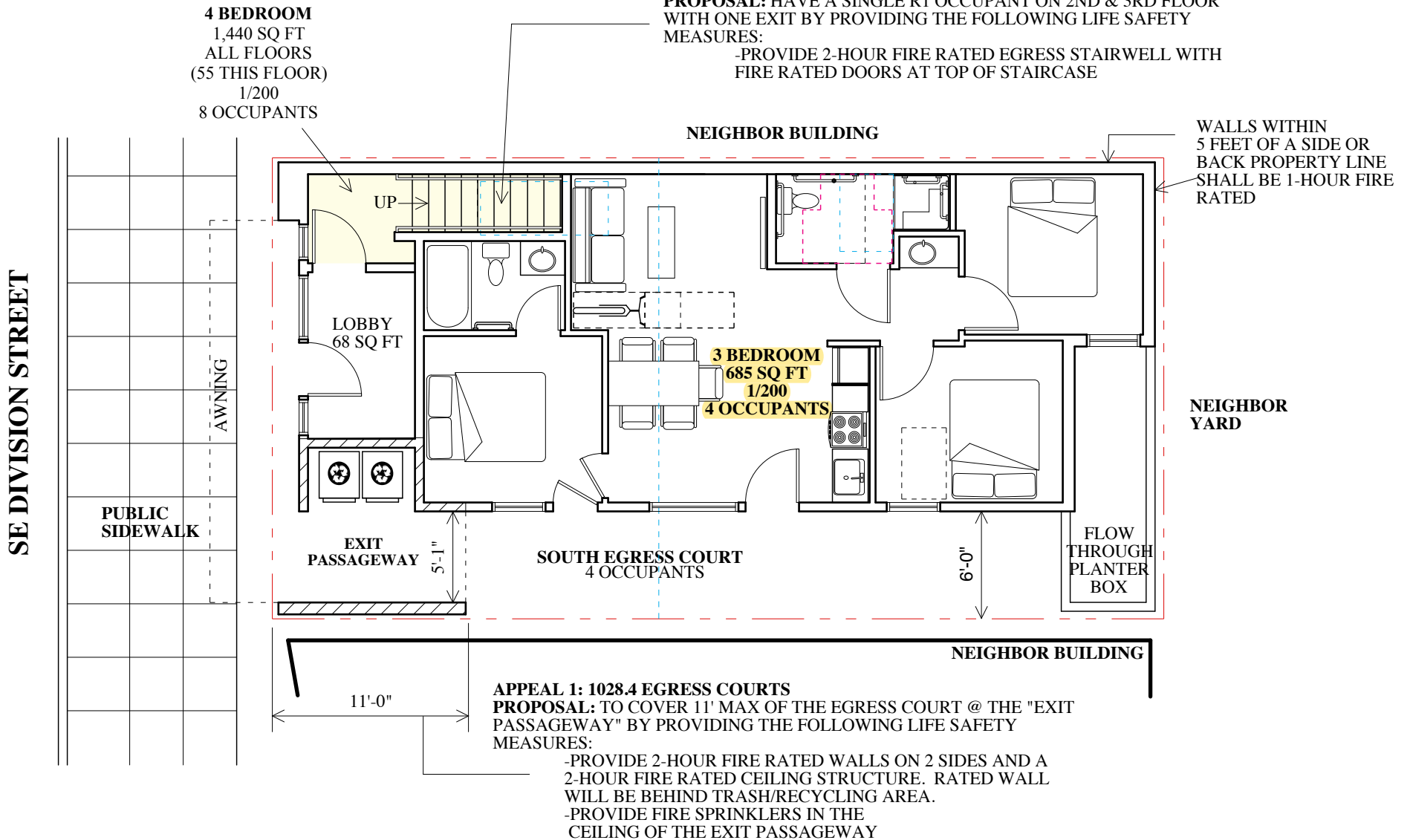
**1. Exit discharge with re-entry into building: Denied. Proposal does not provide equivalent Life Safety protection.**

**2. Single exit for R1 occupancy from 2nd and 3rd floors: Denied. Proposal does not provide equivalent Life Safety protection.**

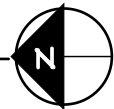
**Appellant may contact John Butler (503 823-7339) with questions.**

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](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

**APPEAL 2: TABLE 1006.3.3(2) STORIES WITH ONE EXIT**  
**PROPOSAL:** HAVE A SINGLE R1 OCCUPANT ON 2ND & 3RD FLOOR  
 WITH ONE EXIT BY PROVIDING THE FOLLOWING LIFE SAFETY  
 MEASURES:  
 -PROVIDE 2-HOUR FIRE RATED EGRESS STAIRWELL WITH  
 FIRE RATED DOORS AT TOP OF STAIRCASE



**FIRST FLOOR**



2118 SE Division street Portland, OR 97202  
 Phone (503) 235-8585 Fax (503) 235-0835

**Roxy Living**  
 2118 SE Division Street

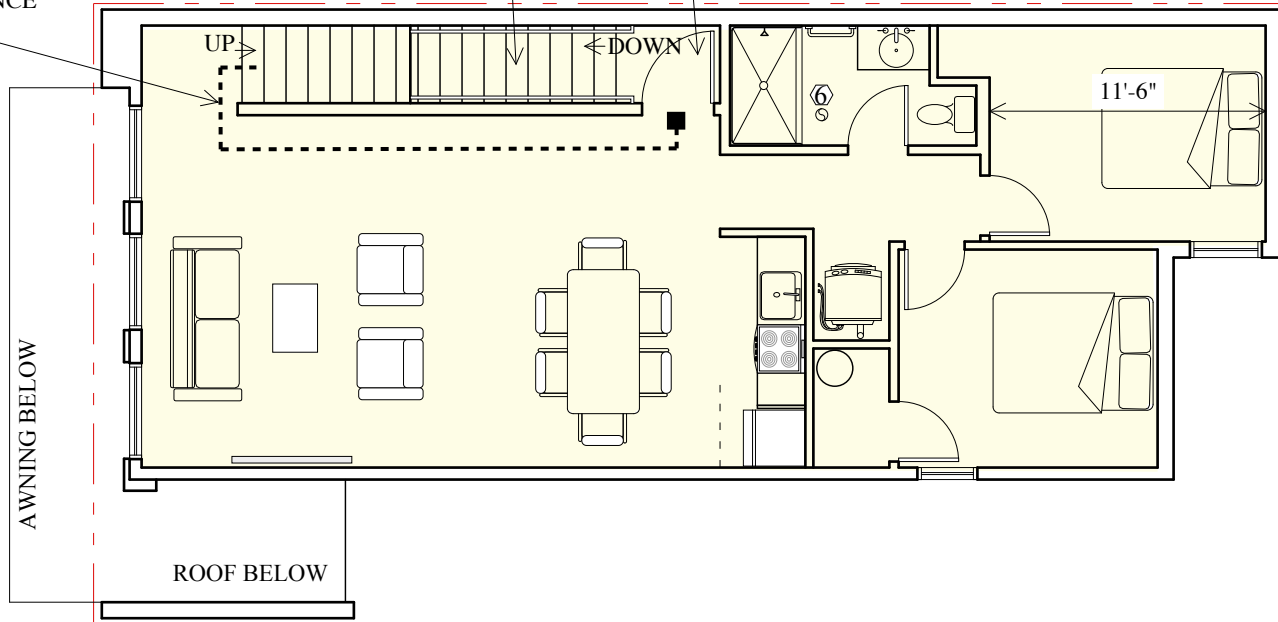
DATE: 2 18 2020

DASHED LINE REPRESENTS  
A MAXIMUM OF 75 FEET  
OF TRAVEL DISTANCE  
TO THE EXIT

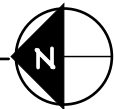
**2-HOUR FIRE  
RATED  
EGRESS STAIRWELL**

**45-MIN FIRE  
RATED  
DOOR**

**4 BEDROOM**  
1,440 SQ FT  
ALL FLOORS  
(815 THIS FLOOR)  
1/200  
**8 OCCUPANTS**



## SECOND FLOOR

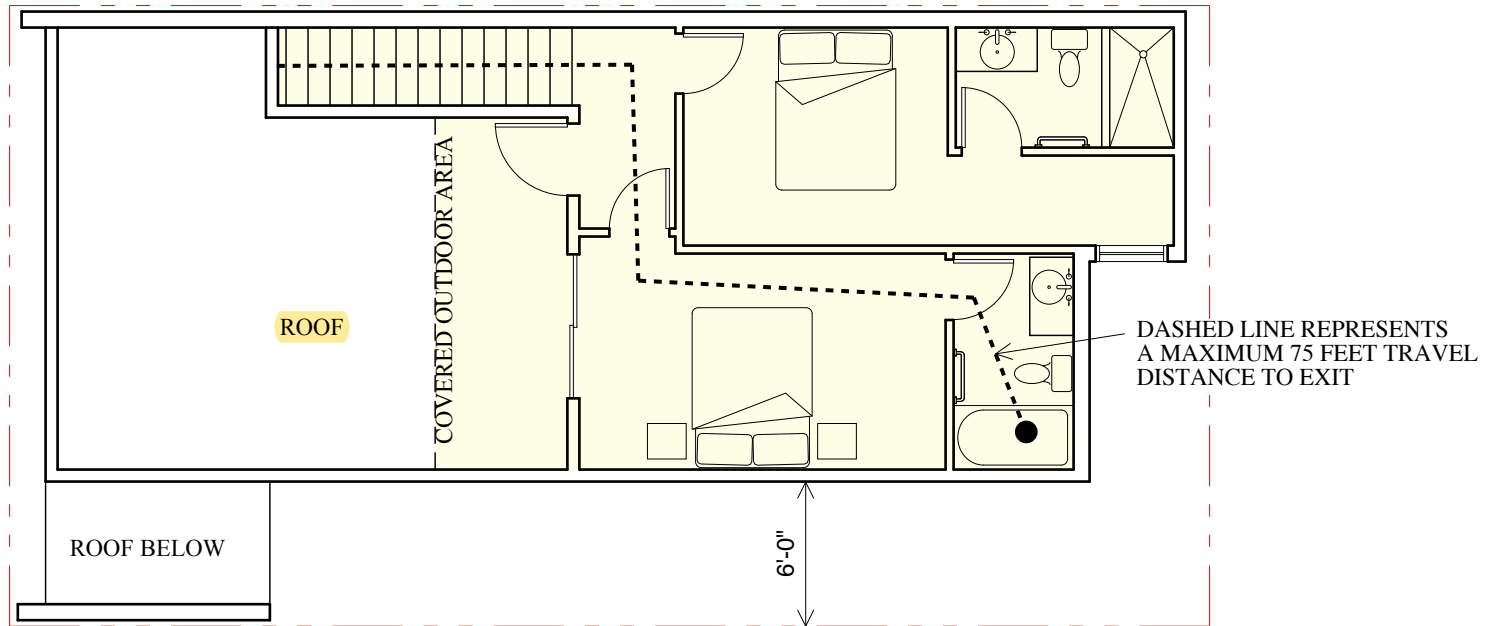


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**Roxy Living**  
**2118 SE Division Street**

DATE: 2 18 2020

**4 BEDROOM**  
1,440 SQ FT  
ALL FLOORS  
(587) THIS FLOOR)  
1/200  
8 OCCUPANTS

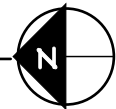


## THIRD FLOOR



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**Roxy Living**  
2118 SE Division Street



DATE: 2 18 2020