

## Development Services

### From Concept to Construction

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#### APPEAL SUMMARY

**Status:** Decision Rendered

<b>Appeal ID:</b> 23805	<b>Project Address:</b> 1225 NE 2nd Ave
<b>Hearing Date:</b> 6/10/20	<b>Appellant Name:</b> Tom Jaleski
<b>Case No.:</b> B-013	<b>Appellant Phone:</b> 9712385266
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Connie Jones
<b>Project Type:</b> commercial	<b>Stories:</b> 1 <b>Occupancy:</b> A <b>Construction Type:</b> V-B
<b>Building/Business Name:</b> Legacy Unity Behavioral Center	<b>Fire Sprinklers:</b> No
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 106299-CO, 106300-CO, 106303-CO
<b>Plan Submitted Option:</b> pdf [File 1]	<b>Proposed use:</b> Outdoor activity shelter

#### APPEAL INFORMATION SHEET

##### Appeal item 1

<b>Code Section</b>	1004.5 Exception
<b>Requires</b>	Where approved by the building official, the actual number of occupants for whom each occupied space, floor, or building is designed, although less than those determined by calculation, shall be permitted to be used in the determination of the design occupant load.
<b>Code Modification or Alternate Requested</b>	Appealing for construction of three outdoor covered activity shelters, accessory to controlled-access activity yards, that do not contribute additional occupants to the permitted occupant load of the building.
<b>Proposed Design</b>	<p>Three outdoor covered activity shelters are being constructed in an existing controlled-access outdoor yard at the Legacy Unity Center for Behavioral Health. The yard as approved in permit number 16-166925-FA is divided in half between north and south sides. One shelter is located in the north half, and the other two shelters are located in the south half. All three structures will be classified as Type V-b, but made of noncombustible materials.</p> <p>The proposed design is for the shelters to be considered as non-simultaneous use structures. Equivalent protection is provided as follows:</p> <p>The shelters and yard area are only accessed by hospital patients and attending staff only. The whole hospital has restricted access and yard area is only accessible from the hospital.</p> <p>All patients are required to be accompanied by staff, which are trained in egress and life safety procedures in case of an alarm.</p> <p>Visible and audible fire alarm notification devices are located on the outside of the building in the yard area.</p> <p>Yard areas are provided with Areas of Rescue Assistance.</p> <p>The yard is locked as a security measure for mental health patients. The shelters and yard would exceed 50 occupants per OSSC 1004 and require 2 exits. The prescriptive occupant load</p>

calculation also would increase plumbing fixture counts. The proposed design would allow inpatient mental health patients to occupy the space while accompanied by staff as non-simultaneous occupants counted elsewhere in the building. The shelters and yard would have an area of rescue assistance in the yard, but for security reasons, the primary egress is back into the building. This is a facility for inpatient mental health care, keeping them secure is a priority.

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**Reason for alternative** The activity shelters are being provided as accessory amenities to two visitation & recreation yards at Legacy Unity Behavioral Center. The shelters are being constructed to provide weather cover for outdoor seating areas. The shelters are unenclosed canopies, open on all four sides, supported by posts, and providing overhead roofs. Tables and outdoor seating will be provided under the shelters.

The yards are permitted conditions under permit number 16-166925-FA. The Behavioral Center is a psychiatric facility and the yards, for the use of patients, must be secured and monitored. They are not open for public assembly, they are access-controlled, and they provide secured areas of safe dispersal as permitted by OSSC 407.10 Secured Yards. Occupants are limited to patients, their associated visitors and attending staff, and cannot be occupied to capacity as calculated by the code for safety reasons. The yards are not used for mass assembly in any capacity, and the only access from outside the property are via secured maintenance gates.

The intent of the exception to 1004.5 is to recognize that there are limited situations where the actual occupant load is less than the calculated occupant load, allowing the AHJ to permit adjustments where appropriate. In this circumstance, an adjusted occupant load that does not calculate occupants for the proposed structures is appropriate because practical security requirements of the building will not allow further occupants aside from those already accounted for in the occupant load calculations for the building to occupy the new structures. As the structures do not introduce new occupants to the building, they do not increase egress requirements or plumbing requirements, diminish fire safety, or otherwise adversely affect the code requirements for the building, and therefore provide an equivalent level of protection as already permitted for the building.

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## APPEAL DECISION

**Reduction in calculated occupant load for 3 activity shelters based on non-simultaneous use: Granted as proposed.**

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



# Holiday Park Medical Center Campus

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Permit app. 19-106303-000-00-CO  
to comply with LU 18-216335

PROPOSED  
SMALL  
STRUCTURE  
250SF AREA 1

60 occ's x 6 sf/occ =  
360 sf safe dispersal area  
per OSSC 407.10

50' boundary for safe  
dispersal area

111 occ's x 6 sf/occ =  
666 sf safe dispersal area  
per OSSC 407.10

Permit app. 19-106299-000-00-CO  
to comply with LU 18-216335

PROPOSED  
LARGE  
STRUCTURE  
666SF AREA 7

Permit app. 19-106300-000-00-CO  
to comply with LU 18-216335

250SF  
PROPOSED  
SMALL  
STRUCTURE  
AREA 5

60 occupant exit discharge per  
permit 16-166925-CO

Restroom permit application to be  
withdrawn. (106293-000-00-CO)  
Structure will not be built.

111 occupant exit discharge per  
permit 16-166925-CO

