

## Development Services

### From Concept to Construction

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



#### APPEAL SUMMARY

**Status:** Decision Rendered

<b>Appeal ID:</b> 24527	<b>Project Address:</b> 5460 N Interstate Ave
<b>Hearing Date:</b> 1/20/21	<b>Appellant Name:</b> Joshua Scott
<b>Case No.:</b> B-005	<b>Appellant Phone:</b> 2067551290
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> John Cooley
<b>Project Type:</b> commercial	<b>Stories:</b> 6 <b>Occupancy:</b> R2 <b>Construction Type:</b> III-A over 1-A
<b>Building/Business Name:</b>	<b>Fire Sprinklers:</b> Yes -
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 20-146519-CO
<b>Plan Submitted Option:</b> pdf [File 1] [File 2] [File 3] [File 4]	<b>Proposed use:</b> Multifamily Residential/Commercial

#### APPEAL INFORMATION SHEET

##### Appeal item 1

<b>Code Section</b>	OSSC 2902.2.2
<b>Requires</b>	Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 30 or fewer. One single-user toilet room shall be permitted.
<b>Code Modification or Alternate Requested</b>	It is requested that separate facilities not be required in the lobby of this multifamily building with an occupant load of 48.
<b>Proposed Design</b>	A single user toilet facility has been provided to serve this area.
<b>Reason for alternative</b>	The lobby of this building serves a population that all have access to individual bathroom facilities. The assembly opportunities within the lobby are minimal and will mostly involve greeting potential residents for tours, and resident gathering while awaiting deliveries, ride share, transit, etc. The single-user toilet facility provided is primarily for use by the leasing manager and as an added convenience for residents who may be congregated in the lobby space.

##### Appeal item 2

<b>Code Section</b>	1510.2.2, Table 504.4
<b>Requires</b>	Penthouses shall not be used for purposes other than the shelter of mechanical or electrical equipment, tanks, elevators and related machinery, or vertical shaft openings in the roof assembly.  Table 504.4 limits the number of stories of this building to 5 over the podium.

**Code Modification or Alternate Requested** Allow the limited circulation and single use toilet facility to be included in the area of the floor below as part of the penthouse structure.

**Proposed Design** Access to the rooftop amenity has been provided by elevator and stairway. Both of these features are contained within penthouse structures. A single-user toilet facility was added to the rooftop for the convenience and to provide additional toilet facilities (beyond each of the residents private bathroom facilities) for the assembly occupancy created at the rooftop.

**Reason for alternative** An additional story is not available to this construction type. The toilet facility can be included within the penthouse structure easily and will provide a facility for the amenity space without generating additional occupant load. No habitable space is being created to provide the toilet facility. If considered part of the penthouse function, it will be included within the area of the floor below and could be allowed without establishing an additional story to the building.

### Appeal item 3

**Code Section** 603.1

**Requires** Combustible materials shall be permitted in buildings of Type I or II construction in the following applications and in accordance with Sections 603.1.1 through 603.1.3:

Fire-retardant-treated wood shall be permitted in:

1.1 Nonbearing partitions where the required fire-resistance rating is 2 hours or less.

**Code Modification or Alternate Requested** It is requested that the limited amount of framing within the small stairway leading to the mezzanine within the dwelling units be allowed to be constructed of Fire-retardant-treated wood.

**Proposed Design** Fire retardant treated lumber, covered with type x gypsum board is proposed for all framing and supports for the stairway.

**Reason for alternative** Noncombustible construction for the stairways is difficult to accomplish. The stairway serves an occupant load of 2, and exists entirely within an individual dwelling unit that is fully sprinklered. FRT framing covered with Type X gypsum wallboard will provide an essentially noncombustible condition at this area. The code is unclear as to how a stairway utilized within a dwelling unit to a mezzanine is to be categorized.

### Appeal item 4

**Code Section** 1028.4.2

**Requires** Construction and Openings.  
Where an egress court serving a building or portion thereof is less than 10 feet in width, the egress court walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet above the floor of the egress court. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than 3/4 hour.

**Code Modification or Alternate Requested** The intent of the appeal is to allow protection of the openings within an egress court that is less than 10' by utilization of an alternate method.

**Proposed Design** The proposed design consists of an egress court that is 8'-4" wide. It is bordered on one side by the building with storefront windows proposed. The court serves a egress occupant load of 12. The storefront windows will be protected by sprinklers installed a minimum of 4 inches and a maximum of 24 inches from the opening spaced at 6 feet on center. Sprinklers will be installed on the occupied side of the opening and will be capable of wetting the entire surface.

**Reason for alternative** Windows on the south facade of the lobby are desirable to improve the lighting and interior environment of that space. They were also indicated in the approved design review packet. The occupancy of served by the egress court is small (just 2 occupants over the exception limit requiring protection of the openings. The protection of openings within an egress court has been allowed in this manner on past appeals.

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## APPEAL DECISION

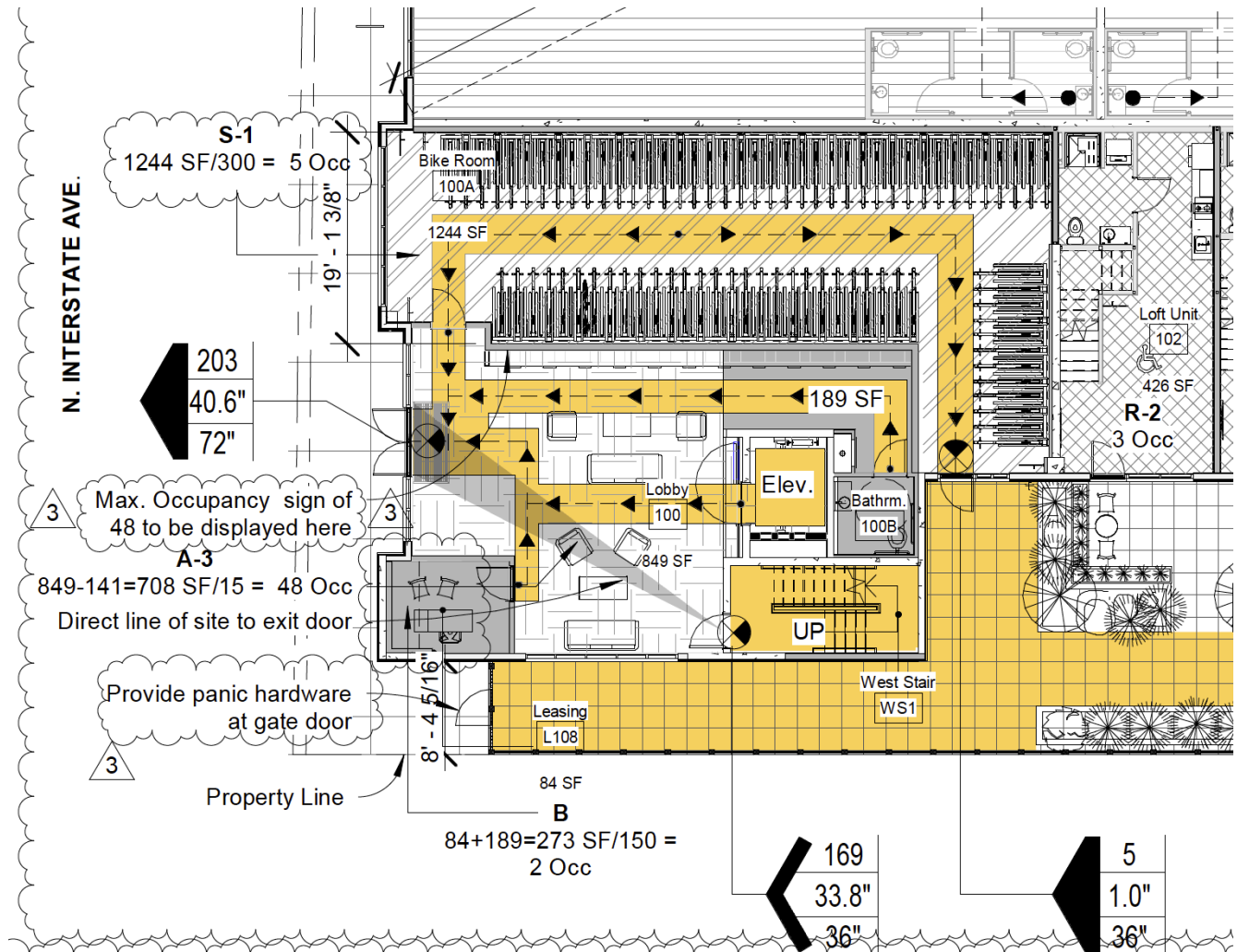
- 1. Reduction in minimum required number of plumbing fixtures: Granted as proposed.**
- 2. Mechanical penthouse with toilet room for use by occupants of rooftop assembly space: Granted as proposed.**
- 3. Use of combustibile framing within Type 1A construction: Denied. Proposal does not provide equivalent Life Safety protection.**
- 4. Type 13 water curtain sprinkler protection at non-fire rated openings in exterior walls of egress court less than 10' in width: Granted provided windows are non-operable, and sprinklers are 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.**

**Note: Appeal does not grant any unprotected mechanical openings within this space.**

**Appellant may contact John Butler (503 865-6427) or e-mail at [John.Butler@portlandoregon.gov](mailto:John.Butler@portlandoregon.gov) with questions.**

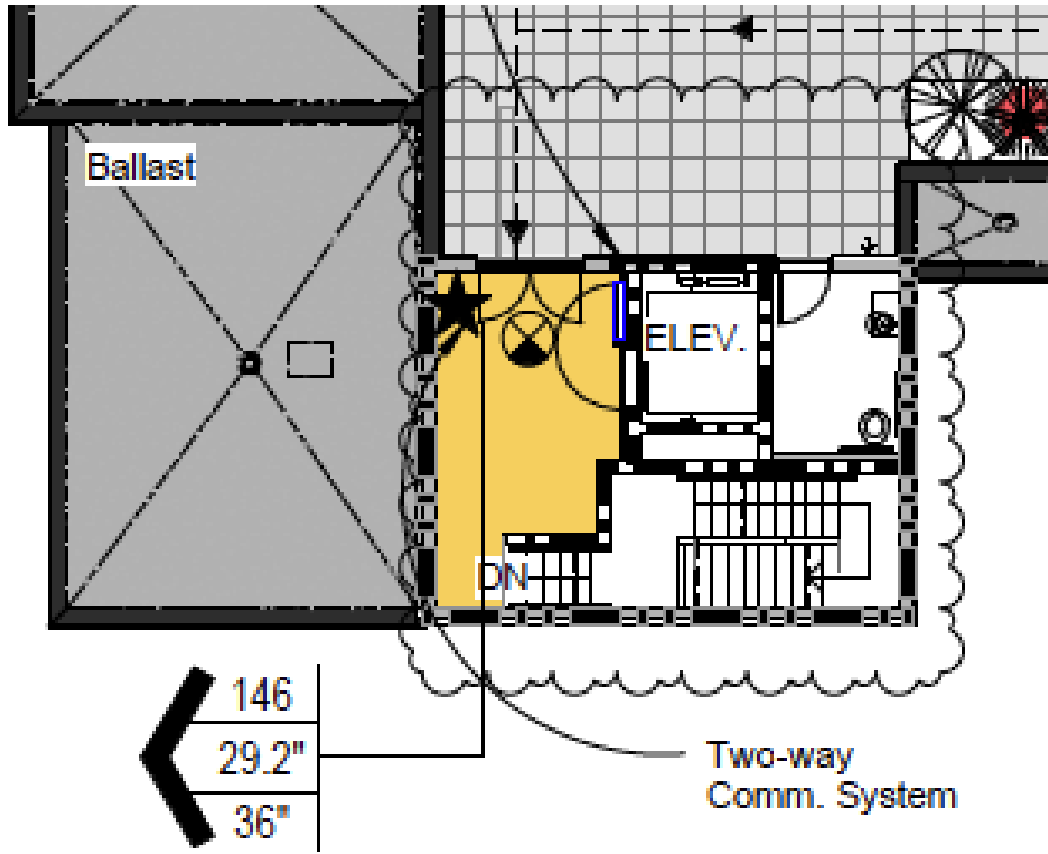
For the items granted, the Administrative Appeal Board finds that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; 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 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.



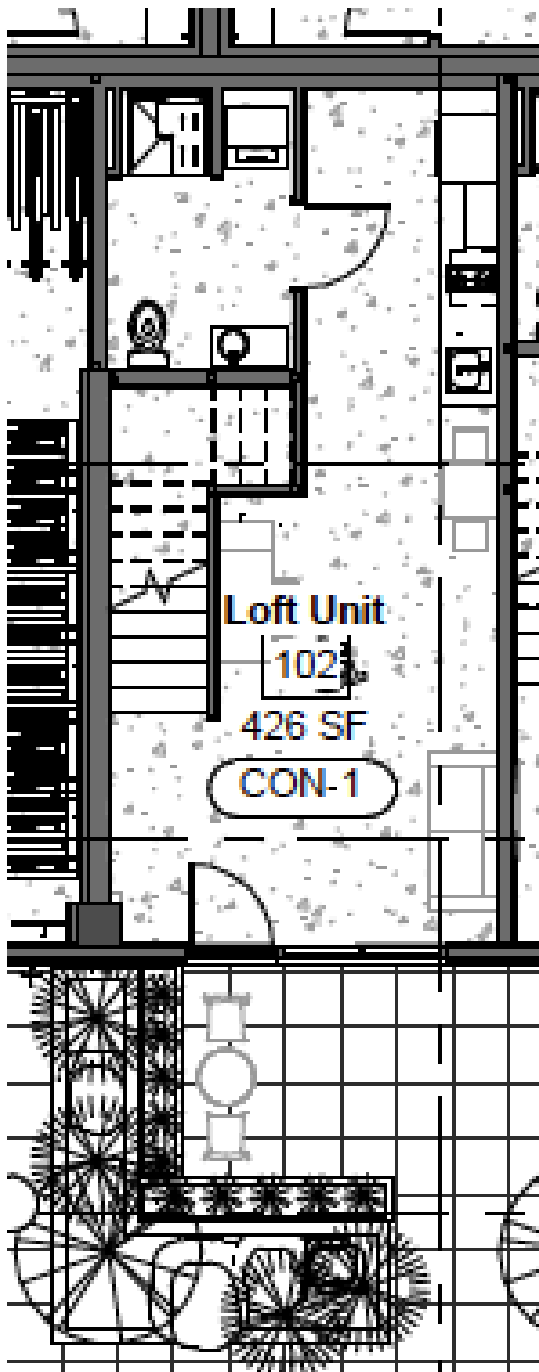
### Floor Plan of Lobby Space - 5460 North Interstate

The lobby of this building serves a population that all have access to individual bathroom facilities. The assembly opportunities within the lobby are minimal and will mostly involve greeting potential residents for tours, and resident gathering while awaiting deliveries, ride share, transit, etc. The single-user toilet facility provided is primarily for use by the leasing manager and as an added convenience for residents who may be congregated in the lobby space.

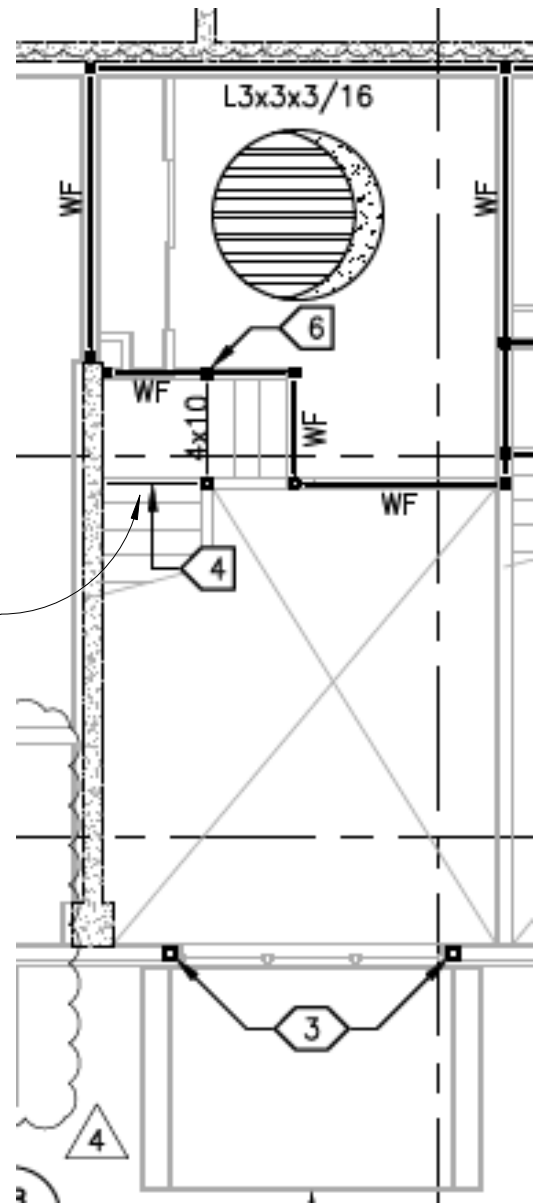


Roof Level Floor Plan - 5460 North Interstate

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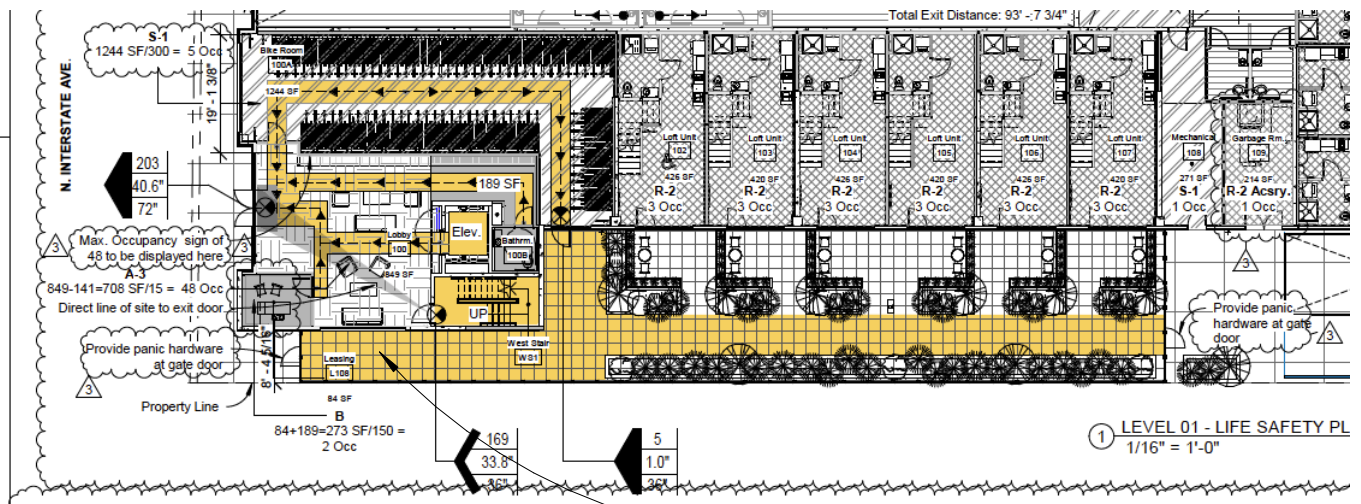


Floor plan of unit with sleeping loft



All framing in stairway from mezzanine sleeping area to be Fire Retardant Treated wood.

Framing Plan of mezzanine loft



Egress court and opening in question

Floor plan of Egress Court - 5460 North Interstate