

# Development Services

## From Concept to Construction

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### APPEAL SUMMARY

**Status:** Mixed Decision. Item 1: Decision Rendered. Items 2, 3: Hold for Additional Information

<b>Appeal ID:</b> 26327	<b>Project Address:</b> 5403 & 5413 SE 122nd Ave
<b>Hearing Date:</b> 12/8/21	<b>Appellant Name:</b> David Horsley
<b>Case No.:</b> B-002	<b>Appellant Phone:</b> 5033883680
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Anne Schmidt
<b>Project Type:</b> commercial	<b>Stories:</b> 4 <b>Occupancy:</b> R-2 Primary <b>Construction Type:</b> V-A
<b>Building/Business Name:</b>	<b>Fire Sprinklers:</b> Yes - NFPA 13 throughout
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b>
<b>Plan Submitted Option:</b> pdf [File 1] [File 2] [File 3] [File 4]	<b>Proposed use:</b> Multifamily housing (affordable)

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	OSSC 1028.1
<b>Requires</b>	<p>Exits shall discharge directly to the exterior of the building. The exit discharge shall be at grade or shall provide a direct path of egress travel to grade.</p> <p>Exceptions:</p> <p>Not more than 50% of the number and minimum width or required capacity of interior exit stairways and ramps is permitted to egress through areas on the level of discharge provided that all of the following conditions are met:</p> <p>1.1 Discharge of interior exit stairways and ramps shall be provided with a free and unobstructed path of travel to an exterior exit door and such exit is readily visible and identifiable from the point of termination of the enclosure.</p> <p>1.2 The entire area of the level of exit discharge is separated from areas below by construction conforming to the fire-resistance rating for the enclosure.</p> <p>1.3 The egress path from the interior exit stairway and ramp on the level of exit discharge is protected throughout by an approved automatic sprinkler system...</p> <p>1.4 Where a required interior exit stairway and an exit access stairway serve the same floor level and terminate at the same level of exit discharge, the termination of the exit access stairway and the exit discharge door of the interior exit stairway shall be separated by a distance of not less than 30' or not less than one-fourth the length of the maximum overall diagonal dimension of the building, whichever is less.</p>
<b>Code Modification or Alternate Requested</b>	We request that egress from an interior exit stair, discharged to the exterior under a small building overhang, to be allowed in addition to the use of 1028.1 Exception 1, which will be applied to the exit discharge from the other interior exit stair.

<b>Proposed Design</b>	<p>The proposed building is a 4-story, Type V-A, affordable apartment complex, configured with an open courtyard facing the south. The building is sprinklered throughout with a NFPA 13 system. The building has two interior exit stairs, one at the West wing (Stair 2) and one at the East wing (Stair 1, which also has an adjacent elevator serving all floors). (See Exhibit 1.) This appeal requests that as configured Stair 1 is considered a direct discharge to the building exterior for the purpose of satisfying OSSC 1028.1, leaving the use of 1028.1 Exception 1 for the exit discharge from Stair 2.</p> <p>The proposed design provides egress from Stair 1 under a small building overhang, which is directly adjacent to a large exterior courtyard (see Exhibit 2). This overhead soffit, as well as the surrounding exterior building walls, will be 2-hour fire rated (in addition to the 2-hour enclosure of the interior stairs). This appeal requests that this exit configuration is considered a direct discharge to the building exterior for the purpose of satisfying OSSC 1028.1.</p> <p>Stair 2 provides egress from the building into a covered (but open to the exterior) tuck-under parking garage, which has a direct path to a public way, SE 121st St. This exit discharge meets all of the requirements of OSSC 1028.1, Exception 1. First, it provides a free and unobstructed path of travel from the exterior exit door. The second exception is not applicable (slab on grade). Third, it is protected by an NFPA 13 sprinkler system. Fourth, it is separated from Stair 1 by +/- 89', which is greater than ¼ the overall diagonal dimension of the building (208' / 4 = 52').</p>
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<b>Reason for alternative</b>	<p>After leaving the two-hour fire-rated stair enclosure, occupants exiting Stair 1 would then be protected by the two-hour enclosure of the alcove (further described above), and have a +/- 5' travel distance to the open courtyard. The adjacent fire riser room (with 90-min. rated door) is a low-risk space, and will not contain or have the possibility to be used for storage of flammable materials as this is only accessed by fire personnel. Once in the courtyard, occupants would have two possible egress paths through gates equipped with exit hardware at the SE and SW corners of the site. Given the level of protection provided to occupants in combination with the extremely short length of the discharge distance, this configuration provides equivalent life safety to that required by code.</p>
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## Appeal item 2

<b>Code Section</b>	OSSC 406.5.1, 406.5.2, 406.6
<b>Requires</b>	<p>406.5.1: Open parking garages shall be of Type I, II, or IV construction...</p> <p>406.5.2: For natural ventilation purposes, the exterior side of the structure shall have uniformly distributed openings on two or more sides. The area of such openings in exterior walls shall be not less than 20% of the total perimeter wall area of each tier. The aggregate length of the openings shall be not less than 40% of the perimeter.</p> <p>406.6: A mechanical ventilation system and exhaust system shall be provided in accordance with the Mechanical Code.</p>
<b>Code Modification or Alternate Requested</b>	<p>We understand that the project's tuck-under parking garage in the West wing of the building is classified as Enclosed per OSSC 406.6. Related to ventilation only, we request that it be considered Open for the purposes of providing natural ventilation, and thereby eliminating the need for a mechanical ventilation system.</p>
<b>Proposed Design</b>	<p>The proposed tuck-under parking garage is constructed of brick masonry walls with large openings (see Exhibit 3). The ceiling/floor above is a 1-hour fire rated assembly, above which is three stories of wood framed, Type V-A apartment units. The proposed design provides 37% open perimeter wall area, exceeding the 20% requirement per 406.5.2. Though not explicitly required because openings are provided on two opposing sides, 49% open perimeter length is also provided, exceeding the 40% requirement.</p>

**Reason for alternative** The proposed design provides openings that exceed those required for an Open parking garage, eliminating the need for a mechanical ventilation system. This appeal does not propose that the design constitutes an Open parking garage, only that the configuration is sufficient to allow natural ventilation as a substitute for mechanical ventilation. Similar appeals have previously been granted (BDS Appeal numbers 13042, 14411).

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### Appeal item 3

**Code Section** OSSC 713.13

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**Requires** Access openings for waste or linen chutes shall be located in rooms or compartments enclosed by not less than 1-hour fire barriers constructed in accordance with Section 707. Openings into access rooms shall be separated by opening protectives with a fire rating not less than 3/4-hour. Doors shall be self-closing or automatic closing upon smoke detection. The room or compartment shall be configured to allow the access door to the room or compartment to close and latch with the access panel to the refuse or laundry chute in any position.

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**Code Modification or Alternate Requested** We request to provide a trash chute access compartment, with access door on hold-opens, in lieu of a full trash chute access room.

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**Proposed Design** The building trash chute serves 3 upper stories and terminates in a 2-hour rated trash room on the ground floor. We request to provide access to the trash chute from the building corridors on floors 2-4 via a 1-hour fire rated access compartment, the door of which will be 45-minute rated and on hold-opens (see Exhibit 4). The trash chute will fully compliant with building code, with 2-hour walls on all sides of the shaft and a self-closing hopper door. The access compartment door will be able to close with the trash chute hopper door in an open position, and a sprinkler head will be provided within the compartment.

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**Reason for alternative** The compact nature of the projects' above-ground floors don't allow for a full trash chute access room, but do accommodate the more compact compartment configuration found on other similar projects. The proposed design provides equivalent life safety to that required by code, and has multiple granted appeals as precedent (BDS Appeal numbers 24789, 24035, 23747).

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### APPEAL DECISION

**1. Determination of Stair 1 as a direct exit discharge with path of egress beneath building overhang: Granted provided a minimum of one sprinkler head is installed below the soffit and provided door 100B is equipped with a closer and additional Type 13 sprinkler protection is installed on the occupied side of the non-rated lobby glazing adjacent to door 100B. Sprinklers are to be 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. A separate permit from the Fire Marshal's Office is required.**

**2. Omission of mechanical ventilation in enclosed parking garage: Hold for additional information. See note below regarding the process for submitting additional information.**

**3. Trash chute access compartment in corridor: Hold for additional information. See note below regarding the process for submitting additional information.**

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

For Item 1: The Administrative Appeal Board finds with the conditions noted, 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.

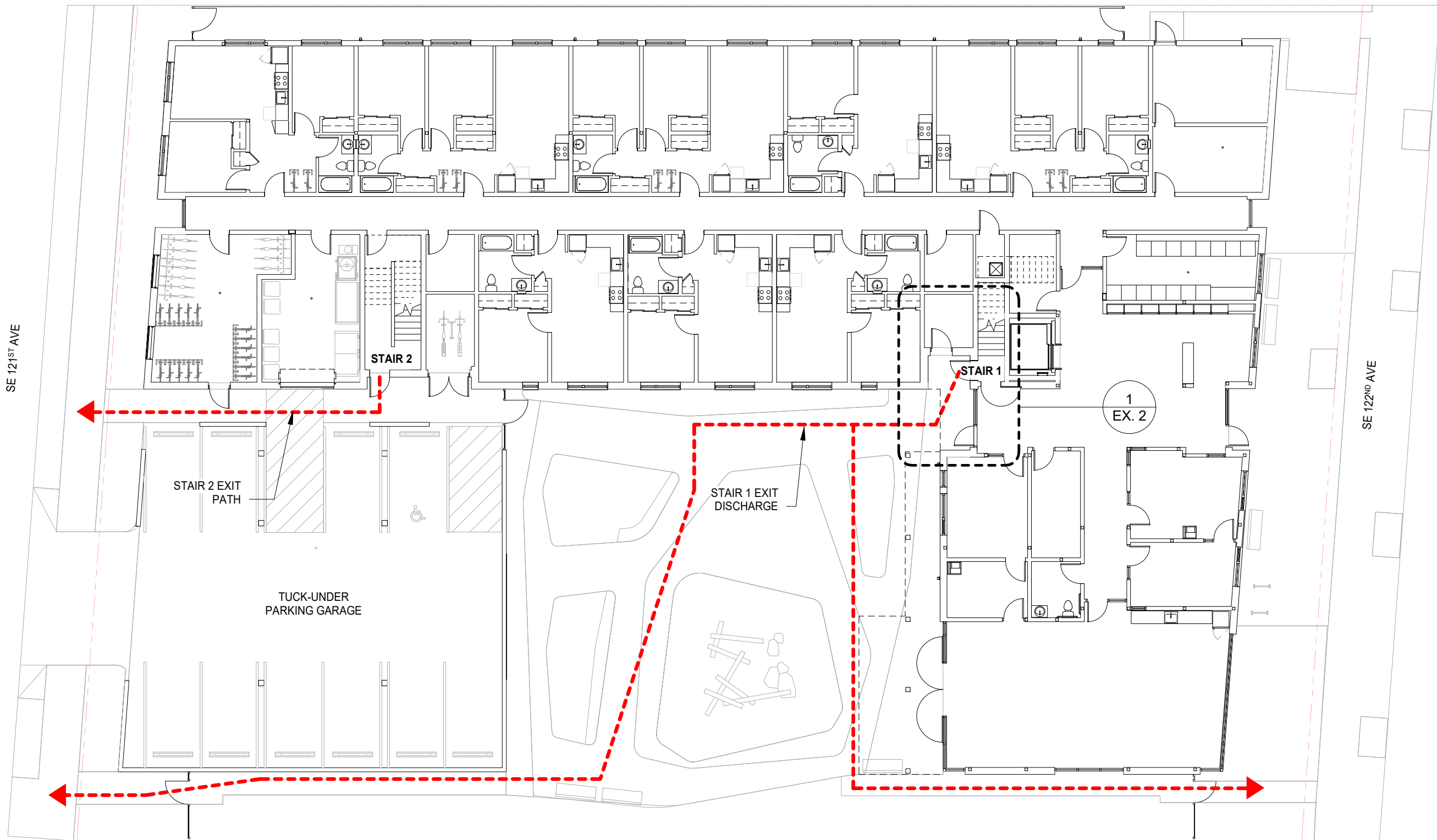
Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

For Items 2, 3: Additional information is submitted as a no fee reconsideration, following the same submittal process and using the same appeals form as the original appeal. Indicate at the beginning of the appeal form that you are filing a reconsideration and include the original assigned Appeal ID number. The reconsideration will receive a new appeal number.

Include the original attachments and appeal language. Provide new text with only that information that is specific to the reconsideration in a separate paragraph(s) clearly identified as "Reconsideration Text" with any new attachments also referenced. Once submitted, the appeal cannot be revised.

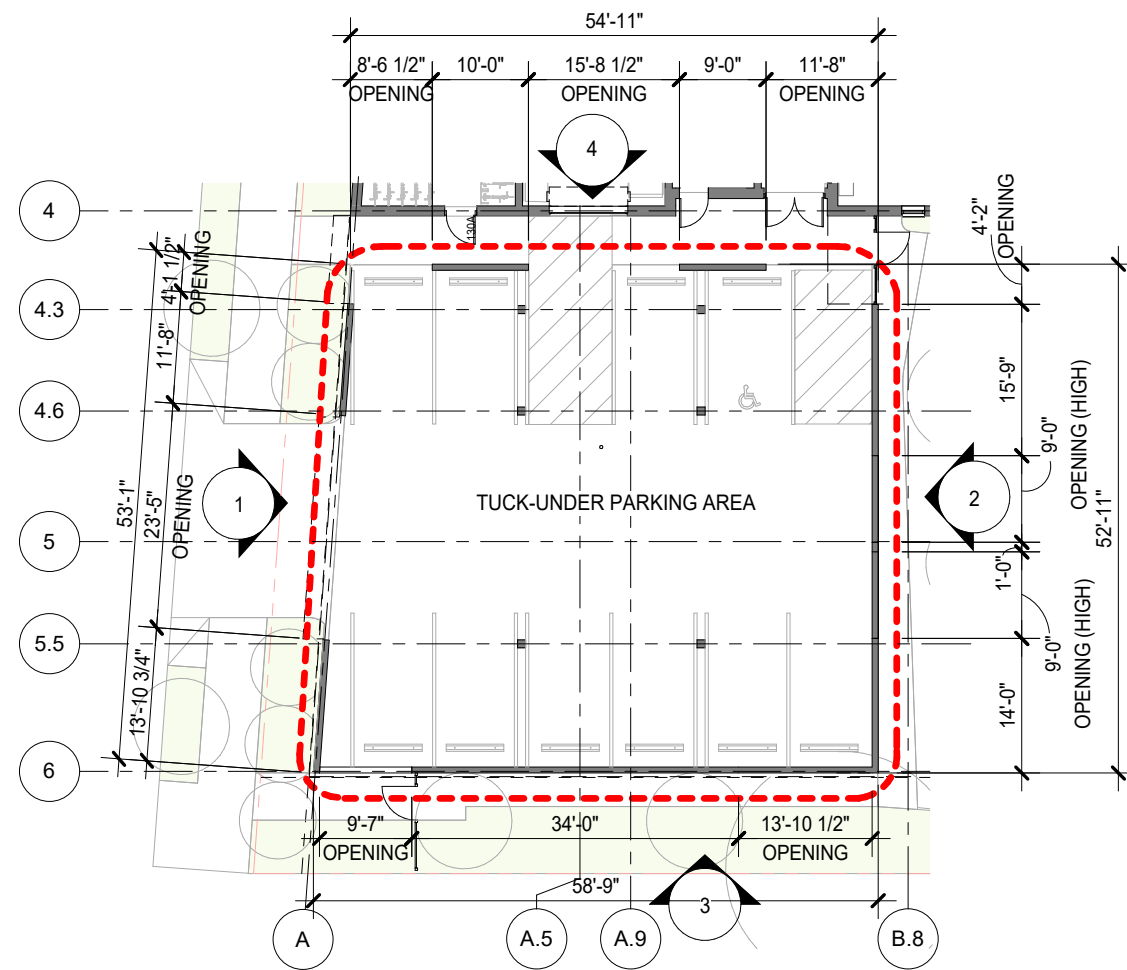
No additional fee is required.

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1 OVERALL STAIR EXITING PLAN - GROUND FLOOR  
SCALE : 1/16" = 1'-0"





## 5 ENLARGED GARAGE PLAN

SCALE : 1" = 20'-0"

### GARAGE OPENNESS CALCS (PERIMETER)

#### OPEN PERIMETER PROVIDED:

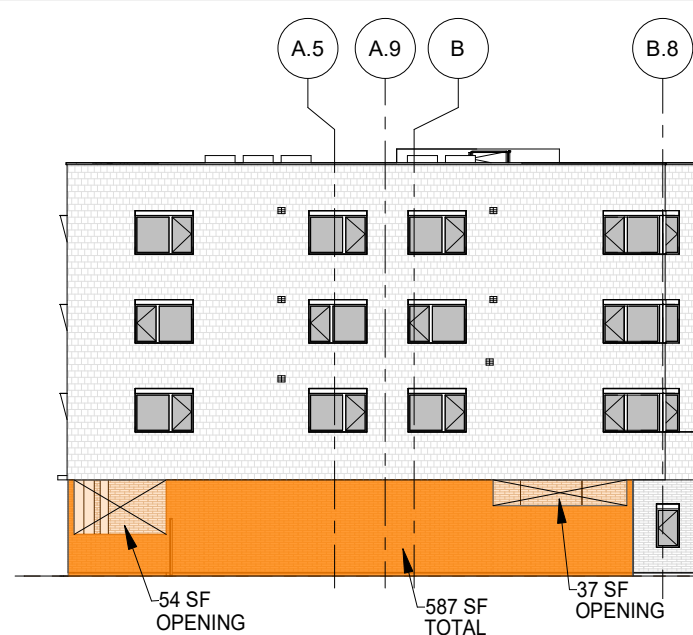
$9'-7" + 13'-10 \frac{1}{2}" + 9' + 9' + 4'-2" + 11'-8" + 15'-8 \frac{1}{2}" + 8'-6 \frac{1}{2}" + 4'-1 \frac{1}{2}" + 23'-5" = 109'-1"$

#### TOTAL GARAGE PERIMETER PROVIDED:

$58'-9" + 52'-11" + 54'-11" + 53'-1" = 219'-8"$

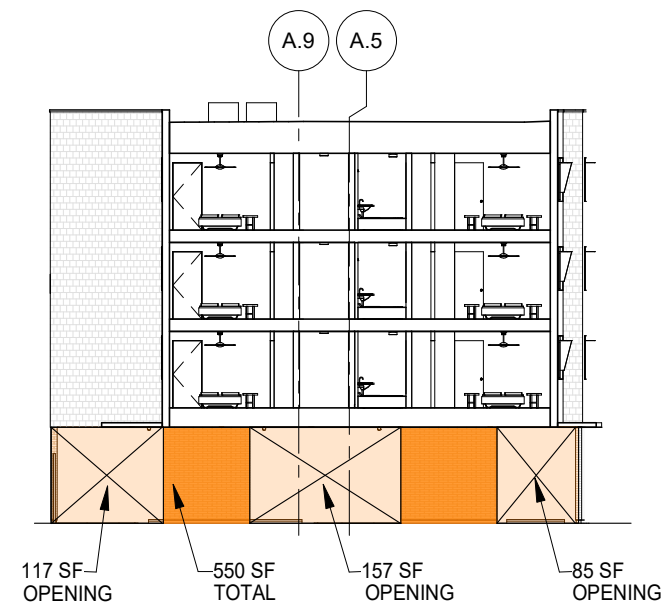
OPEN PERIMETER PROVIDED= 49%

OPEN PERIMETER REQ'D= 40%, COMPLIES



## 3 SOUTH ELEVATION

SCALE : 1" = 20'-0"



## 4 NORTH ELEVATION

SCALE : 1" = 20'-0"

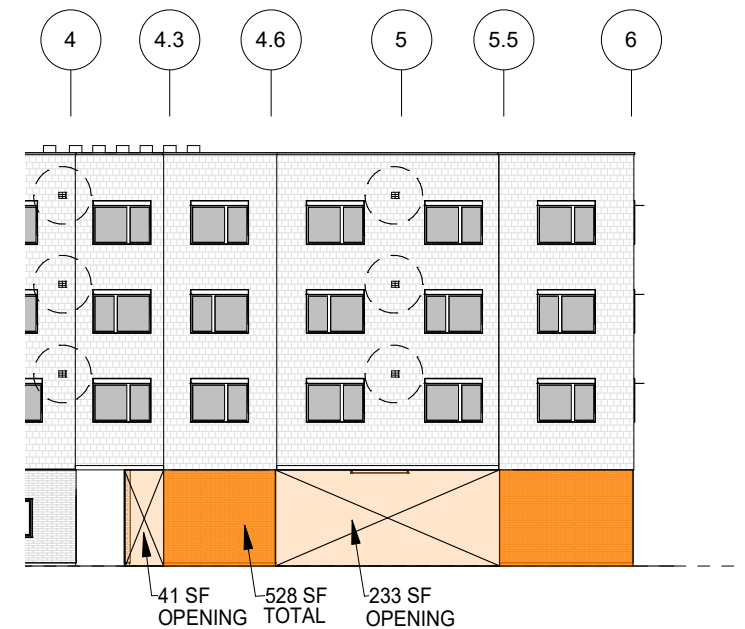
### GARAGE OPENNESS CALCS (AREA)

OPEN AREA PROVIDED:  $91 + 274 + 359 + 96 = 820$  SF

TOTAL FACADE AREA:  $587 + 528 + 550 + 529 = 2,194$  SF

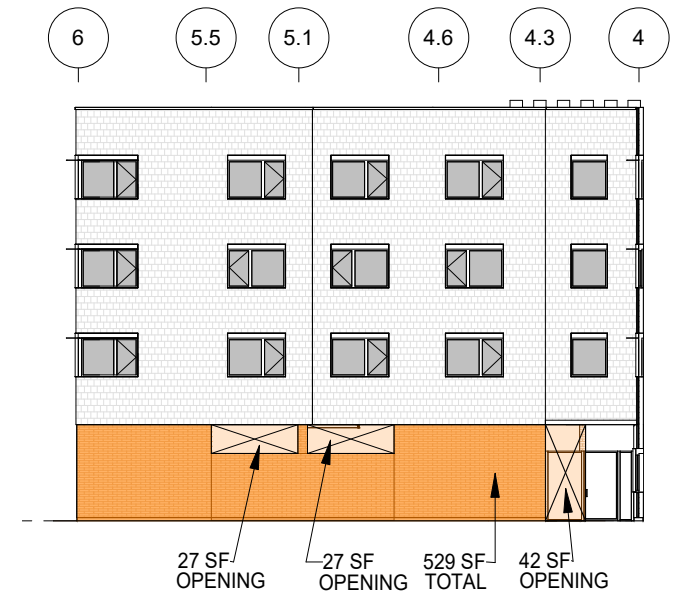
OPEN AREA PERCENTAGE =  $866/2,194 = 37\%$

OPEN AREA PERCENTAGE REQ'D: 20%, COMPLIES



## 1 WEST ELEVATION

SCALE : 1" = 20'-0"



## 2 EAST ELEVATION - INSET

SCALE : 1" = 20'-0"

## POWELLHURST APTS

5403 & 5413 SE 122ND AVE.  
PORTLAND, OR 97266

## NORTHWEST HOUSING ALTERNATIVES, INC.

2316 SE WILLARD ST.  
MILWAUKIE, OR 97222

## D A O ARCHITECTURE LLC

310 SW 4TH AVE, SUITE 810  
PORTLAND, OR 97204

DATE: 11.23.21

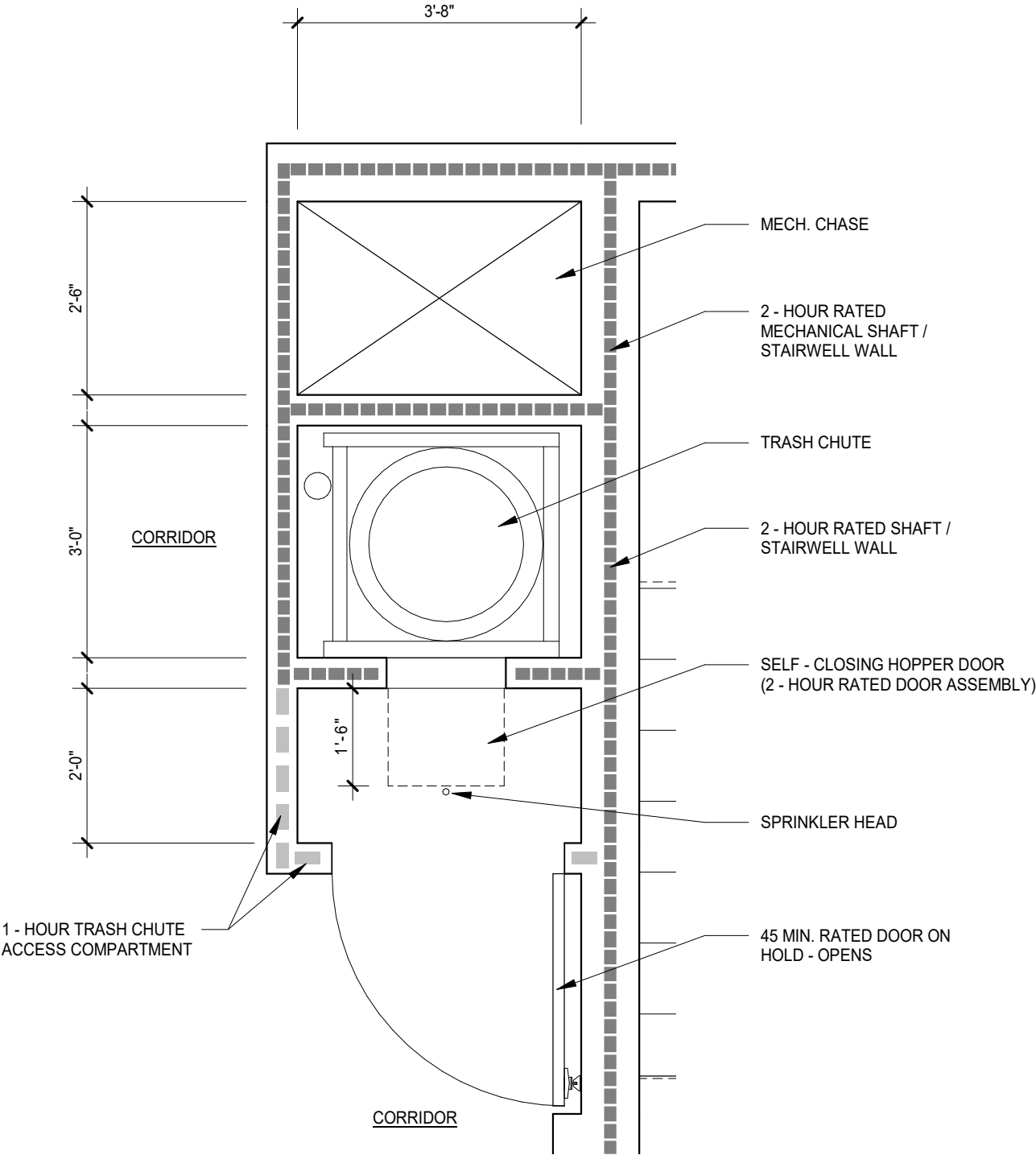
SCALE: AS INDICATED

DRAWING TITLE: GARAGE OPENNESS

EX. 3

FIRE RATING LEGEND

- 1-HR FIRE-RESISTIVE WALL ASSEMBLY
- 2-HR FIRE-RESISTIVE WALL ASSEMBLY



ENLARGED TRASH CHUTE PLAN & ACCESS COMPARTMENT - TYP.@ FLRS 2-4

1

SCALE : 1/2" = 1'-0"