

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

<b>Appeal ID:</b> 27518	<b>Project Address:</b> 3031 SE Hawthorne Blvd
<b>Hearing Date:</b> 2/16/22	<b>Appellant Name:</b> David Mullens
<b>Case No.:</b> B-009	<b>Appellant Phone:</b> 360 518 6985
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Steve Freeh
<b>Project Type:</b> commercial	<b>Stories:</b> 5 <b>Occupancy:</b> R-2 <b>Construction Type:</b> TYPE III-B
<b>Building/Business Name:</b> 31st and Hawthorne	<b>Fire Sprinklers:</b> Yes - NFP13 throughout
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 21-105873-CO
<b>Plan Submitted Option:</b> pdf [File 1] [File 2]	<b>Proposed use:</b> Residential Multifamily

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	OSSC 2902: Minimum Plumbing Facilities
<b>Requires</b>	OSSC 2902.1 – Minimum Number of Fixtures: “Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not specifically listed in Table 2902.1 shall be considered individually by the building official and shall reflect the use of the space being served by the fixtures. The number of occupants shall be determined by this code.”
<b>Code Modification or Alternate Requested</b>	We request exemption from requiring plumbing facilities for an occupied roof terrace.
<b>Proposed Design</b>	The proposed building is a 5 story over basement Type IIIB multi-family structure with 63 dwelling units. An outdoor roof terrace on level 4 is provided for residents and their guests only. The roof terrace is approximately 1,571 SF and, with a factor of 15 SF per occupant, would have up to 104 occupants. However, as the terrace is only available for use by residential tenants and their guests, it is highly unlikely to ever see that many occupants.
<b>Reason for alternative</b>	The roof terrace is provided for use by tenants and their guests and are not open to the public. The terrace provides outdoor area required by the Zoning Code without sacrificing buildable land or residential density on the lot, furthering the City’s development goals. Since the occupants of the terrace would all have close access to facilities within their residential units, we ask to be exempted from the requirement for additional dedicated fixtures.

#### Appeal item 2

<b>Code Section</b>	OSSC 1009.6: Area of Refuge
<b>Requires</b>	OSSC 1009.4 – Separation: “Each area of refuge shall be separated from the remainder of the

story by a smoke barrier complying with Section 709 or a horizontal exit complying with Section 1026.

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<b>Code Modification or Alternate Requested</b>	We request clarification/confirmation that locating the area of refuge within an exit passageway meets the intent of this Code section.
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<b>Proposed Design</b>	The proposed building is a 5 story over basement Type IIIB multi-family structure with 63 dwelling units. Due to the slope of the adjacent sidewalk, one of the required accessible means of egress from the ground floor has a short exterior stair to reach sidewalk grade. Per the Code, providing an Area of Refuge is one way to satisfy the requirement for this accessible exit. We propose to locate this area within the exit passageway, which connects directly to the ground floor corridor system and one of the interior exit stairs from the exterior of the building. The exit passageway walls and floor-ceiling assemblies above and below are all 2-hour rated and meet the minimum requirement for smoke barriers.
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<b>Reason for alternative</b>	One of the exceptions for separation of Areas of Refuge is to locate within an exit stairway, however, the Code is silent on exit passageways. The proposed exiting configuration and location of the Area of Refuge is consistent with the intent of the Code. Providing a separate room, while still maintaining direct access to the stairway, is not feasible, and would likely be less convenient for use in an emergency situation.
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### Appeal item 3

<b>Code Section</b>	OSSC 1024.5: Openings in Exit Passageways
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<b>Requires</b>	"Openings in exit passageways other than unprotected exterior openings shall be limited to those required for exit access to the enclosure from normally occupied spaces and for egress from the enclosure."
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<b>Code Modification or Alternate Requested</b>	We request that a secondary egress door from an electrical equipment room be allowed to open into an exit passageway.
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<b>Proposed Design</b>	The proposed building is a 5 story over basement Type IIIB multi-family structure with 63 dwelling units. Due to PGE requirements for size, location, and clearances on electrical service gear and meters, a large electrical room is provided on the ground floor adjacent to an exit passageway. Access to this room is via an exterior door, however, a second exit is required per PGE guidelines. This second exit is proposed to be via the adjacent exit passageway. This door will be used for egress only and will not be operable from inside the exit passageway. The swing of the door will not reduce the required width of the exit path more than as described in the Code. The door will be 90-minute rated as it is within the 2-hour wall of the exit passageway.
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<b>Reason for alternative</b>	PGE guidelines for providing power to the building dictate that we reserve considerable space for gear and meters and, if located within the building, is provided with a second exit with panic hardware. Zoning Code requirements for electrical gear screening, along with general site constraints, preclude placing the gear/meters on the exterior face of the building. This second door will not be used for access to the room, effectively eliminating the reason why the Code specifically prohibits such openings.
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### APPEAL DECISION

**1. Occupied roof terrace with omission of minimum number of required plumbing fixtures: Denied.**  
**Proposal does not provide equivalent sanitary protection.**

**2. Location on an area of refuge within an exit passageway: Granted provided all requirements for an area of rescue assistance are verified at time of plan review.**

**3. Location of a secondary egress door from an electrical equipment room be allowed to open into an exit passageway: 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 Items 1, 2: 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](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

For Items 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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## GENERAL PLAN NOTES:

- GENERAL NOTES APPLY TO ALL DRAWINGS.
- DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. OBTAIN CLARIFICATION OF DIMENSIONS OR DISCREPANCIES PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.
- DIMENSIONS ARE TO FACE OF FRAMING. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.
- SEE WALL SECTIONS FOR DESCRIPTION OF EXTERIOR WALL MATERIALS.
- ALL INTERIOR PARTITIONS TO RECEIVE GLASS FIBER INSULATION, FULL HEIGHT.
- COORDINATE LOCATION OF RECESSED OR SEMI-RECESSED ITEMS TO AVOID BACK TO BACK INSTALLATION AND TO REDUCE NOISE TRANSFER THROUGH PARTITIONS.
- INSTALL WALL BACKING FOR ALL WALL MOUNTED ITEMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: DOOR STOPS, FIXTURES, WALL CABINETS, SHELVING, COUNTERS, TOILET ACCESSORIES, SECURITY EQUIPMENT, TACK BOARDS AND MARKER BOARDS, HAND RAILS AND WINDOW COVERING TRACKS.
- SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE STILL OCCUPIED.
  - PROVIDE, ERECT, AND MAINTAIN TEMPORARY DUSTPROOF PARTITIONS OF SUITABLE CONSTRUCTION IN LOCATIONS INDICATED ON DRAWINGS OR AS DIRECTED.
- PROTECT EXISTING WORK TO REMAIN.
  - PREVENT MOVEMENT OF STRUCTURE; PROVIDE SHORING AND BRACING IF NECESSARY.
  - PERFORM CUTTING TO ACCOMPLISH REMOVALS NEATLY AND AS SPECIFIED FOR CUTTING NEW WORK.
  - REPAIR ADJACENT CONSTRUCTION AND FINISHES DAMAGED DURING REMOVAL WORK.
  - PATCH AS SPECIFIED FOR PATCHING NEW WORK.
- REMOVE DEBRIS, JUNK, AND TRASH FROM SITE.
- REMOVE FROM SITE ALL MATERIALS NOT TO BE REUSED ON SITE; DO NOT BURN OR BURY.
- LEAVE SITE IN CLEAN CONDITION, READY FOR SUBSEQUENT WORK.
- CLEAN UP SPILLAGE AND WIND-BLOWN DEBRIS FROM PUBLIC AND PRIVATE LANDS.
- WORK SHOWN ON THESE DRAWINGS IS TO BE SUPPLIED, FURNISHED, CONSTRUCTED, INSTALLED ALL AS PER THE GENERAL CONDITIONS AND THE SPECIFICATIONS. EXCEPTIONS AS DESCRIBED BY THE FOLLOWING ABBREVIATIONS:
  - CFCI - CONTRACTOR FURNISHED - CONTRACTOR INSTALLED.
  - OFCI - OWNER FURNISHED - CONTRACTOR INSTALLED.
  - OFOW - OWNER FURNISHED - OWNER INSTALLED.
  - NIC OR N.I.C. - NOT IN CONTRACT OR NOT A PART OF THIS CONTRACT.



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