

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 - Reconsideration of ID 27601

Appeal ID: 27668	Project Address: 1735 E Burnside
Hearing Date: 4/13/22	Appellant Name: Thomas Ellicott
Case No.: B-008	Appellant Phone: 5035488674
Appeal Type: Building	Plans Examiner/Inspector: Catherine Heeb
Project Type: commercial	Stories: 3 Occupancy: A-2 Construction Type: V-B
Building/Business Name: Gold Record Hi-Fi Bar	Fire Sprinklers: Yes - full building
Appeal Involves: Alteration of an existing structure, Addition to an existing structure, Reconsideration of appeal, occ Change from Mixed B-R2 to A2	
LUR or Permit Application No.: LU# 21058141 DZ	
Plan Submitted Option: pdf [File 1] [File 2] [File 3] [File 4] [File 5] [File 6] [File 7] Proposed use: Nightclub	

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	Table 1006.3.3(2)
Requires	Stories with one exit or access to on exit for other occupants, third story above grade plane NP (Not Permitted)
Code Modification or Alternate Requested	The intent of the appeal is to comply with the above table by changing the design to provide a second exit stair from the third floor to exit to the second floor.
Proposed Design	<p>The existing stair will be replaced with a 3-foot-wide stair, using select structural lumber designed to carry 100 lbs per square foot. The stair is built to code at a minimum 6'-8" head clearance with 7" risers, 11" treads and handrails each side with code required returns. Separation from the second floor will be 1hr construction, wood framing 16"o.c. and 5/8" type X gypsum board each face and closed off from the second floor with a B-label 20-minute door using conventional hardware of accessible quality.</p> <p>"Reconsideration Text": Two exits are provided from the third floor, both of a required 3-ft width and both stair shafts rated at 1-hr. separation from the second floor. Both stairs will be code compliant with handrails, headroom clearances, riser and treads. Please see attached drawings A2.8 and A2.7.</p>
Reason for alternative	<p>A private on-site space is required to keep records, manage a business, review staff schedules and control operating expenses.</p> <p>Two stairs up from the small 700 S.F. second floor plate is confusing to the exits from the second floor down to the public way, even with the best directional signage. The building will have LED lighting to reduce energy consumption, while the 3rd floor will have office lighting the second floor</p>

and first floor will have demi able nightclub lighting with code required emergency backup lighting over the egress path should an emergency occur. Equivalent safety for the third floor is created by a staff only access and a limited occupant count of 4-7 people. Additional protection to increase exit time from the third floor is provided by the sprinkler system with a flow alarm, smoke detection, fire extinguishers, and early warning by horn strobe notification on all floors. When an occupant on the third floor is existing to arrive on the second floor they will see exit signs and a clear path of egress (lighted at one foot candle per S.F.) that is less than 75 feet in travel distance exiting the building to the public way. In a note of reason, this is a house built in 1904 of a modest size at 1714 S.F., with a proposed addition, where travel distances to the exterior is short with ample space for areas of rescue.

"Reconsideration Text": A second exit from a third floor is required to meet safe exiting requirements and is show in the attached drawing. The project is redesigned to meet building codes by compliance with table 1006.3.3(2).

Appeal item 2

Code Section	1023
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Requires	Interior exit stairways and ramps serving as an exit component in a means of egress system shall comply with the requirements of this section. Interior stair enclosures shall lead directly to the exterior of the building or be extended directly to the exterior of the building by an exit passageway conforming to 1024, except as permitted in Section 1028.1. 1023.3 Interior exit stairways and ramps shall terminate at an exit discharge or a public way.
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Code Modification or Alternate Requested	The submitted design is providing a rated interior stair shaft and exit passageway from the second floor directly to the exterior of the building.
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Proposed Design	<p>The interior stair from the second floor to the first floor has installed materials making it 1-hr. rated required by table 508.4. A 13 foot exit passageway is needed for the stair to exit the building. All doors into the stair and passage way are rated 1-hr and have door closers. Magnetic hold opens are installed on the 2nd floor and first floor doors with panic hardware on the access side of the door latch.</p> <p>The 3rd floor office space creates a mixed occupancy building. The 3rd floor stairs do not connect to the interior stair shaft, half the 3rd floor people can enter the 2nd floor interior stair shaft. Section 711 should not apply to this passageway, however out side the building from this exit is a 9-foot open air passage to the public way sidewalk. If required we will install 2 hr. walls both sides of this passage.</p> <p>The corner window in the passageway wall receives two layers of 5/8" type X gypsum board with black out mineral wool insulation to close off the interior wall. The toilet rooms accessed through the passageway and are not considered normal occupied space. However, in a nightclub they will be frequently occupied. Horn strobes with smoke detection provides early warning. The toilet rooms exhaust goes to the north exterior wall, no penetrations pass through the stair or passageway. Emergency lighting is provided in stair and passageway.</p>
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Reason for alternative	<p>The interior stair from the second floor to the first floor has installed materials making it 1-hr. rated required by table 508.4. A 13 foot exit passageway is needed for the stair to exit the building. All doors into the stair and passage way are rated 1-hr and have door closers. Magnetic hold opens are installed on the 2nd floor and first floor doors with panic hardware on the access side of the door latch.</p> <p>The 3rd floor office space creates a mixed occupancy building. The 3rd floor stairs do not connect to the interior stair shaft, half the 3rd floor people can enter the 2nd floor interior stair shaft. Section 711 should not apply to this passageway, however out side the building from this exit is a 9-foot open air passage to the public way sidewalk. If required we will install 2 hr. walls both sides</p>
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of this passage.

The corner window in the passageway wall receives two layers of 5/8" type X gypsum board with black out mineral wool insulation to close off the interior wall. The toilet rooms accessed through the passageway and are not considered normal occupied space. However, in a nightclub they will be frequently occupied. Horn strobes with smoke detection provides early warning. The toilet rooms exhaust goes to the north exterior wall, no penetrations pass through the stair or passageway. Emergency lighting is provided in stair and passageway.

Appeal item 3

Code Section 1028 exceptions 1&2

Requires EXIT DISCHARGE: General. 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. The exit discharge shall not reenter a building. The combined use of Exceptions 1 and 2 shall not exceed 50 percent of the number and minimum width of required capacity of the required exits.

Code Modification or Alternate Requested The intent of the appeal is to show that the exist discharge is exiting to the outside of the building, that the required width (1005.3.1) does not exceed 50% of the discharge's width, and the discharge is a direct path of egress travel to grade connecting the public way.

Proposed Design It appears that the OSSC reviews this Section with the idea that in an emergency event the occupants on the first floor will remain in the building until the people from the 2nd and 3rd floors arrive on their level before leaving the building. Because of this idea a convergency on the exit porch and exit-passage requires the following evaluation method for equivalent safety. The equivalent of the exit width is: 3rd flr-4p(.5)= 2occ, 2nd flr-82p(.5)= 41occ, 1st flr-64p(.5)=32occ. Total occupant passage width at 2+41+32=75(.3) = 22.5inches and exit passage width is 51" (.5)=26" therefor not exceeding 50 percent exit passage width. The exterior deck stairs and path width is: 41(p)people(.3)=13" is less than 50% of 42"(.5) = 21" The deck has two exits, people can inter the building because are the same activity. Additional safety for the exit discharge is by making the walls that enclose the open air passage rated 2hrs (WP8415 or ULU301) for the 10-foot distance to the public way. Installing 2 side wall fuse-link sprinkler heads in the south exterior wall (Exception 1.3) will be added. The 20 SF porch landing is sprinklered and rated 1hr. Emergency lighting is already require in the porch and will be installed in the exit discharge.

Reason for alternative The alternate is required to provide increased safety to the porch convergence and the on grade 10-foot length of the exit discharge to the public way.

APPEAL DECISION

1. Use of two exit access stairs to provide egress from 3rd floor to 2nd floor: Granted as proposed.

Note: Decision is not granting exiting from 2nd or 1st floor.

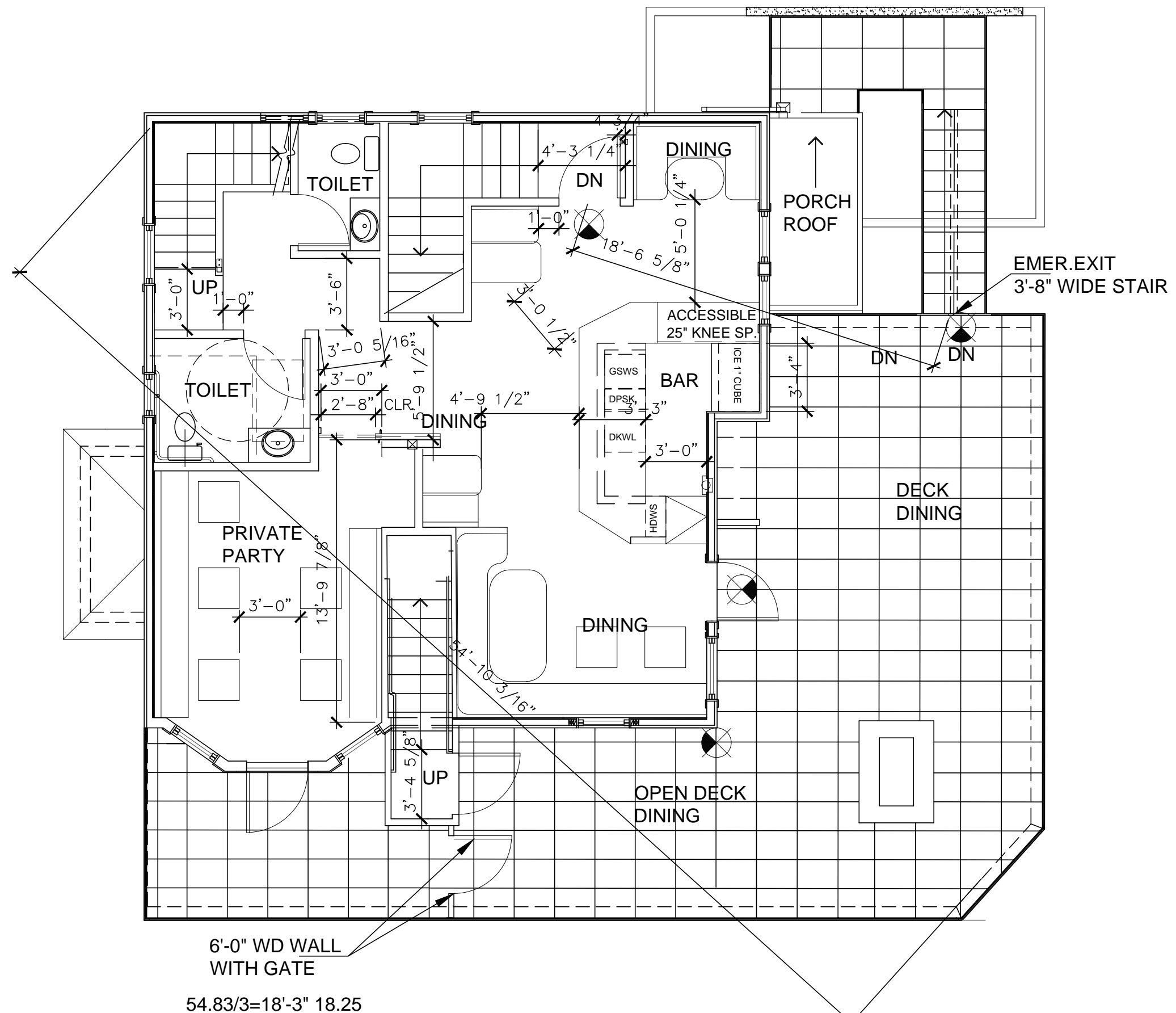
2. Exiting from 2nd floor: Denied. Proposal does not provide equivalent Life Safety protection.

3. Exit discharge to exterior of building. Denied. Proposal does not provide equivalent Life Safety protection.

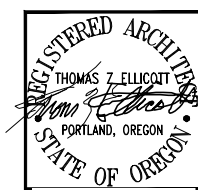
Appellant may contact Catherine Heeb (503-823-8976) with questions.

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.

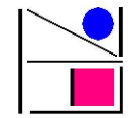
Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development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



SECOND FLOOR PLAN



THOMAS Z ELLICOTT
ARCHITECT & PLANNER



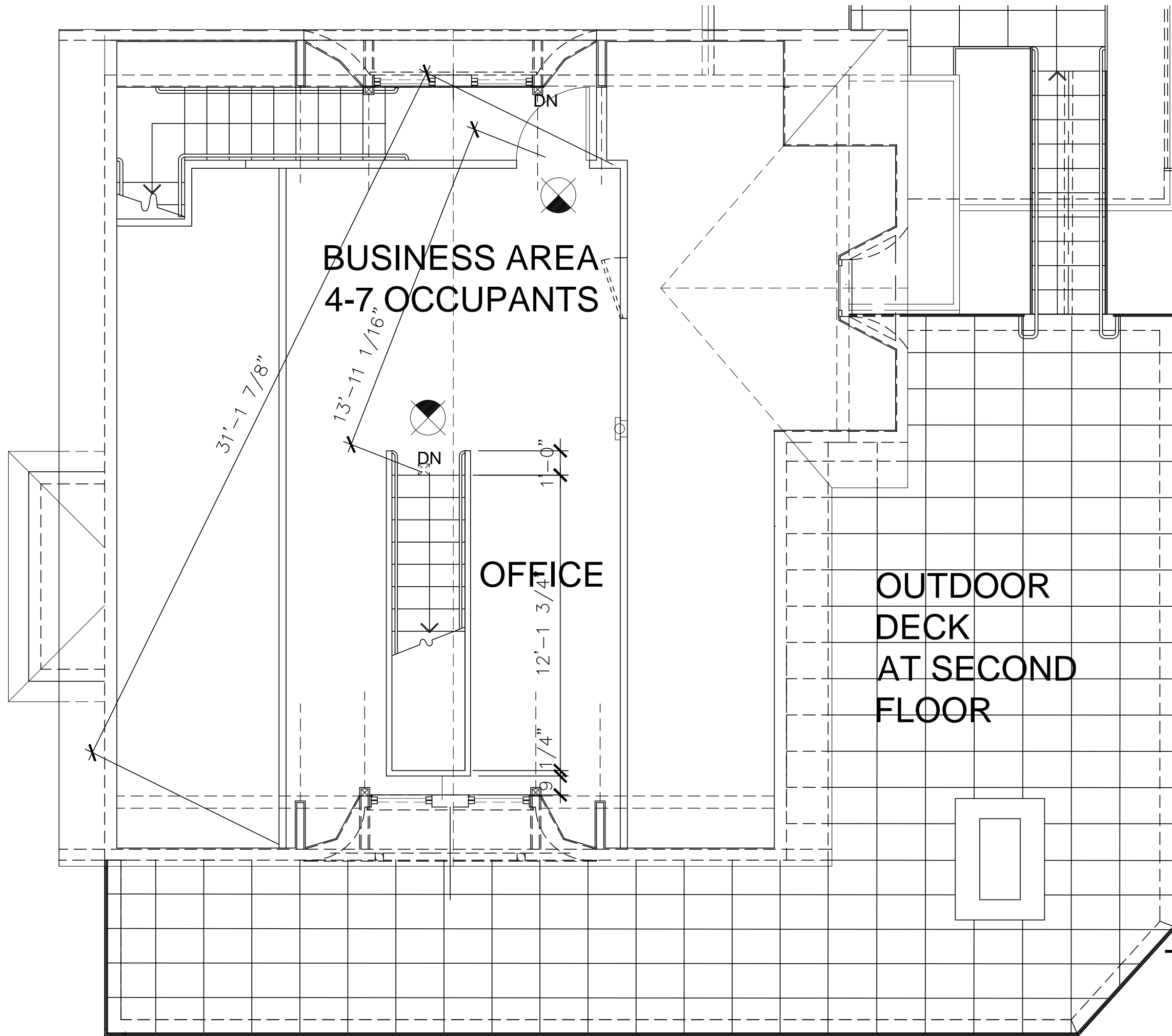
PROJECT NAME:
GOLD RECORD Hi-Fi BAR
1735 EAST BURNSIDE
CORNER OF: E. BURNSIDE AND SE 18TH AVE.

DATE: DEC 2021
DRAWN BY:
SCALE: 3/16" = 1'-0"
REVISIONS:

PROJECT DESCRIPTION:
NIGHT CLUB W/, ADDITION
REVISED ELEVATIONS
SHEET DESCRIPTION:
2ND FLOOR PLAN

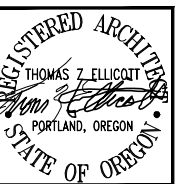
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A2.7

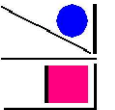


GROSS AREA :
 394SF / 100 = 3.9 OR
 4 PEOPLE

THIRD FLOOR PLAN



THOMAS Z ELLICOTT
 ARCHITECT & PLANNER



PROJECT NAME:
 GOLD RECORD Hi-Fi BAR
 1735 EAST BURNSIDE
 CORNER OF: E. BURNSIDE AND SE 18TH AVE.

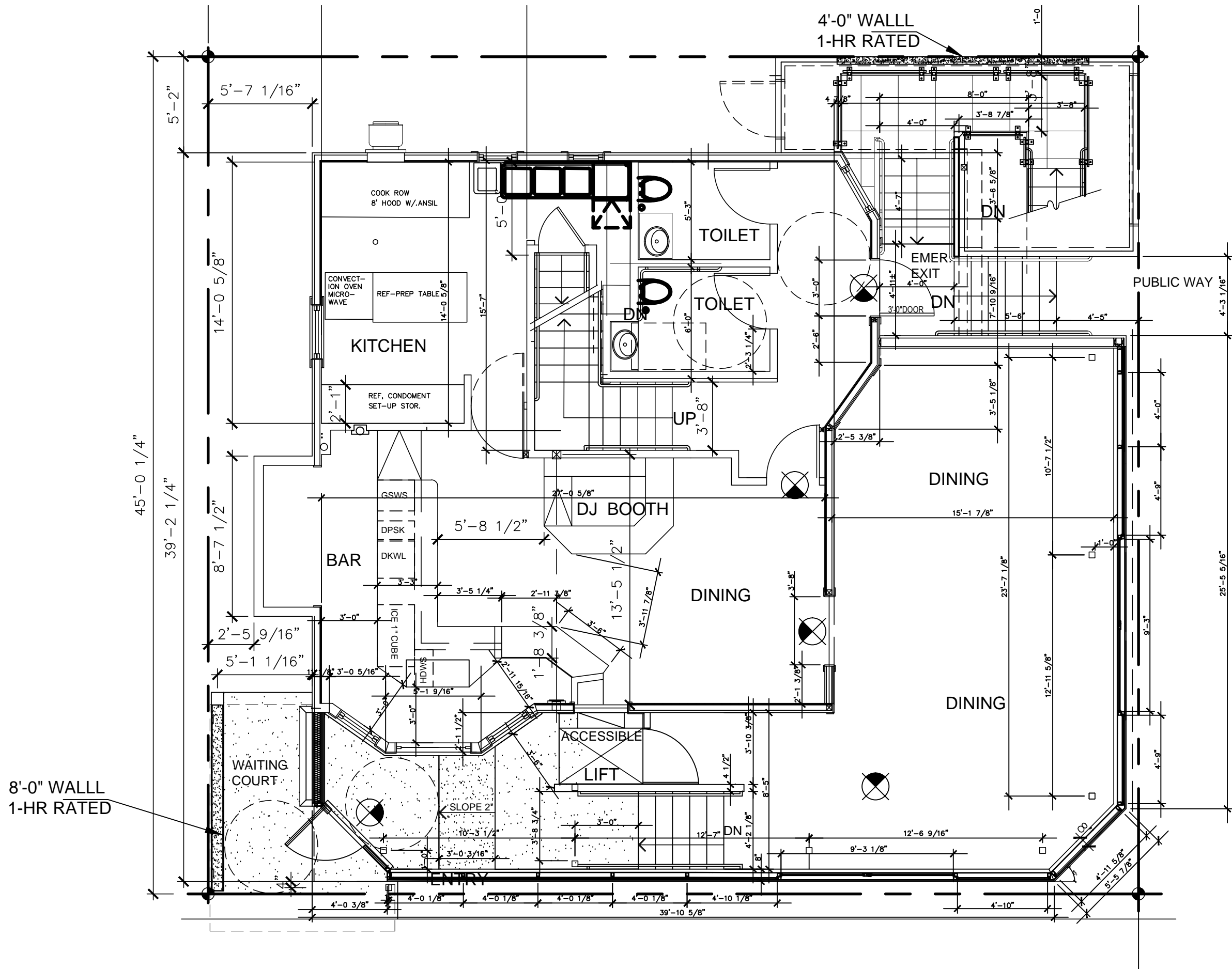
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 DRAWN BY:
 SCALE: 3/16" = 1'-0"

REVISIONS:

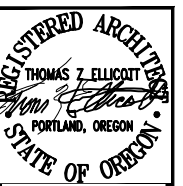
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 NIGHT CLUB W/, ADDITION
 REVISED ELEVATIONS
 SHEET DESCRIPTION:
 3RD FLOOR PLAN

SHEET No.

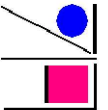
A2.8



FIRST FLOOR PLAN



THOMAS Z ELLICOTT
ARCHITECT & PLANNER



PROJECT NAME:
GOLD RECORD Hi-Fi BAR
1735 EAST BURNSIDE

CORNER OF: E. BURNSIDE AND SE 18TH AVE.

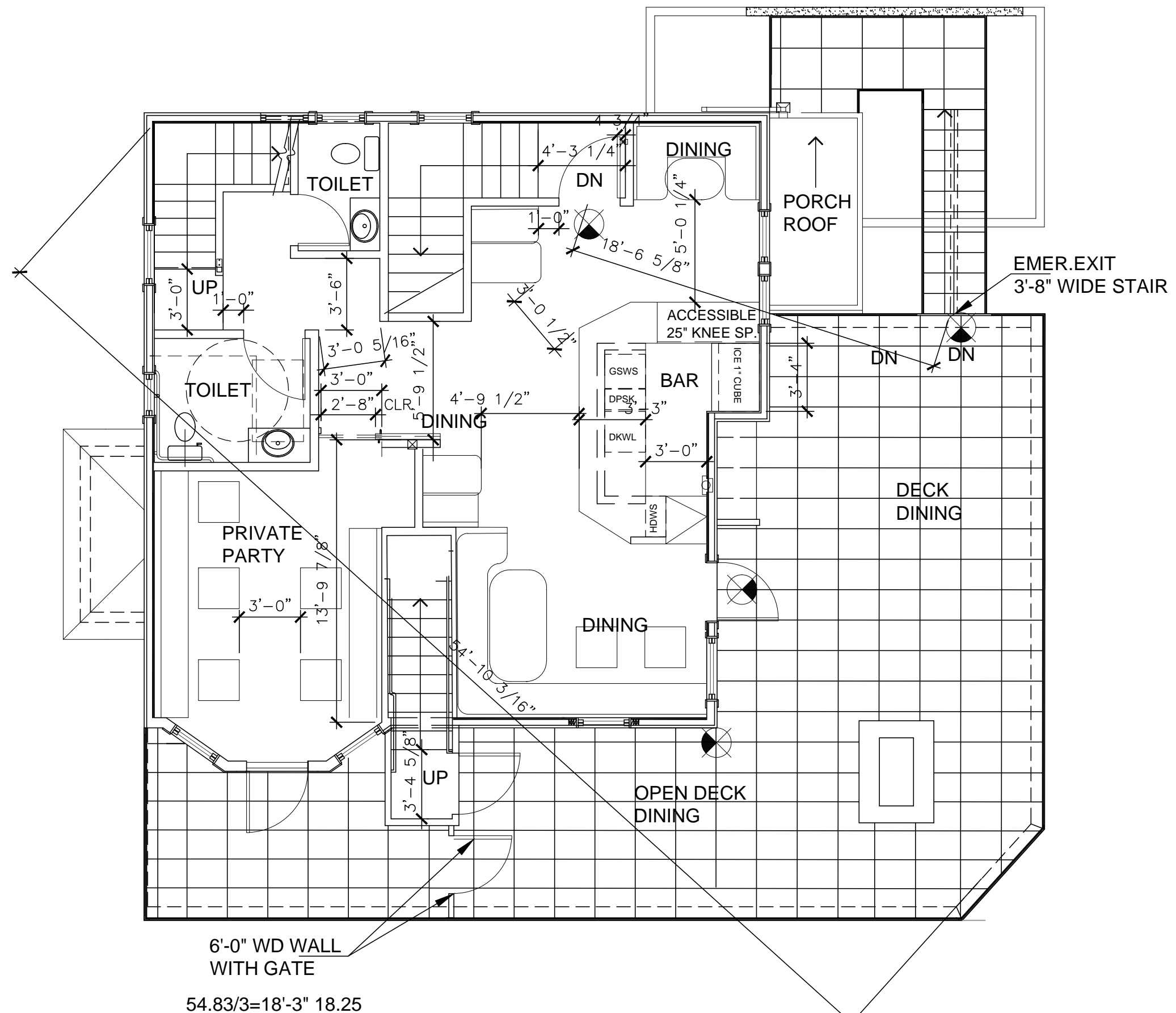
DATE: DEC 2021
DRAWN BY:
SCALE: 3/16" = 1'-0"

REVISIONS:

PROJECT DESCRIPTION:
NIGHT CLUB W/, ADDITION
REVISED ELEVATIONS
SHEET DESCRIPTION:
1ST FLOOR PLAN

SHEET No.

A2.6



SECOND FLOOR PLAN

REGISTERED ARCHITECT
THOMAS Z. ELLICOTT
PORTLAND, OREGON
STATE OF OREGON

THOMAS Z ELLICOTT
ARCHITECT & PLANNER

PROJECT NAME:
GOLD RECORD Hi-Fi BAR
1735 EAST BURNSIDE
CORNER OF: E. BURNSIDE AND SE 18TH AVE.

DATE: DEC 2021

DRAWN BY:

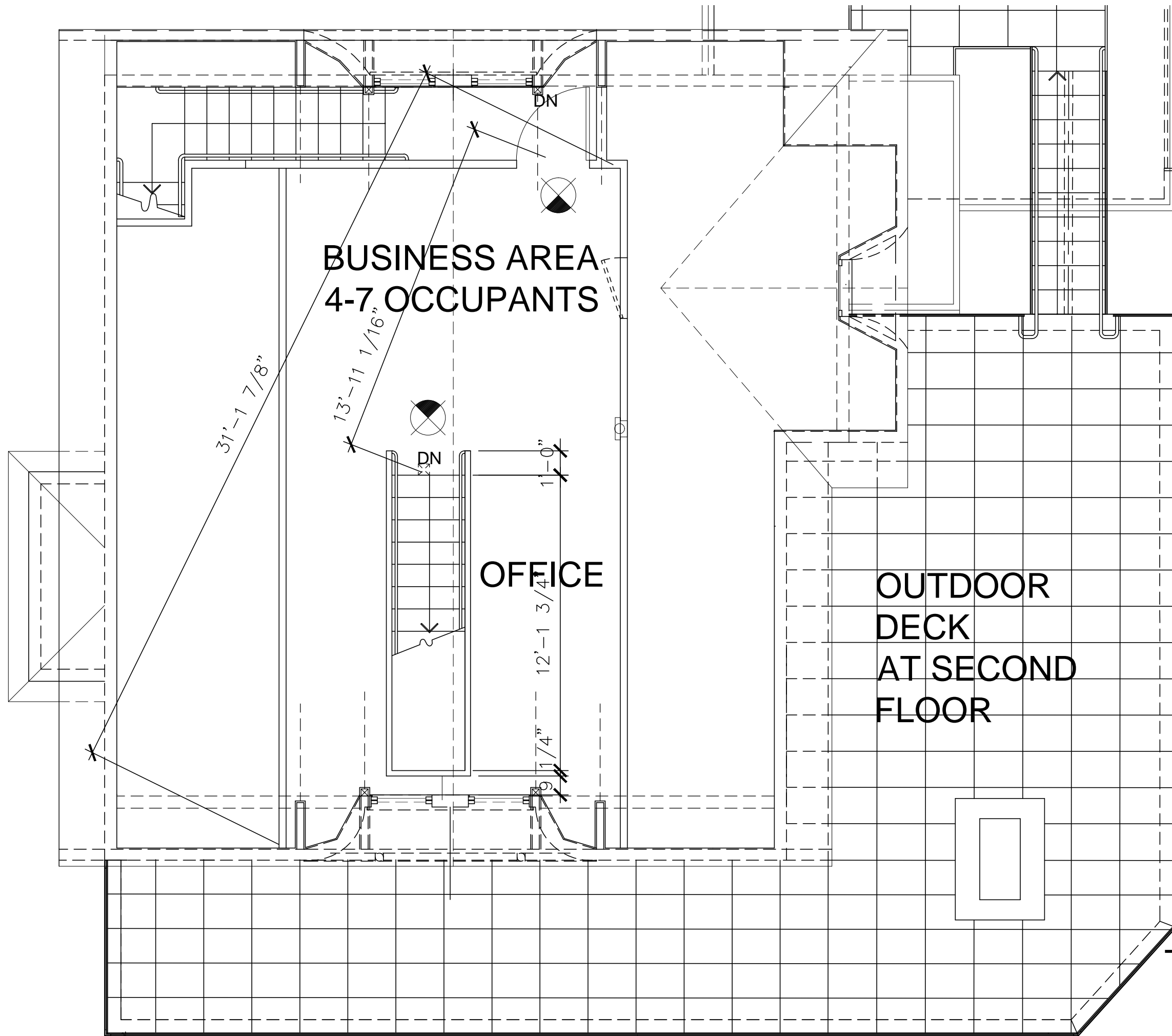
SCALE: 3/16" = 1'-0"

REVISIONS:

PROJECT DESCRIPTION:
NIGHT CLUB W/, ADDITION
REVISED ELEVATIONS

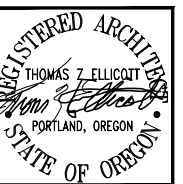
SHEET DESCRIPTION:
2ND FLOOR PLAN

SHEET No.
A2.7

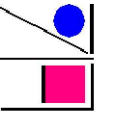


GROSS AREA :
394SF / 100 = 3.9 OR
4 PEOPLE

THIRD FLOOR PLAN



THOMAS Z ELLICOTT
ARCHITECT & PLANNER



PROJECT NAME:
GOLD RECORD Hi-Fi BAR
1735 EAST BURNSIDE
CORNER OF: E. BURNSIDE AND SE 18TH AVE.

DATE: DEC 2021

DRAWN BY:

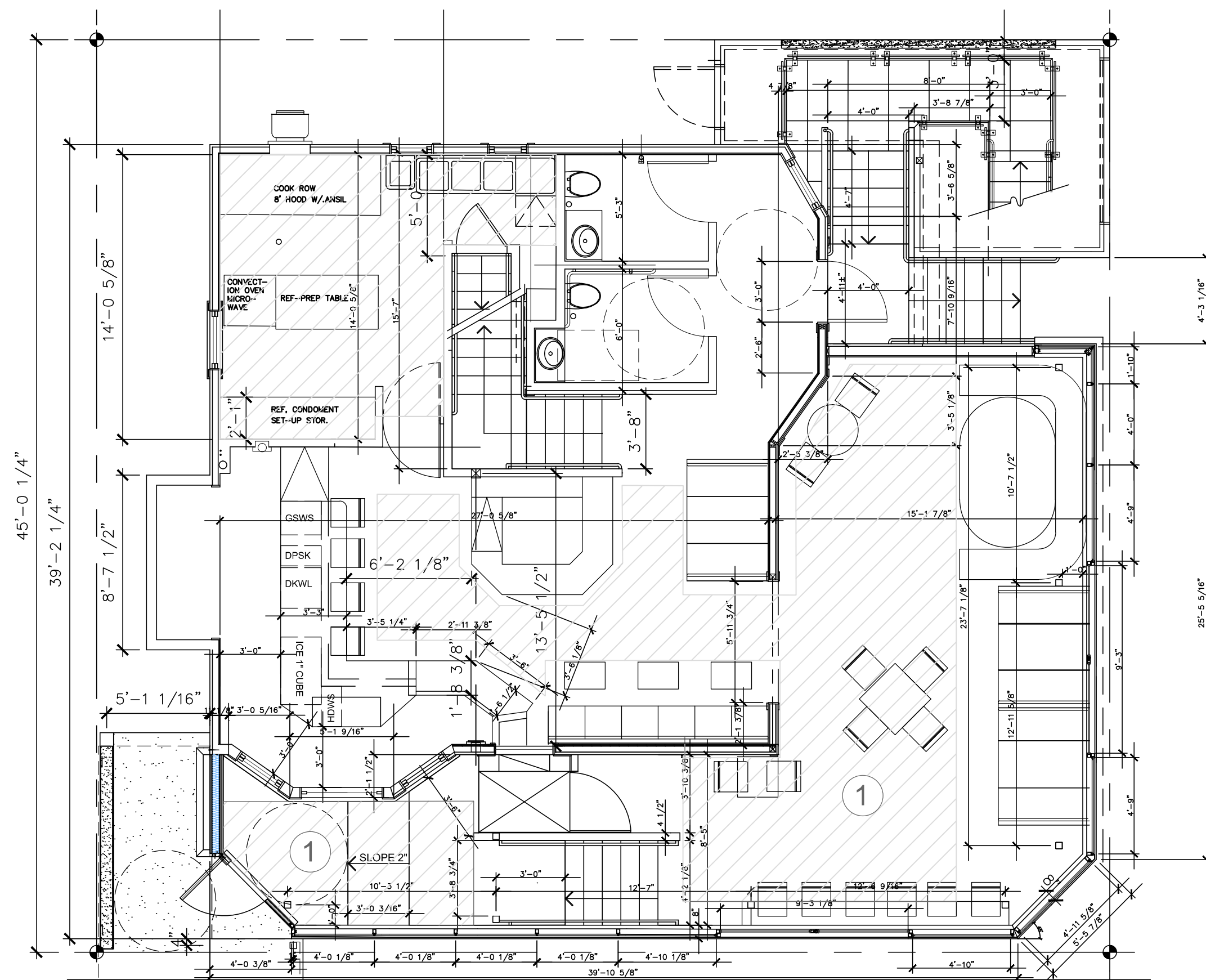
SCALE: 3/16" = 1'-0"

REVISIONS:

PROJECT DESCRIPTION:
NIGHT CLUB W/, ADDITION
REVISED ELEVATIONS
SHEET DESCRIPTION:
3RD FLOOR PLAN

SHEET No.

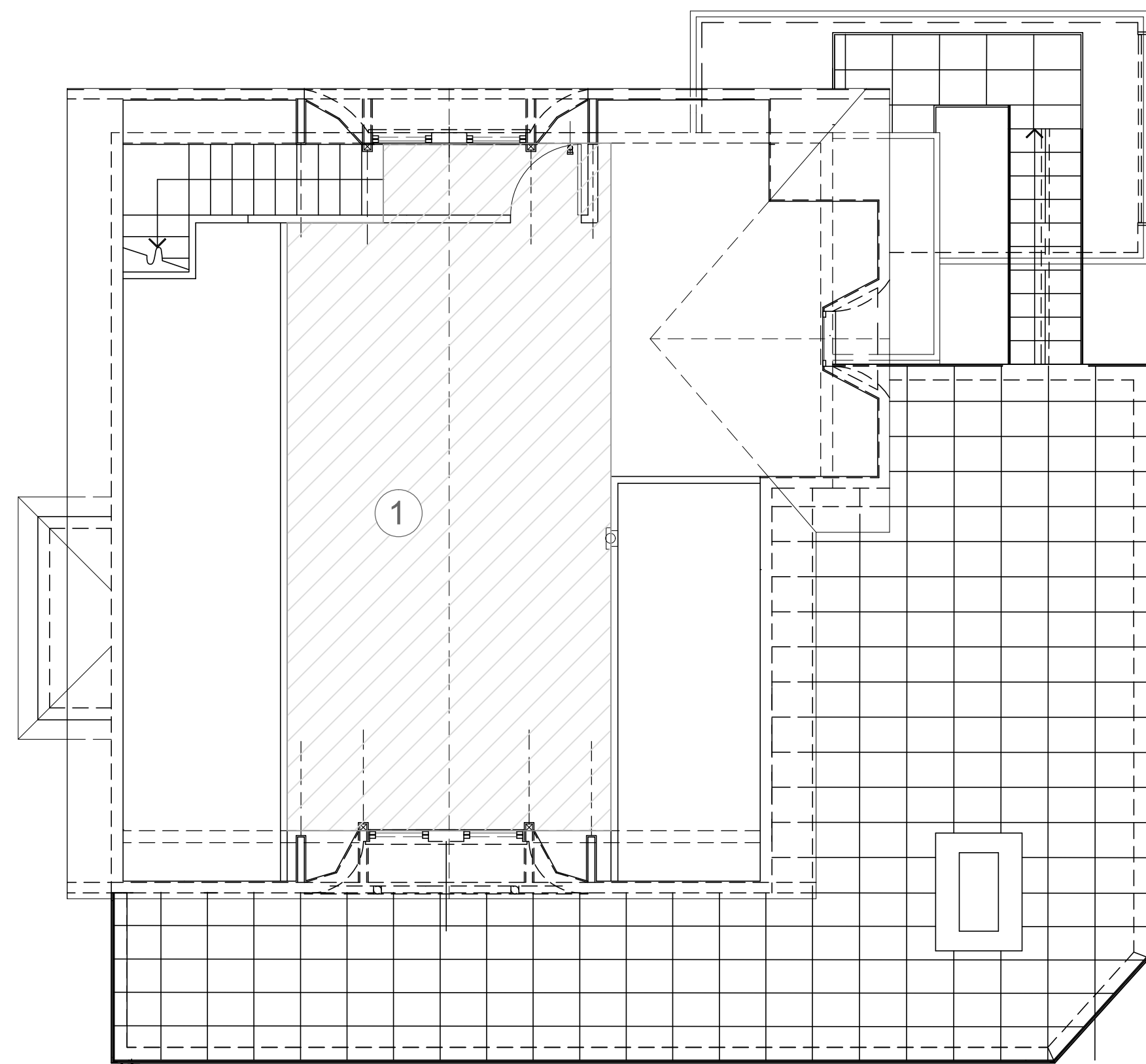
A2.8



2 FIRST FLOOR
SCALE: 3/16"= 1'-0"

INTERIOR

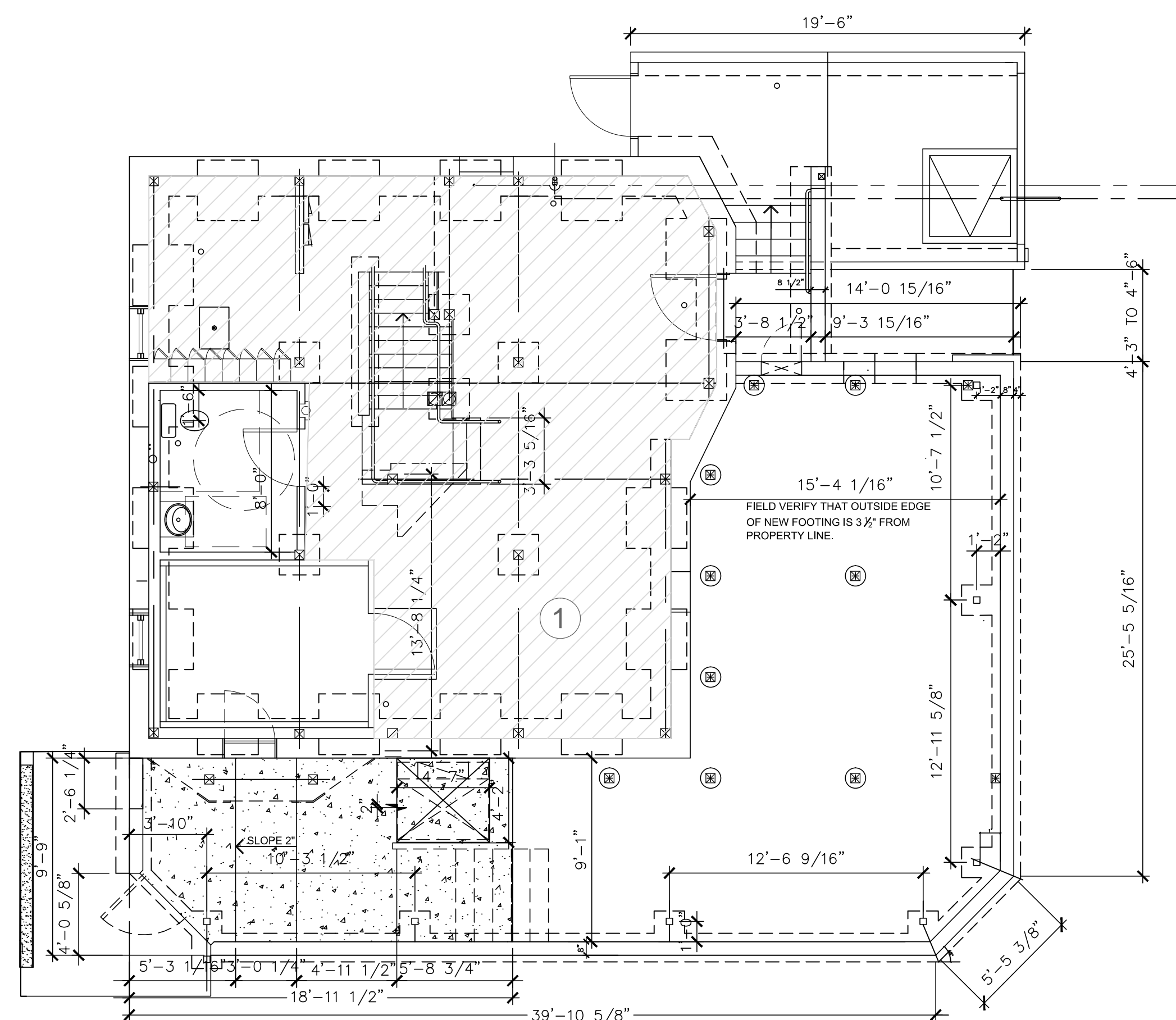
1 OPEN AREA NET:	415sf/15= 28 OCC.
BOOTHS FIXED :	22 OCC.
BAR FIXED SEATS:	6 OCC.
BENCH FIXED :	6 OCC.
KITCHEN GROSS : 176SF/200 =	1 OCC.
BAR TENDER GROSS:	1 OCC.
FIRST FLOOR TOTAL	64 OCC



2 THIRD FLOOR
SCALE: 3/16"= 1'-0"

INTERIOR

1 THIRD FLOOR OFFICE:	388sf/100 = 4 OCC.
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1 BASEMENT
SCALE: 3/16"= 1'-0"

BASEMENT KITCHEN

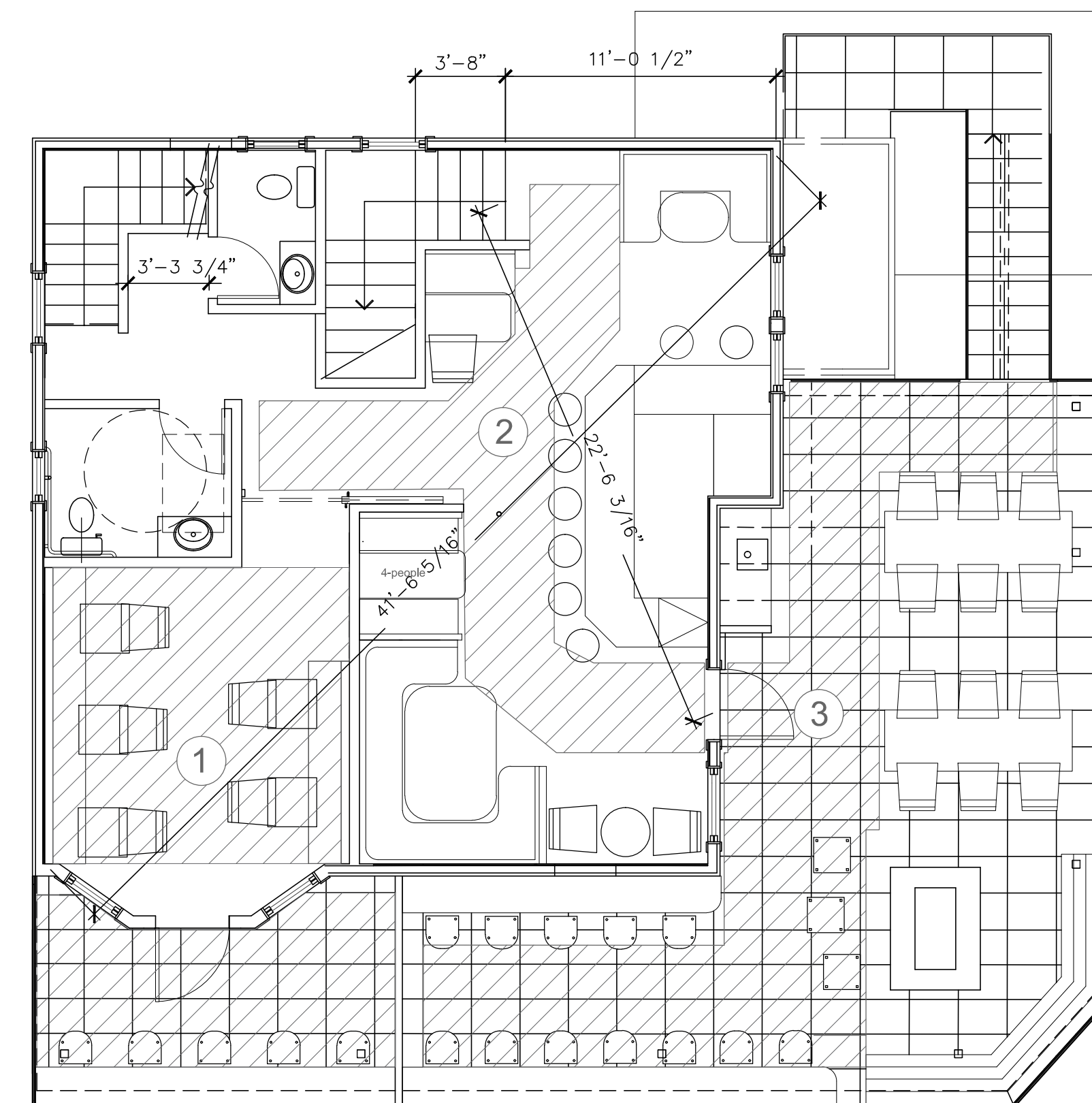
1 OPEN AREA GROSS:	577sf/200 = 3 OCC.
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INTERIOR

1 PRIVATE RM & DECK:	235sf/15=15.6-17OCC.
BOOTHS FIXED :	21 OCC.
BAR FIXED SEATS:	8 OCC.
TABLE &CHAIRS :	2 OCC.
2 OPEN AREA:	135sf/15 = 9 OCC.
	57 OCC

EXTERIOR DECK

3 OPEN AREA:	225sf/15 = 15CC.
FIXTED TABLE &CHAIRS :	12 OCC.
BENCH FIXED: 15 FT/2 FT= 7.5	8 OCC.
	25 OCC
SECOND FLOOR TOTAL	82 OCC



3 SECOND FLOOR
SCALE: 3/16"= 1'-0"

SUBMITTED: 3/22/2022

