

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 - Held over from ID 26254, Item #1 (11/3/21) for additional information

Appeal ID: 27754

Project Address: 550 SE MLK Jr Blvd

Hearing Date: 5/11/22

Appellant Name: Tim Grinstead

Case No.: B-017

Appellant Phone: 5035482419

Appeal Type: Building

Plans Examiner/Inspector: Anne Schmidt, Joe Thornton

Project Type: commercial

Stories: 7 **Occupancy:** R-2, B, M, A-2 **Construction Type:** I-A, III-A

Building/Business Name: 550 MLK

Fire Sprinklers: Yes - entire building

Appeal Involves: Erection of a new structure, Reconsideration of appeal

LUR or Permit Application No.: 21-084383-CO

Plan Submitted Option: pdf [File 1] [File 2] [File 3] [File 4] [File 5] **Proposed use:** Multi-Family Dwelling, Retail, Parking

APPEAL INFORMATION SHEET

Appeal item 1

Code Section

OSSC 1812

Requires

This appeal is being resubmitted for reconsideration.

Section 1812.2.1 – Subfloor Preparation. A layer of gas permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a sub-slab depressurization system, if needed.

Section 1812.2.2 – Soil-gas-retarder. A minimum 6-mil polyethylene or equivalent flexible sheeting material shall be placed on top of the gas-permeable layer prior to casting the slab or placing the floor assembly to serve as a soil-gas-retarder by bridging any cracks that develop in the slab or floor assembly and to prevent concrete from entering the void spaces in the aggregate base material.

Section 1812.2.5 – Passive sub-slab depressurization system (basement or slab-on-grade). In basement or slab-on-grade buildings, sub-slab soil exhaust system ducts complying with Section 1812.2.6 shall be installed during construction...

Section 1812.2.6 – Sub-slab soil exhaust system ducts (SSESD). SSESD's shall be provided in accordance with this section and shall run continuous from below the soil-gas-retarder to the termination point described in section 18.12.2.6.5...

Code Modification or Alternate Requested

The intent is to omit radon mitigation at ground floor slabs.

Proposed Design

The proposed project is a mixed-use building with retail, a parking garage, a residential lobby and support spaces on the ground floor and 132 residential units on floors 2-7 (R-2 occupancy). Construction is of Type I-A, with 2-hr rated bearing walls and floors (concrete structure on the first and second levels and the residential floors above framed with wood stud bearing walls). There are no residential or living spaces on the basement or ground levels of the building, where slab-on-grade conditions occur. All spaces in the basement and ground levels (between the ground and the residential spaces), including mechanical spaces, the parking garage, retail, residential lobby and trash/recycle room are mechanically ventilated and exhausted per code requirements for air exchange and/or moisture control.

With the proposed system, all spaces between the slab-on-grade conditions and the residential/living areas on the second floor will be mechanically ventilated/exhausted at a rate that exceeds that which is required for Radon Control with a Passive Sub-slab depressurization system.

Please see attached building section A301 showing residential use location highlighted in the upper levels.

Reason for alternative The residential radon contamination risk is mitigated by 1-2 full stories of separation from disturbed earth and the continuous code compliant ventilation of the basement and Level 1 stories. We propose the separation and ventilation provides equivalent protection against radon gas infiltration into the residential portion of the building.

We respectfully request this appeal be granted.

Reconsideration Text:

The Maker Space at Level 1 is used for short term/transient, miscellaneous craft and creative uses by residents; as such it has been re-categorized as a B occupancy, the closest applicable occupancy for this small space (567 sf). See updated Code Plan G100. The remaining normally occupied R-2 spaces at the basement and Level 1 (Lobby, Elevator Lobby, Mail, Refreshment Station, Fitness, Pet Relief) are only occupied occasionally for short periods of time; the occupancy in those spaces is transient in nature. These spaces are ventilated with fresh air according to the mechanical code. The small basement pet relief and fitness spaces receive higher rates of ventilation than is required, and are also short term/transient occupancies. The stairs are a very small footprint and also have very transient occupancy. These factors effectively make the need for radon mitigation unnecessary. The upper level non-transient R-2 occupancies are protected by this cushion of ventilated space at Level 1 and Basement. See updated G100 plan showing occupancy revision at Maker Space (now B), and A301 with the small short term/transient R-2 spaces at Level 1 and Basement highlighted.

APPEAL DECISION

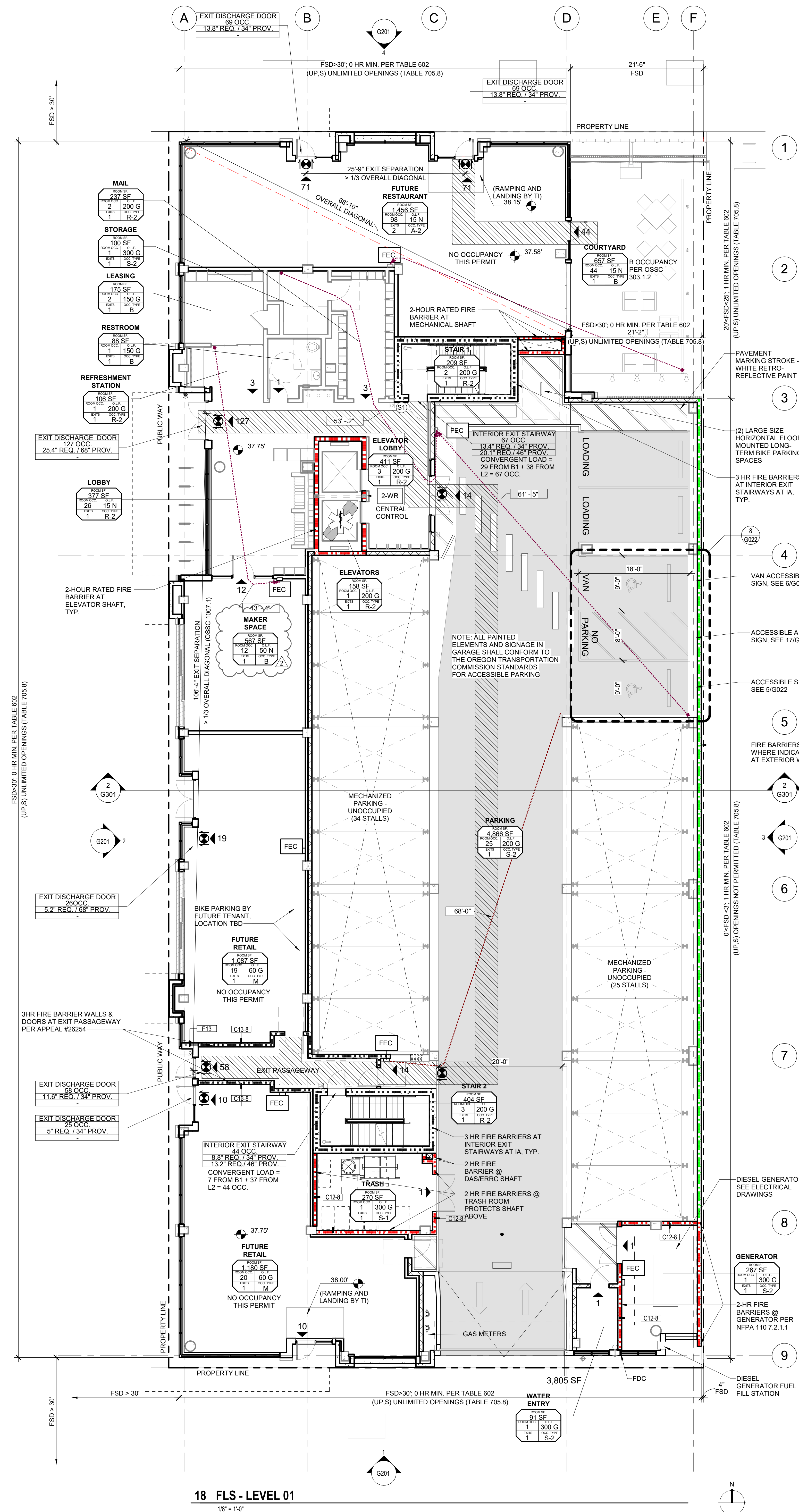
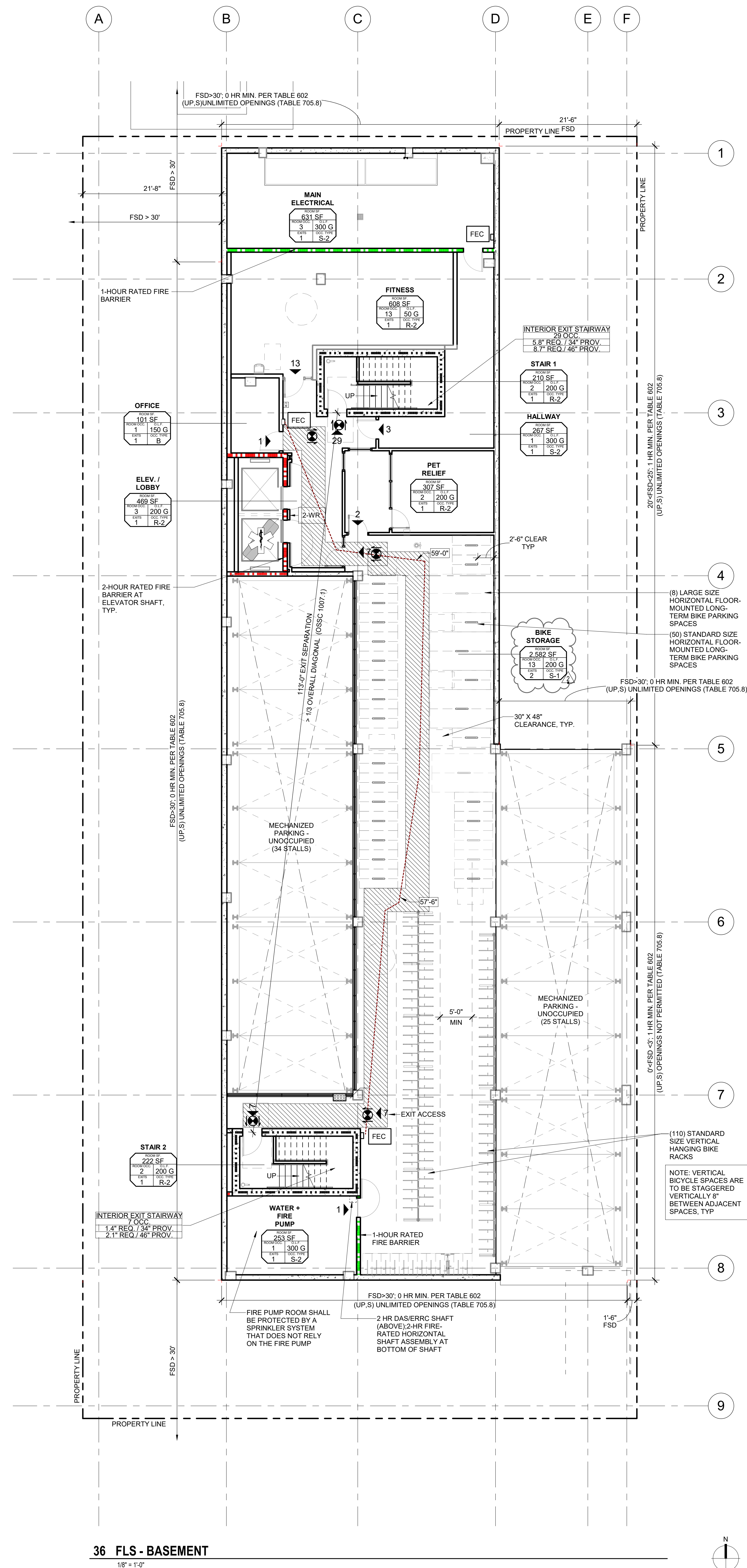
Omission of radon mitigation at ground floor slabs: Granted provided the HVAC system in the in the common areas don't intermix with the HVAC system in the residential areas.

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

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, call (503) 823-7300 or come in to the Development Services Center.



EXIT ACCESS REQUIREMENTS

OCCUPANCY TYPE	REQUIRED DISTANCE WITH SPRINKLER SYSTEM (TABLE 1017.2)	COMMON PATH OF TRAVEL (TABLE 1006.2.1)
A-2	250 FT. MAX	75 FT. MAX
B	300 FT. MAX	100 FT. MAX
R-2	250 FT. MAX	125 FT. MAX
S-2	400 FT. MAX	100 FT. MAX

EGRESS WIDTHS REQUIRED

SECTION 1005.3.1.1 STAIRWAYS: 3 INCHES PER OCC.
SECTION 1005.3.2.1 OTHER COMPONENTS: 2 PER OCC.

FIRE & LIFE SAFETY LEGEND - BSMT & L1

OCCUPANCY TAG

Room name	ROOM AREA	OCCUPANCY LOAD FACTOR (ASSEMBLY USES IN NET SF AND OTHER USES IN GROSS SF)	ROOM OCCUPANCY TYPE	ROOM OCCUPANCY	MIN. NUMBER OF EXITS	EGRESS WIDTH REQUIREMENTS	WIDTH REQUIRED/WIDTH PROVIDED
MAIL	237 SF	150	B	15	2	FIRE EXTINGUISHER CABINET	
STAIR 1	210 SF	150	R-2	20	2	EXIT PATH WITH EGRESS LIGHTING (MIN. IN FT. CANDLE); EGRESS LIGHTING ON EMERGENCY GENERATOR BACKUP	
STAIR 2	222 SF	150	R-2	20	2	EXIT ACCESS TRAVEL DISTANCE	
STAIR 3	209 SF	150	R-2	20	2	EXIT SEPARATION DISTANCE	
STAIR 4	209 SF	150	R-2	20	2	EXIT DIRECTION AND OCCUPANCY NUMBER	
STAIR 5	209 SF	150	R-2	20	2	EXIT LIGHT W/ BATTERY BACKUP	
STAIR 6	209 SF	150	R-2	20	2	AMBULANCE STRETCHER SIZE BLOCK	
STAIR 7	209 SF	150	R-2	20	2	EMERGENCY ACCESS ELEVATOR AND ACCESSIBLE EGRESS ELEVATOR	
STAIR 8	209 SF	150	R-2	20	2	MAINTAIN 98" (8'-2") VERTICAL CLEARANCE ABOVE DRIVING SURFACE FOR ACCESSIBLE VAN PARKING. MAINTAIN 10'-0" VERTICAL CLEARANCE FOR LOADING VEHICLES FROM ENTRY TO LOADING STALL	
STAIR 9	209 SF	150	R-2	20	2	TWO WAY COMMUNICATION SYSTEM	
STAIR 10	209 SF	150	R-2	20	2	REQUIRED STAIRWAY SIGNAGE PER PFC 504.4 AND OSICC 1022.9	

FIRE RATINGS LEGEND

12-HOUR FIRE RATED	12-HOUR FIRE RATED
1-HOUR FIRE RATED	1-HOUR FIRE RATED
2-HOUR FIRE RATED	2-HOUR FIRE RATED
3-HOUR FIRE RATED	3-HOUR FIRE RATED
4-HOUR FIRE RATED	4-HOUR FIRE RATED
FUTURE WORK BY OTHERS (N.I.C.)	FUTURE WORK BY OTHERS (N.I.C.)

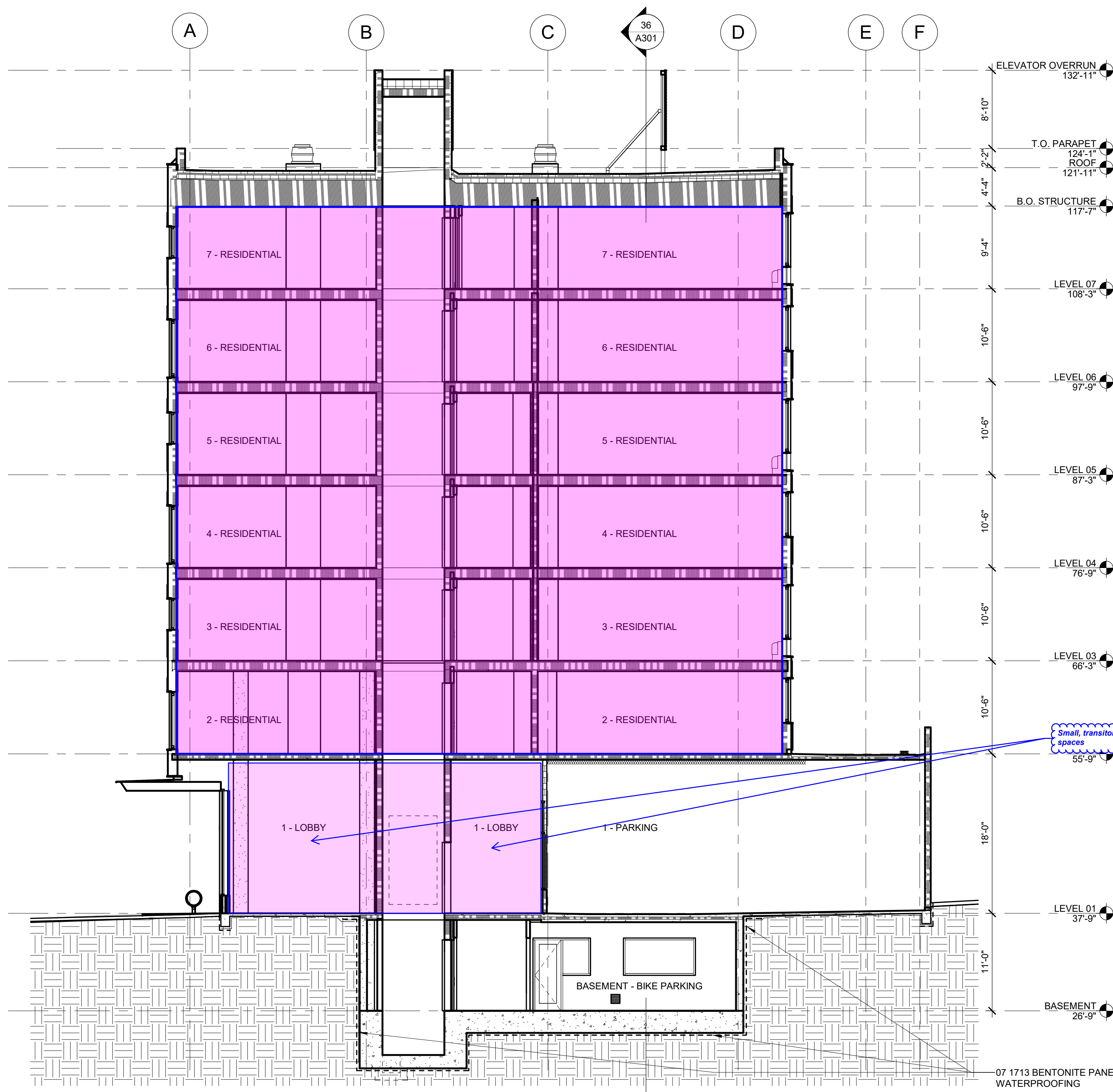
SEE ALSO G090 FOR SUMMARY OF FIRE RESISTIVE REQUIREMENTS AND ASSEMBLY TYPE BASED ON USE AND/OR LOCATION

AREAS - OCCUPANCY BY AREA TOTAL - GROUND FLOOR

ROOM NAME	ROOM AREA	OCC. TYPE	OCC. LOAD FACTOR	OCCUPANTS
FUTURE RESTAURANT	1,456 SF	A-2	15	98
MAKER SPACE	567 SF	B	50	12
LEASING	175 SF	B	150	2
RESTROOM	88 SF	B	150	1
FUTURE RETAIL	1,087 SF	M	60	19
FUTURE RETAIL	1,180 SF	M	60	20
LOBBY	377 SF	R-2	15	26
ELEVATOR LOBBY	411 SF	R-2	200	3
ELEVATORS	158 SF	R-2	200	1
MAIL	237 SF	R-2	200	2
REFRESHMENT STATION	106 SF	R-2	200	1
STAIR 1	209 SF	R-2	200	2
STAIR 2	404 SF	R-2	200	3
TRASH	270 SF	S-1	300	1
PARKING	4,866 SF	S-2	200	25
GENERATOR	267 SF	S-2	300	1
STORAGE	100 SF	S-2	300	1
WATER ENTRY	91 SF	S-2	300	1
OCCUPANT LEVEL TOTAL:	12,050 SF			219

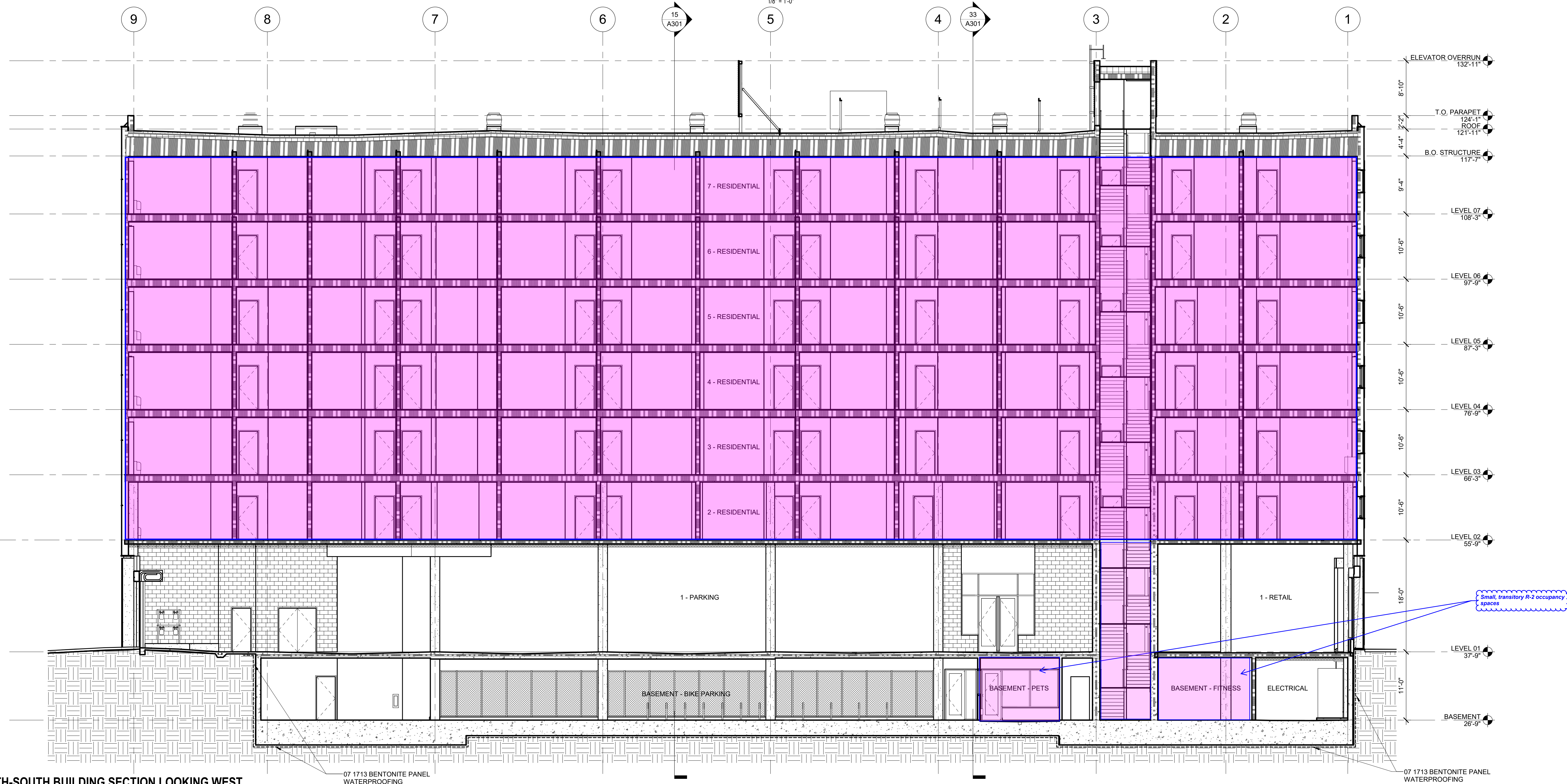
AREAS - OCCUPANCY BY AREA TOTAL - BASEMENT

ROOM NAME	ROOM AREA	OCC. TYPE	OCC. LOAD FACTOR	OCCUPANTS
OFFICE	101 SF	B	150	1
FITNESS	608 SF	R-2	50	13
PET RELIEF	307 SF	R-2	200	2
ELEV. / LOBBY	469 SF	R-2	200	3
STAIR 2	222 SF	R-2	200	2
STAIR 1	210 SF	R-2	200	2
BIKE STORAGE	2,582 SF	S-1	300	13
MAIN ELECTRICAL	631 SF	S-2	300	3
WATER + FIRE PUMP	263 SF	S-2	300	1
HALLWAY	91 SF	S-2	300	1
OCCUPANT LEVEL TOTAL:	5,650 SF			41



33 EAST-WEST BUILDING SECTION LOOKING NORTH

15 EAST-WEST BUILDING SECTION LOOKING NORTH AT STACKER PIT



36 NORTH-SOUTH BUILDING SECTION LOOKING WEST

EXIT ACCESS REQUIREMENTS

REQUIRED DISTANCE WITH SPRINKLER SYSTEM		TRAVEL (TABLE 1017.2)	COMMON PATH OF TRAVEL (TABLE 1006.2.1)
OCCUPANCY TYPE	TRAVEL DISTANCE		
A-2	250 FT. MAX	75 FT. MAX	
B	300 FT. MAX	100 FT. MAX	
R-2	250 FT. MAX	125 FT. MAX	
S-2	400 FT. MAX	100 FT. MAX	

EGRESS WIDTHS REQUIRED

SECTION 1005.3.1.1 STAIRWAYS, 3 INCHES PER OCC.
SECTION 1005.3.2.1 OTHER COMPONENTS, 2 PER OCC.

FIRE & LIFE SAFETY LEGEND

OCCUPANCY TAG

Room name	Room area	Occupancy load factor (ASSEMBLY USES IN NET SF AND OTHER USES IN GROSS SF)
RESIDENTIAL	14,443 SF	R-2
ELEC	86 SF	S-2
TRASH	74 SF	S-2

Room occupancy type	Room occupancy	Min. number of exits
A-2	250	2
B	300	2
R-2	250	2
S-2	400	2

EGRESS WIDTH REQUIREMENTS

FIRE EXTINGUISHER CABINET

FIRE EXTINGUISHER TRAVEL DISTANCE

EXIT PATH WITH EGRESS LIGHTING

(MIN. 1FT. CANDLE); EGRESS LIGHTING

ON EMERGENCY GENERATOR BACKUP

EXIT ACCESS TRAVEL DISTANCE

EXIT SEPARATION DISTANCE

EXIT DIRECTION AND OCCUPANCY NUMBER

EXIT LIGHT W/ BATTERY BACKUP

AMBULANCE STRETCHER SIZE BLOCK

EMERGENCY ACCESS ELEVATOR AND

ACCESSIBLE EGRESS ELEVATOR

TYPE A UNIT

TWO WAY COMMUNICATION SYSTEM

REQUIRED STAIRWAY SIGNAGE PER PFC

504.3 AND OESC 1023.9

FIRE RATINGS LEGEND

12-HOUR FIRE RATED

1-HOUR FIRE RATED

2-HOUR FIRE RATED

3-HOUR FIRE RATED

4-HOUR FIRE RATED

FUTURE WORK BY OTHERS (N.I.C.)

SEE ALSO G090 FOR SUMMARY OF FIRE RESISTIVE REQUIREMENTS AND

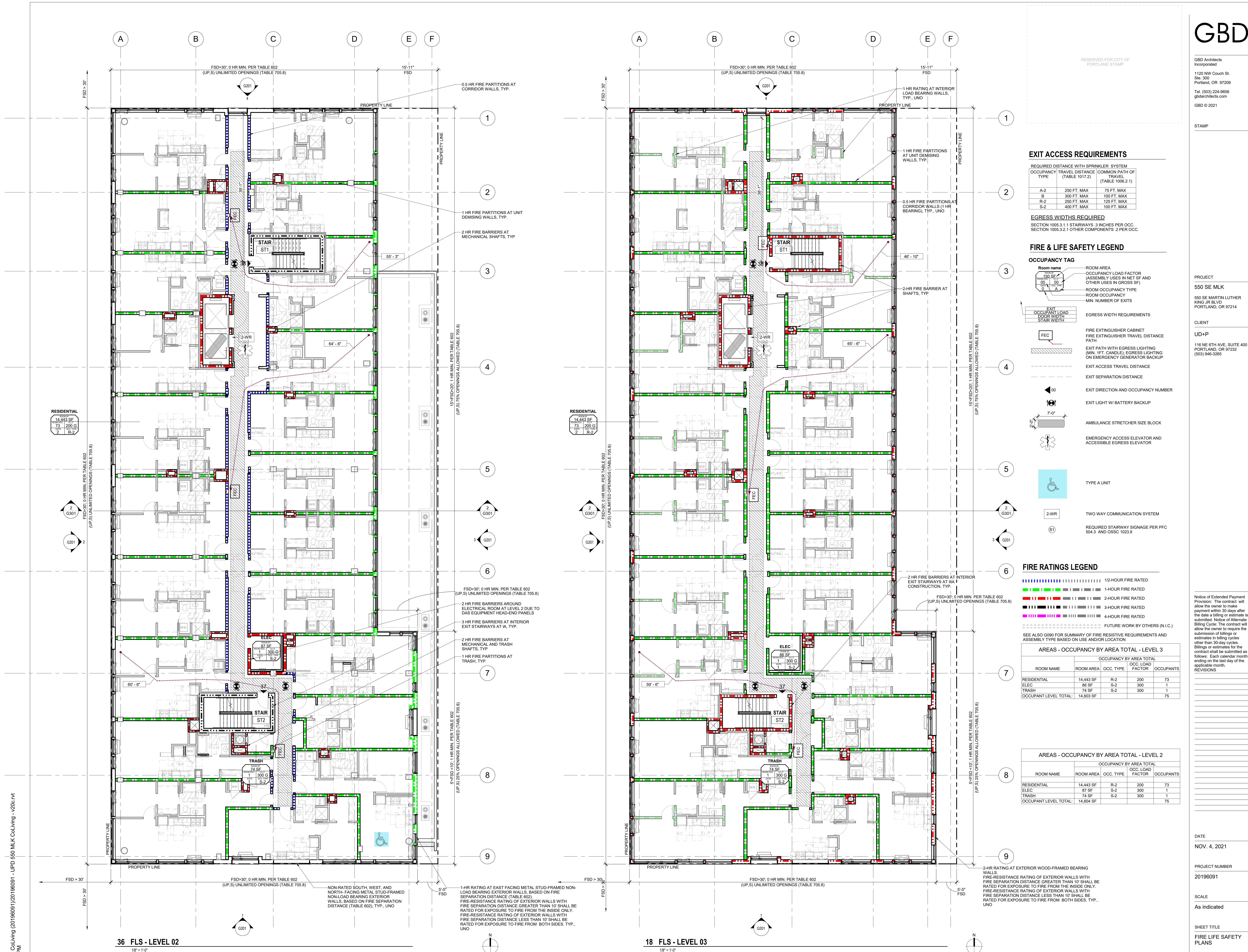
ASSEMBLY TYPE BASED ON USE AND/OR LOCATION

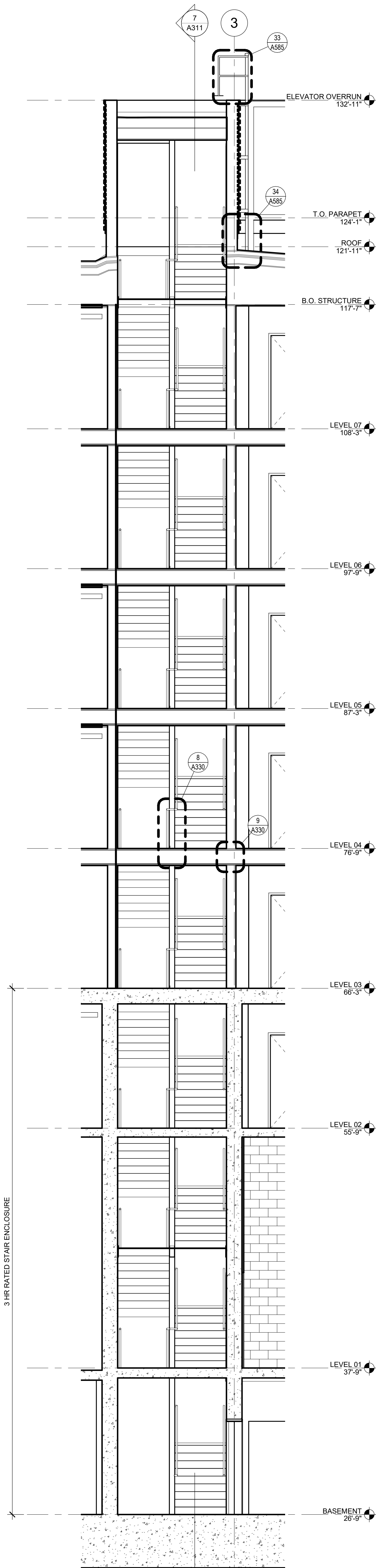
AREAS - OCCUPANCY BY AREA TOTAL - LEVEL 3

OCCUPANCY BY AREA TOTAL				
ROOM NAME	ROOM AREA	OCC. TYPE	OCC. LOAD FACTOR	OCCUPANTS
RESIDENTIAL	14,443 SF	R-2	200	73
ELEC	86 SF	S-2	300	1
TRASH	74 SF	S-2	300	1
OCCUPANT LEVEL TOTAL:	14,603 SF			75

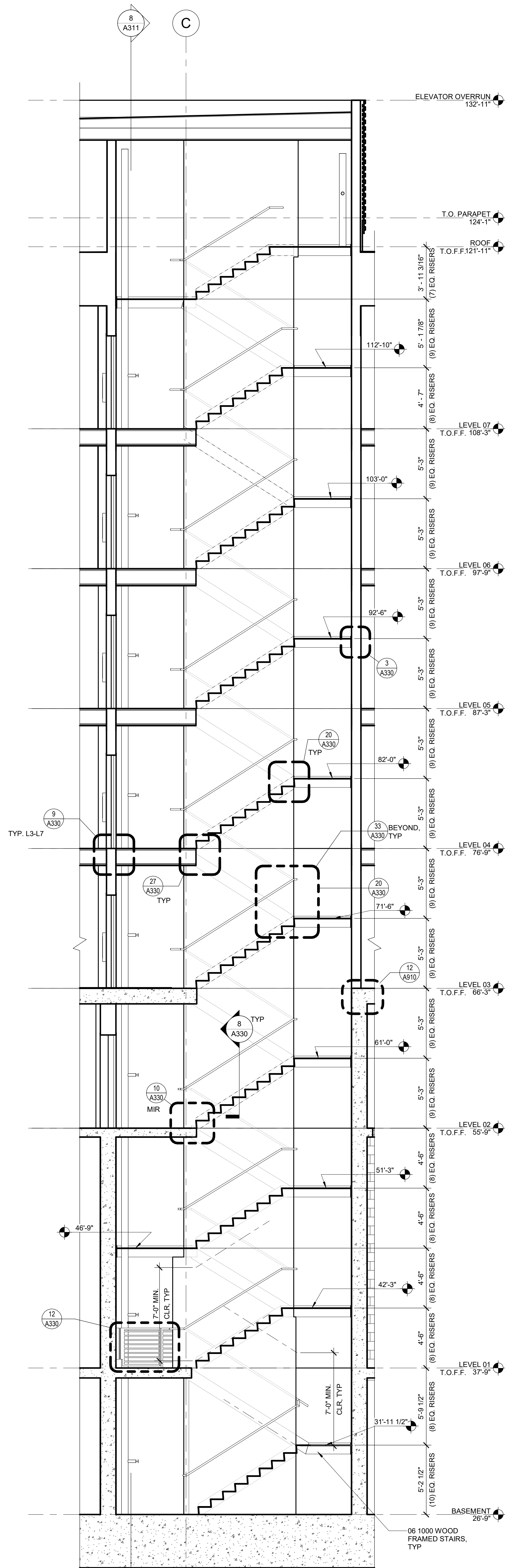
AREAS - OCCUPANCY BY AREA TOTAL - LEVEL 2

OCCUPANCY BY AREA TOTAL				
ROOM NAME	ROOM AREA	OCC. TYPE	OCC. LOAD FACTOR	OCCUPANTS
RESIDENTIAL	14,443 SF	R-2	200	73
ELEC	87 SF	S-2	300	1
TRASH	74 SF	S-2	300	1
OCCUPANT LEVEL TOTAL:	14,604 SF			75

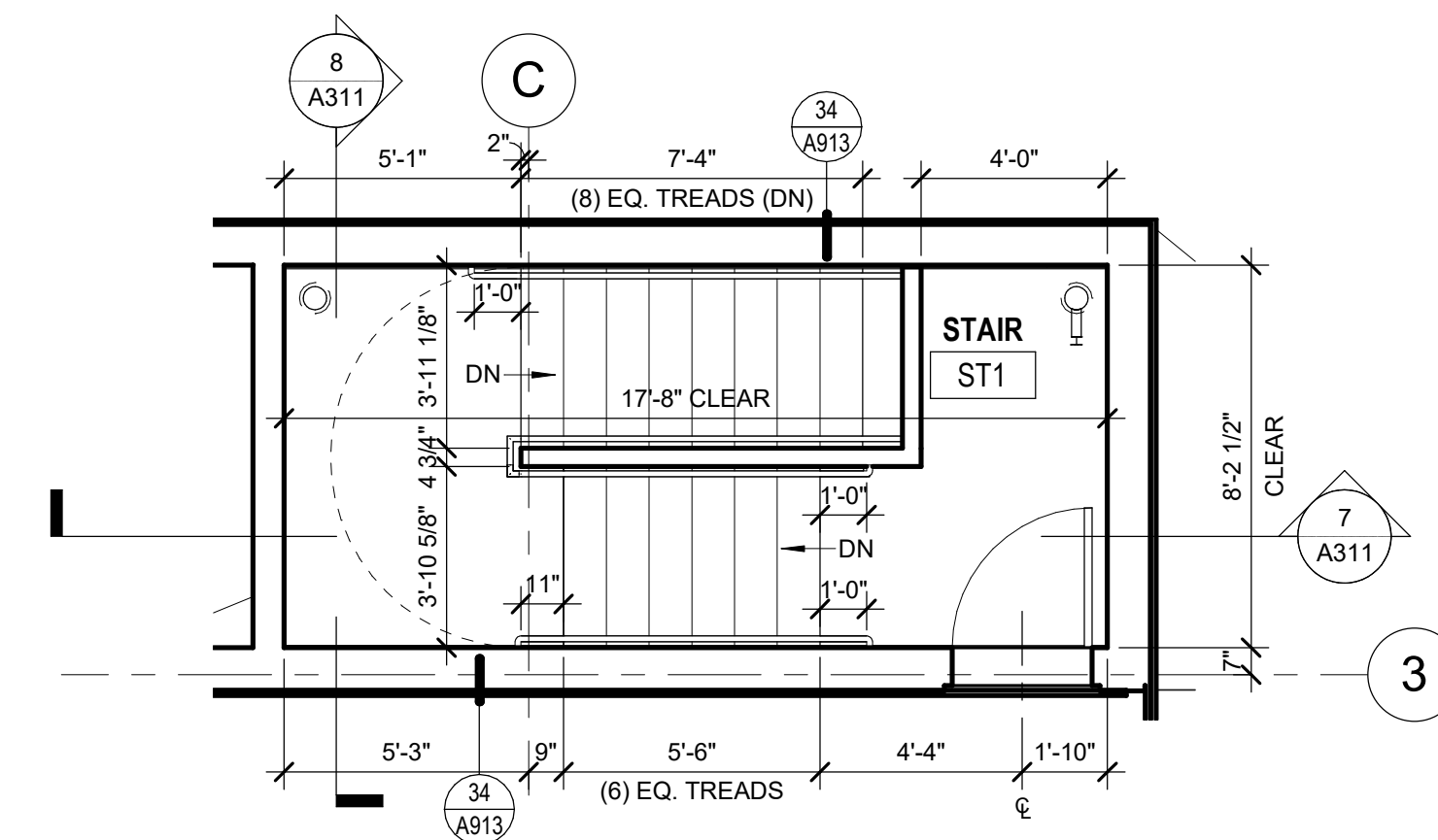
Notice of Extended Payment
Provision: The contract will
allow the owner to make
payment within 30 days after
the date a billing or estimate is
submitted. Notice of Alternate
Billing Cycle: The contract will
allow the owner to require the
submission of billings or
estimates in billing cycles
other than 30-day cycles.
Billings or estimates for the
contract shall be submitted as
follows: Each calendar month
ending on the last day of the
applicable month.
REVISIONS



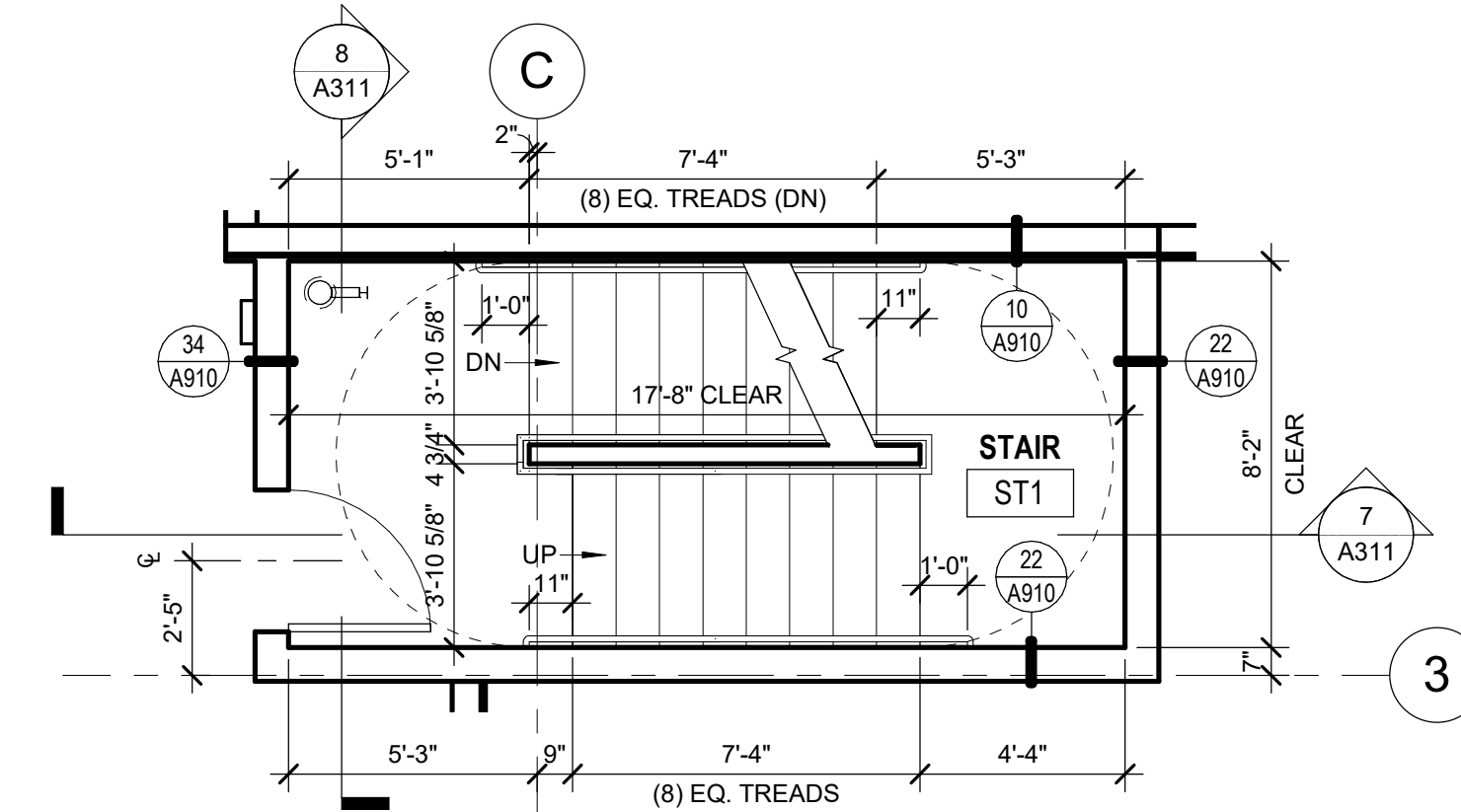
8 SECTION - STAIR 1 - NS



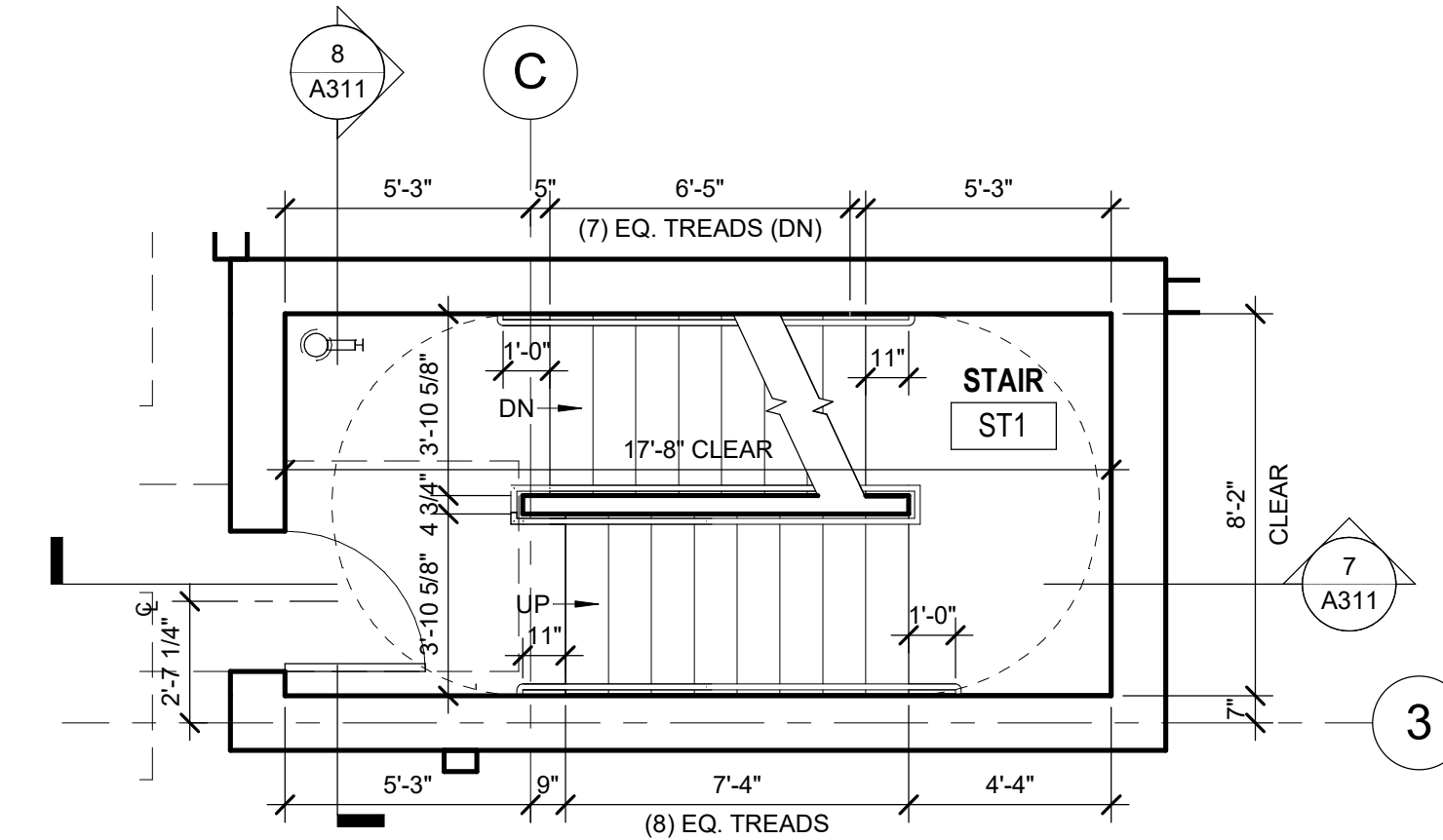
7 SECTION - STAIR 1 - EW



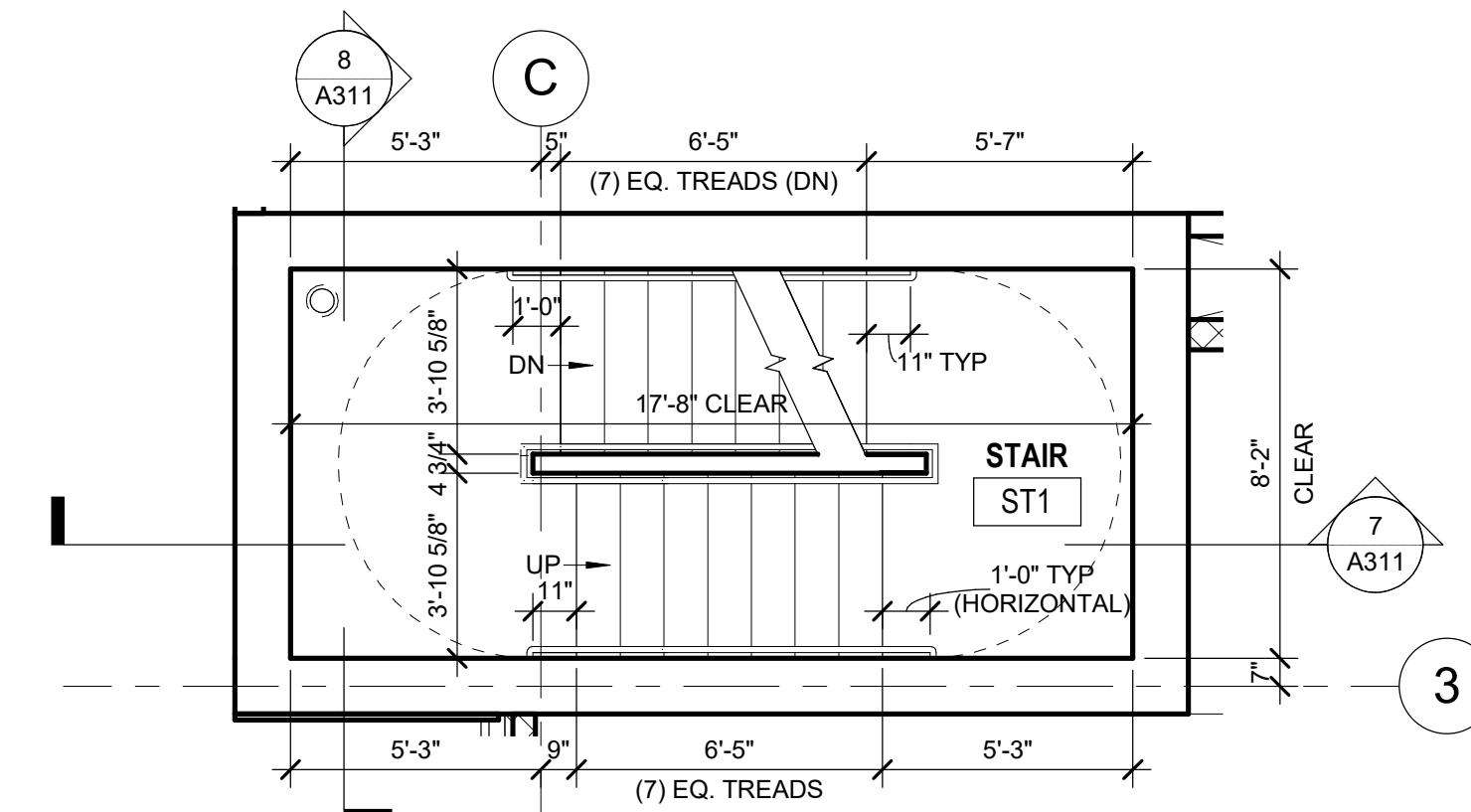
6 LEVEL ROOF - ENLARGED PLAN - STAIR 1



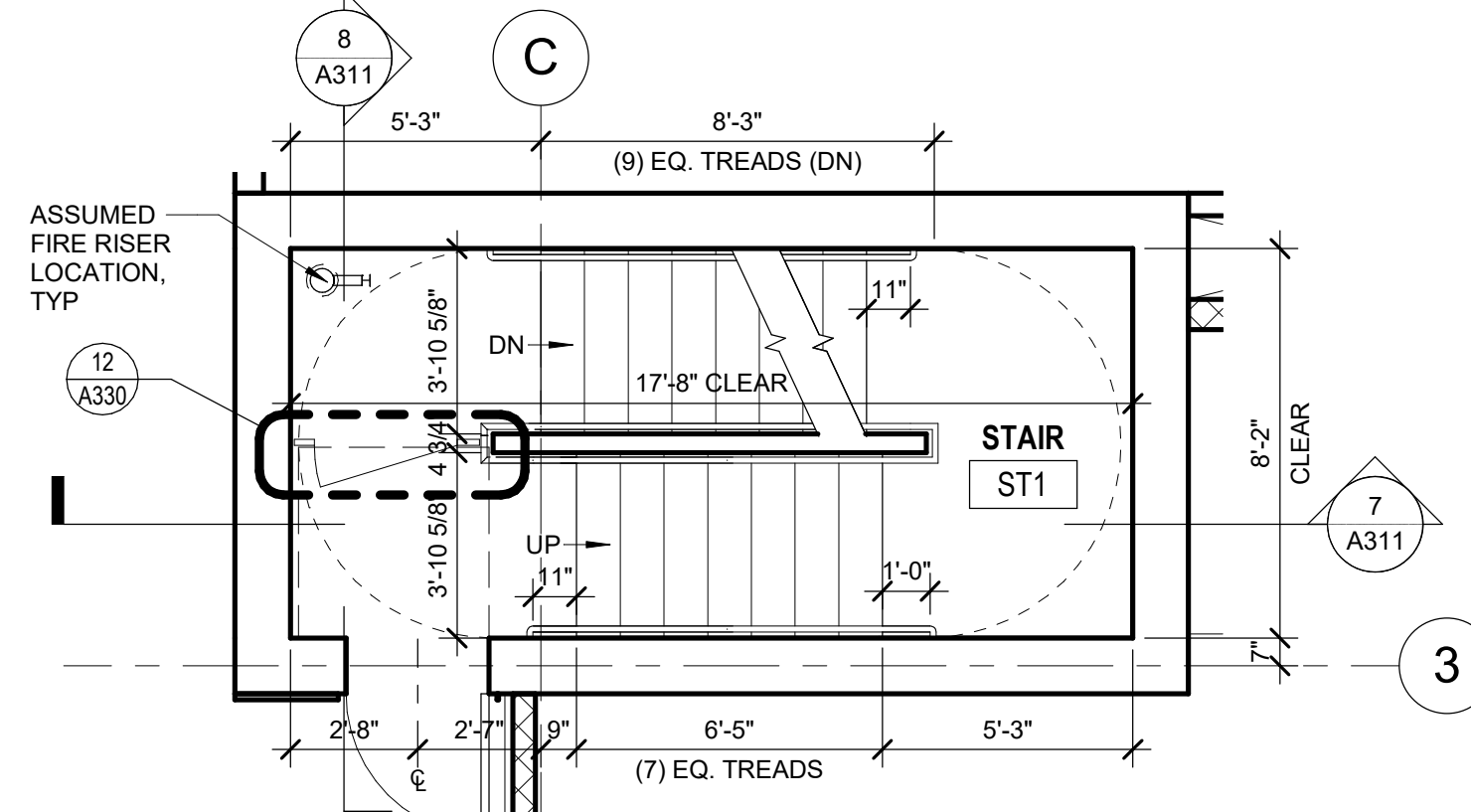
5 LEVEL 03-07 - ENLARGED PLAN - STAIR 1



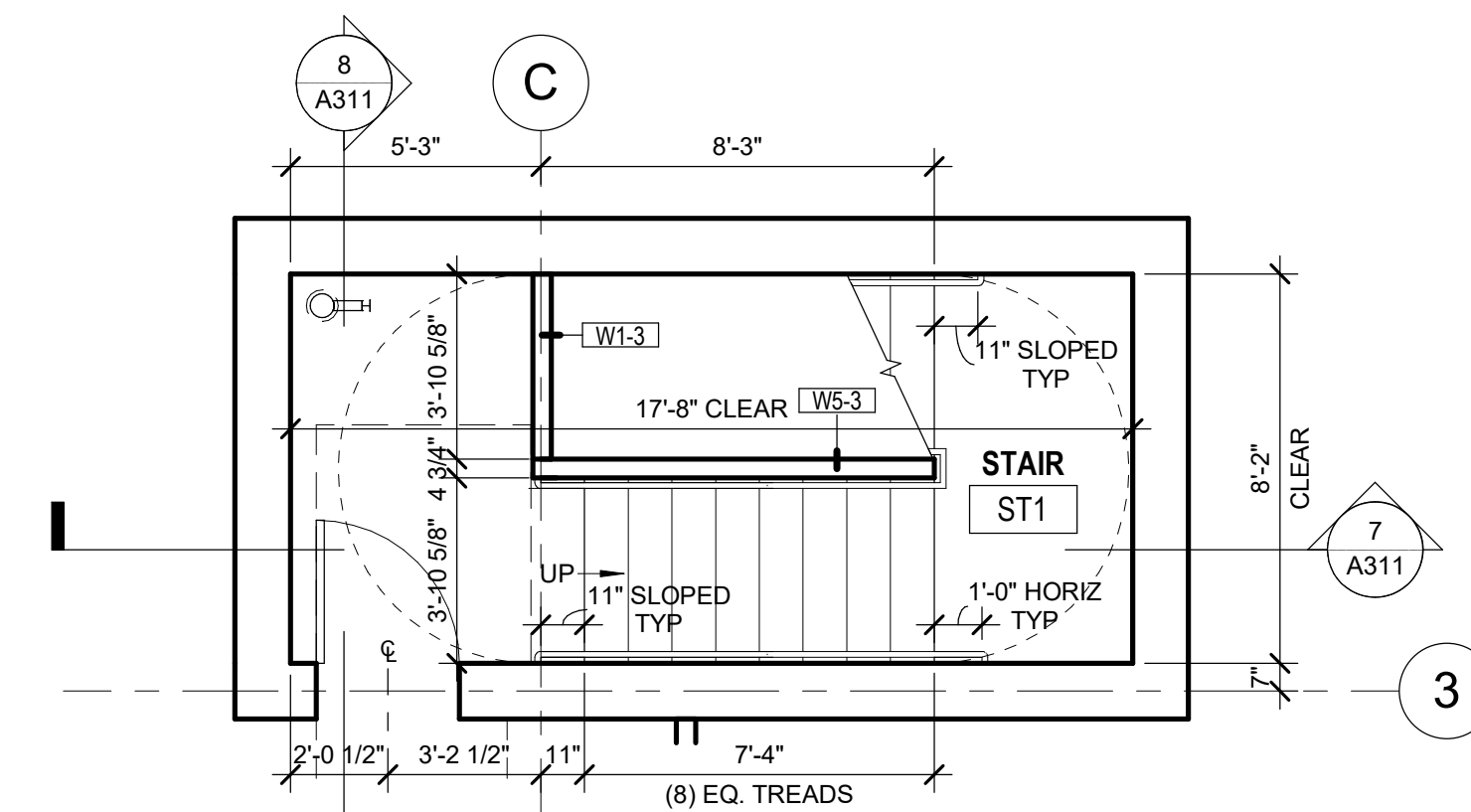
4 LEVEL 02 - ENLARGED PLAN - STAIR 1



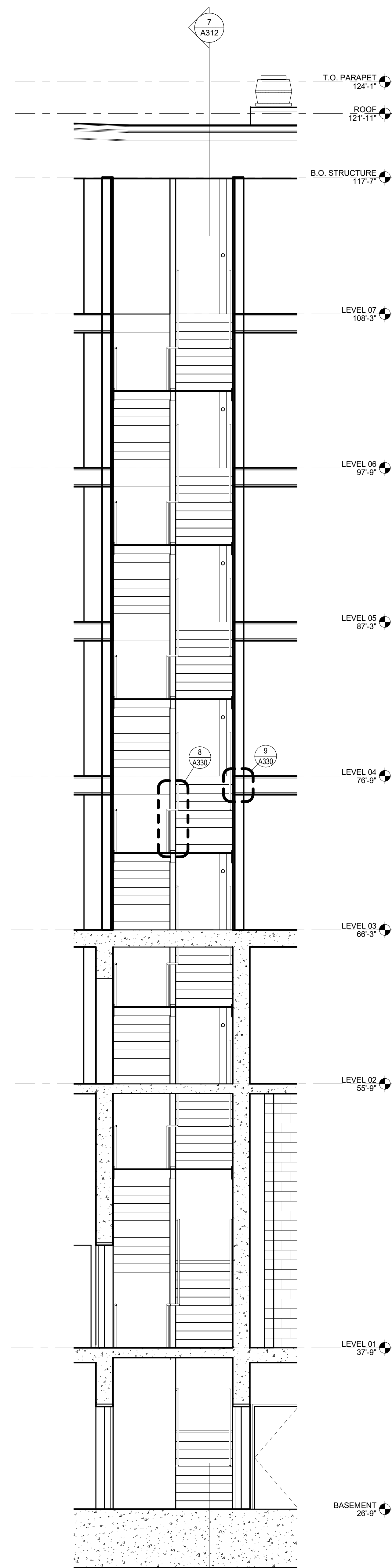
3 LEVEL 01 - ENLARGED PLAN - STAIR 1 - UPPER RUNS



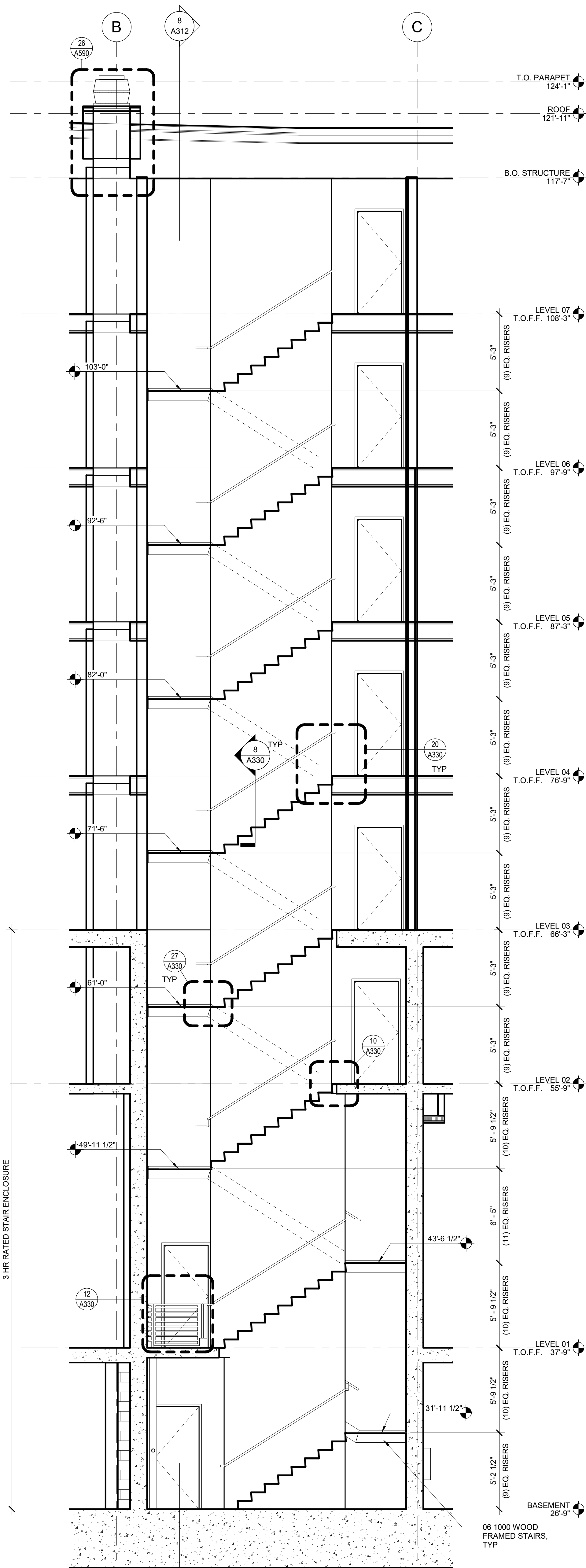
2 LEVEL 01 - ENLARGED PLAN - STAIR 1



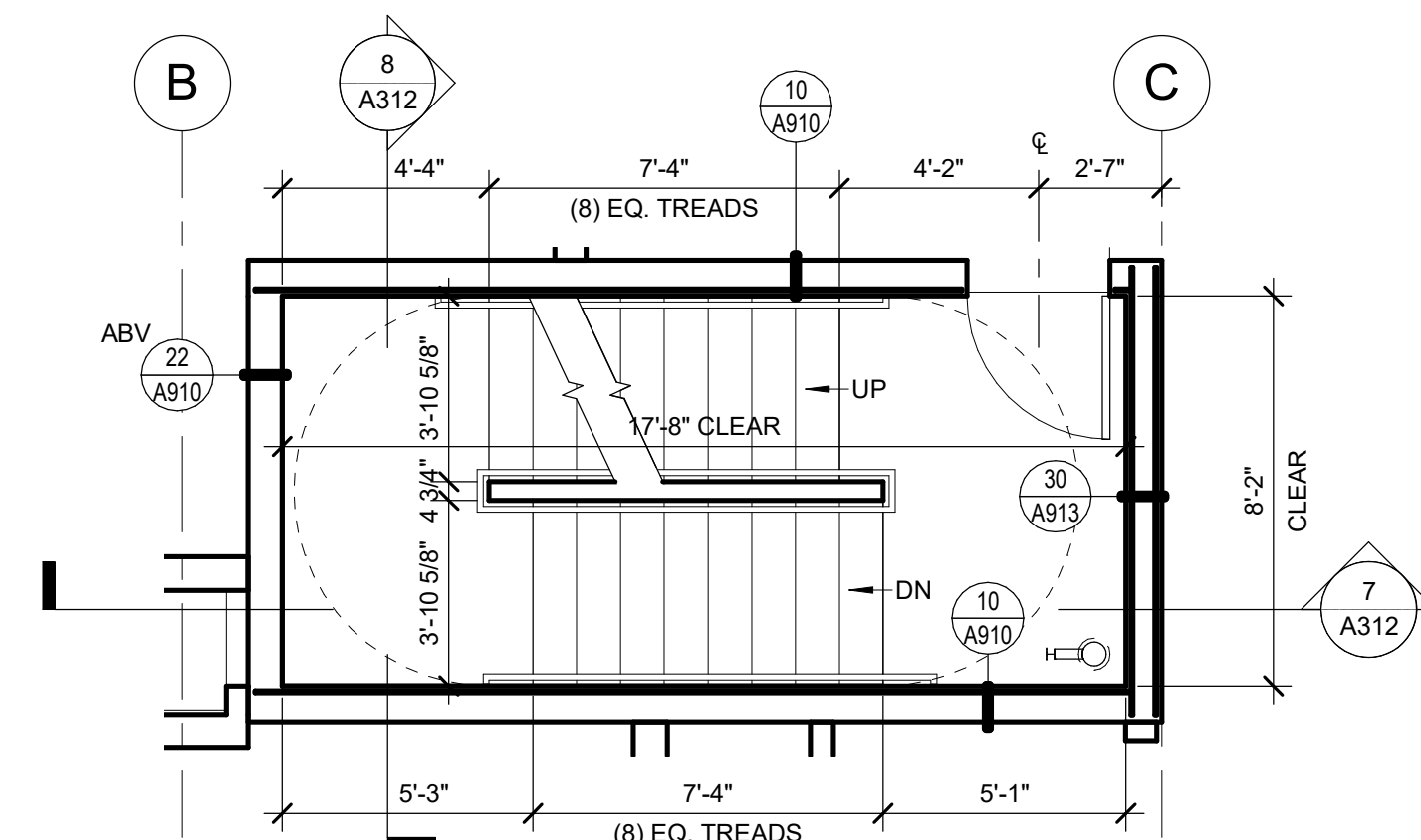
1 LEVEL P1 - ENLARGED PLAN - STAIR 1



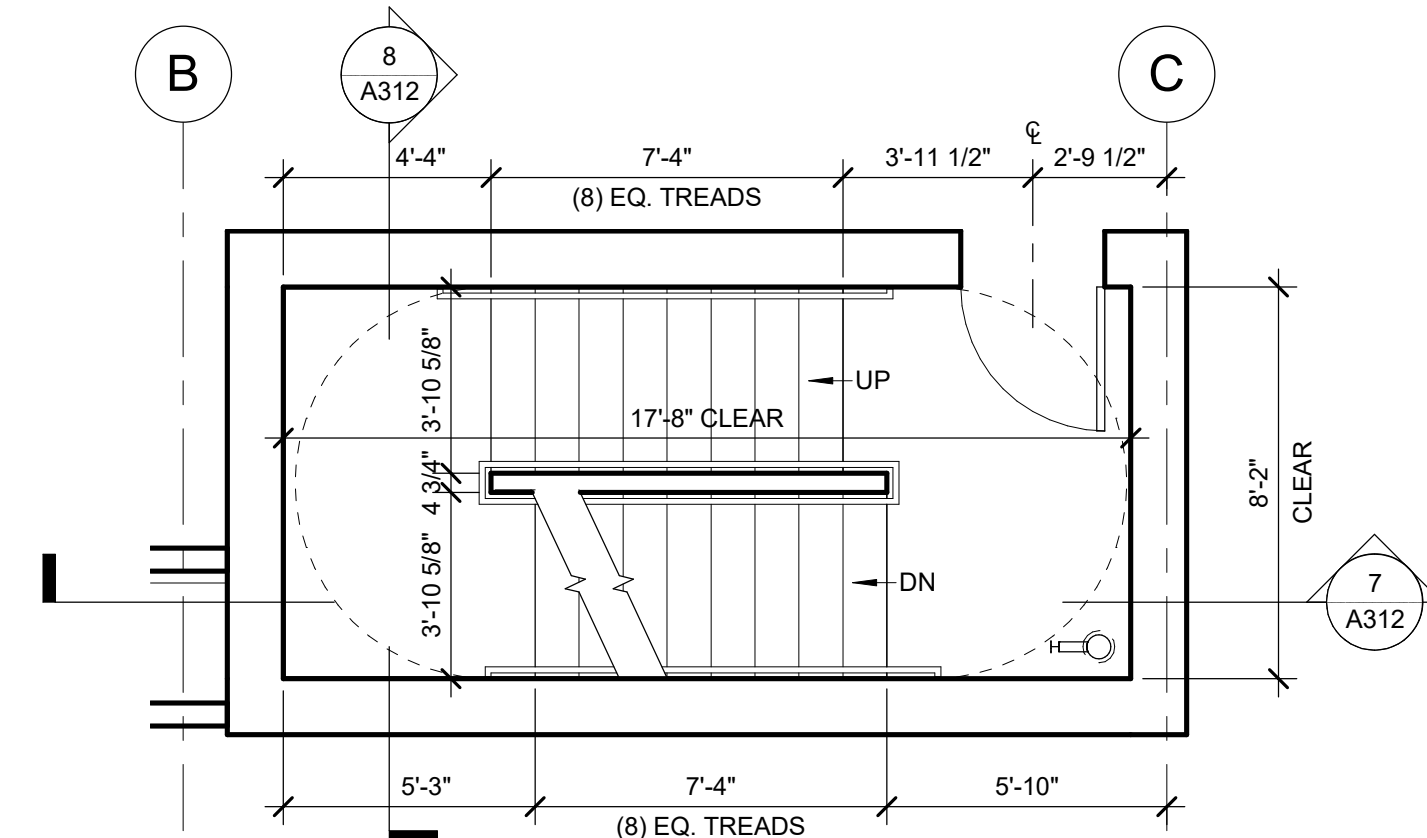
8 SECTION - STAIR 2 - NS



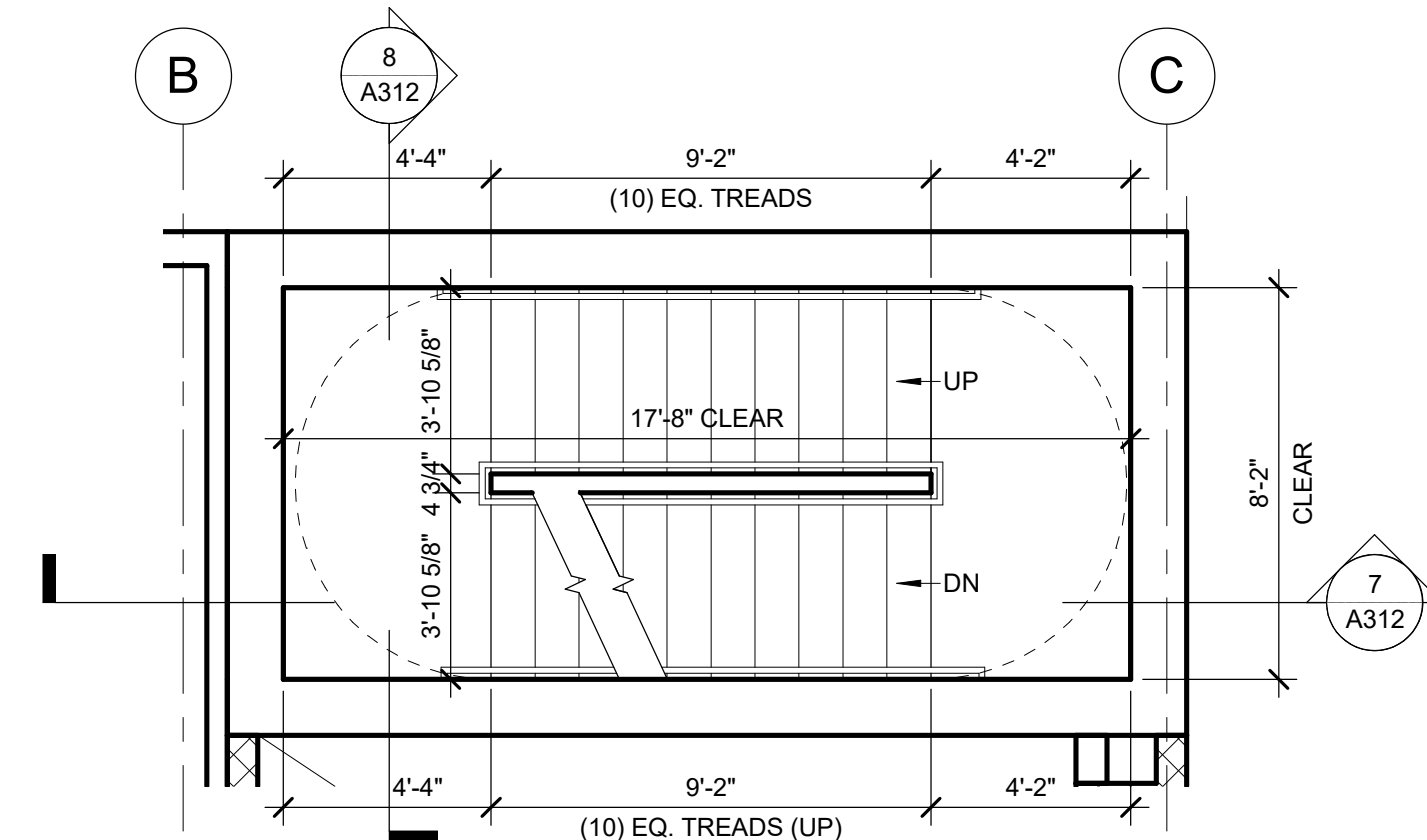
7 SECTION - STAIR 2 - EW



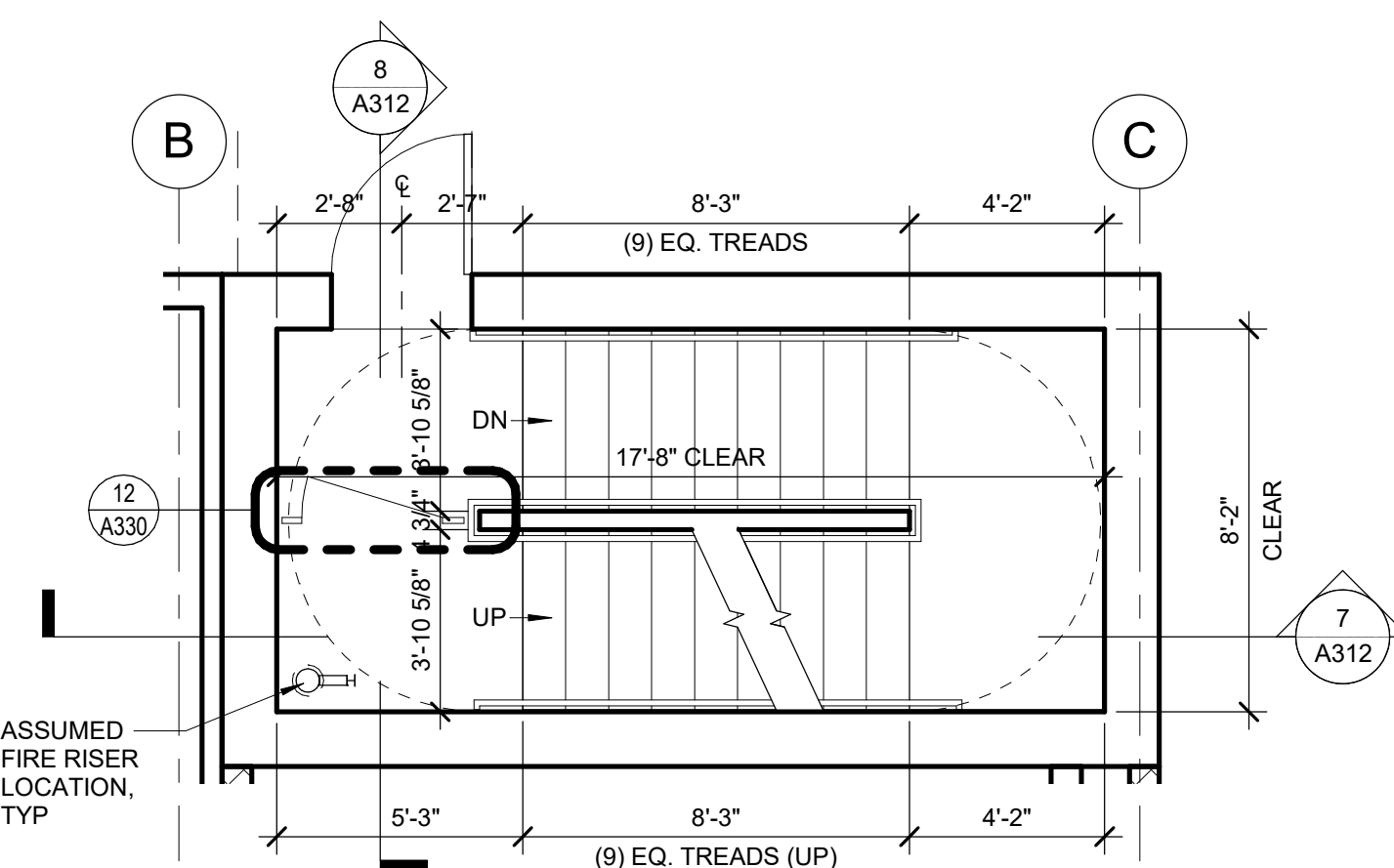
5 LEVEL 03-07 - ENLARGED PLAN - STAIR 2



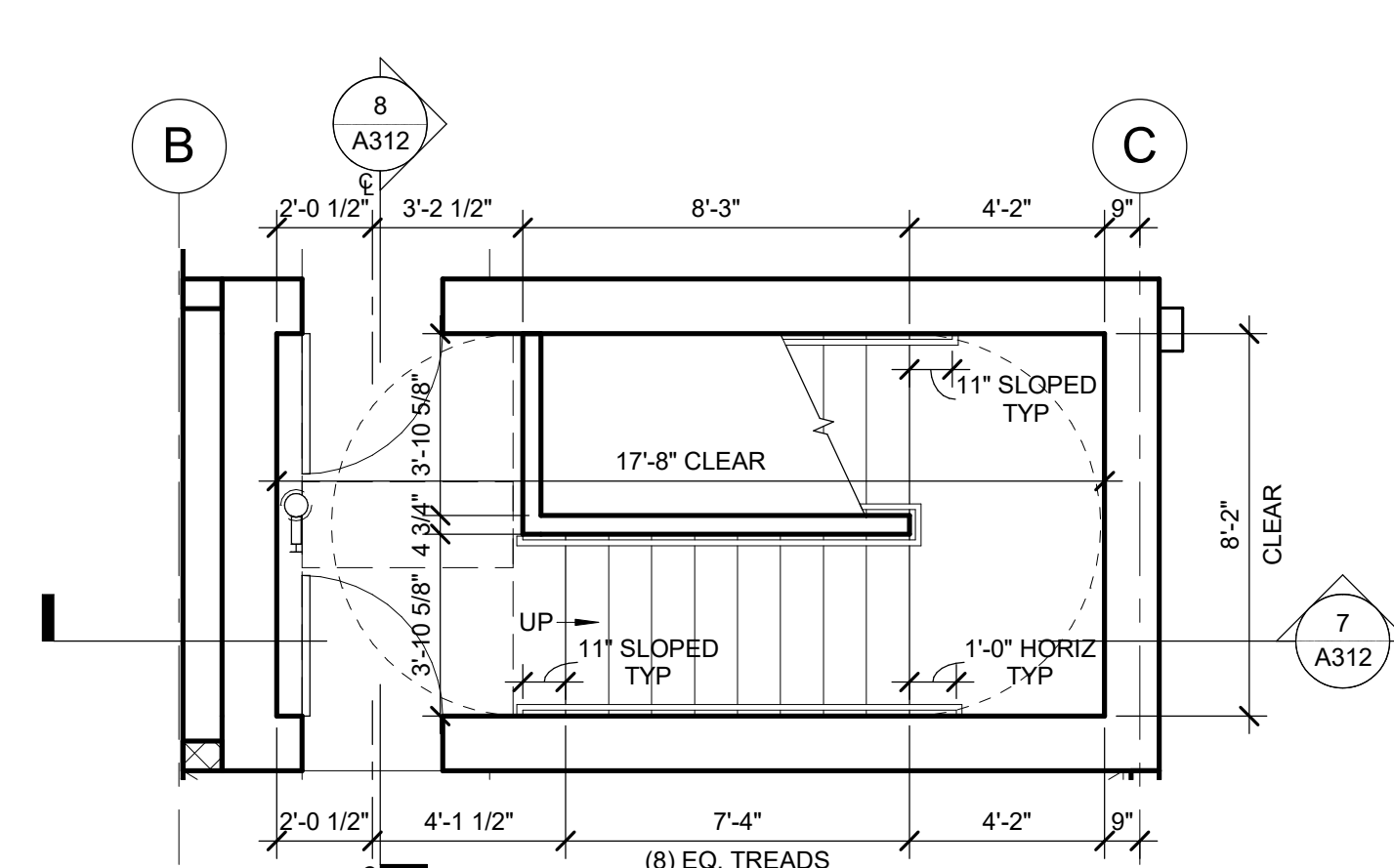
4 LEVEL 02 - ENLARGED PLAN - STAIR 2



3 LEVEL 01 - ENLARGED PLAN - STAIR 2 - UPPER RUNS



2 LEVEL 01 - ENLARGED PLAN - STAIR 2



1 LEVEL P1 - ENLARGED PLAN - STAIR 2

