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APPEAL SUMMARY

Status: Decision Rendered - Held Over from 31885 (9/27/23) for more information.

Appeal ID: 31977	Project Address: 4626 SE Clinton Street
Hearing Date: 11/15/23	Appellant Name: Tanya Wuertz
Case No.: B-008	Appellant Phone: 303.883.8309
Appeal Type: Building	Plans Examiner/Inspector: Chanel Horn
Project Type: Commercial	Stories: 3 Occupancy: Group R-2 Construction Type: Type V-A
Building/Business Name: Peaceful Villa - Clinton Street Building West	Fire Sprinklers: Yes - as required per NFPA 13
Appeal Involves: Erection of a new structure,Reconsideration of appeal	LUR or Permit Application No.: 23-035595-CO
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Residential Apartments

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	2022 OSSC Section 1027.6 Exterior exit stairways and ramp protection. (at Conditions #1, #2, #3, #4, and #5) 2022 OSSC Section 1011.7.4 Enclosures under exterior stairways. (at Conditions #5 and #6) RECONSIDERATION TEXT: 2022 OSSC Section 1011.7.4
Requires	"1027.6 Exterior exit stairway protectionOpenings shall be limited to those necessary for egress from normally occupied spaces." "1011.7.4 Enclosures under exterior stairways. There shall not be enclosed usable space under exterior exit stairways unless the space is completely enclosed in 1-hour fire-resistance-rated construction. The open space under exterior stairways shall not be used for any purpose."
	RECONSIDERATION TEXT: "1011.7.4 Enclosures under exterior stairways. There shall not be enclosed usable space under exterior exit stairways unless the space is completely enclosed in 1-hour fire-resistance-rated construction. The open space under exterior stairways shall not be used for

any purpose."

Code Modification or Alternate Requested

The purpose of this appeal is to allow openings (Trash Room, Water Meter Room, Bike Room, Laundry Room, Electrical Meter Enclosure) and equipment (Electrical Meters, Mailboxes) to be located as shown across the four (4) breezeways that each serve to house a single exterior exit stairway. The Proposed Design identifies each of these items as a separate condition with an associated mitigation strategy to maintain protected egress.

RECONSIDERATION TEXT: The purpose of this appeal is to allow two mailbox units to be located as shown under the exterior exit stairway in the west breezeway of the Clinton West Building.

Proposed Design

Breezeways are separated from the dwelling units and other amenity/service spaces by a 2-hour fire barrier and 90-min fire-resistance-rated door and frame at all doors in lieu of the 1-hour fire barrier with 45-min openings required for exterior exit stairways at three (3) stories.

Dwelling units have an emergency escape and rescue opening (EERO) as required in the bedroom(s); additionally, an EERO is provided in each unit's living area.

Egress occurs from the exterior exit stairway directly to the exterior on the north "egress end", not passing by unoccupied rooms on the south "open end".

Condition #1: Trash Room

- Person-door to Trash Room from breezeway is less than 6 inches shy of being outside of the area defined as "exterior exit stairway" (39-inch landing, matching stair width, plus 10 ft extension per Section 1027.6; see IBC Commentary Figure 1027.6(1). It is provided with the following:
- o Digital access control and an auto-actuator to provide accessible access.
- o Automatic, self-closing hardware.
- o A vision panel compliant with Table 716.1(2) for opening fire protection (<100 sq. in., D-H-90).
- Only one electrical outlet provided inside Trash Room; it will be locked and allowed for use only by maintenance staff.
- Signage stating "NO STORAGE" and "DOOR TO REMAIN CLOSED WHEN NOT IN ACTIVE USE" posted inside the Trash Room on wall adjacent to door latch side.
- Sprinkler head located on interior of room centered above door head, designed as a "water curtain" per NFPA 13 (6 ft on-center, 12-in off face of wall).
- 135-degree heat detector, centered in room, and tied to occupant notification appliances located in every unit in the building, common areas, and associated breezeway.

• Occupant notification appliances will automatically activate throughout the notification zones prescriptively upon a sprinkler water flow per Section 907.2.9.1 Exception 2, and/or heat detection trigger added as additional mitigation per this Appeal.

Condition #2: Water Meter Room

• Signage stating "NO STORAGE" posted inside the Water Meter Room on wall adjacent to door latch side.

Condition #3: Bike Room

- Person-door to Bike Room is provided with the following:
- o Digital access control and an auto-actuator to provide accessible access.
- o Automatic, self-closing hardware.
- o A vision panel compliant with Table 716.1(2) for opening fire protection (<100 sq. in., D-H-90).
- Only one electrical outlet provided inside Bike Room; it will be locked and allowed for use only by maintenance staff.
- All bike racks are wall-mounted and not appropriate for e-bikes. A Bike Room in another location, outside of the breezeways, is provided for such bikes and their charging requirements.
- Signage stating "NO BATTERY CHARGING ALLOWED" and "DOOR TO REMAIN CLOSED WHEN NOT IN ACTIVE USE" posted inside the Bike Room on wall adjacent to door latch side.
- Sprinkler head located on interior of room centered above door head, designed as a "water curtain" per NFPA 13 (6 ft on-center, 12-in off face of wall).
- 135-degree heat detector, centered in room, and tied to occupant notification appliances located in every unit in the building, common areas, and associated breezeway.
- Occupant notification appliances will automatically activate throughout the notification zones prescriptively upon a sprinkler water flow per Section 907.2.9.1 Exception 2, and/or heat detection trigger added as additional mitigation per this Appeal.

Condition #4: Laundry Room

- Person-door to Laundry Room from breezeway is outside of the area defined as "exterior exit stairway" (39-inch landing, matching stair width, plus 10 ft extension per Section 1027.6; see IBC Commentary Figure 1027.6(1). It is provided with the following:
- o Digital access control and an auto-actuator to provide accessible access.

- o Automatic, self-closing hardware.
- o A vision panel compliant with Table 716.1(2) for opening fire protection (<100 sq. in., D-H-90).
- Signage stating "DOOR TO REMAIN CLOSED WHEN NOT IN ACTIVE USE" posted inside the Laundry Room on wall adjacent to door latch side.
- Sprinkler head located on interior of room centered above door head, designed as a "water curtain" per NFPA 13 (6 ft on-center, 12-in off face of wall).
- 135-degree heat detector, centered in room, and tied to occupant notification appliances located in every unit in the building, common areas, and associated breezeway.
- Occupant notification appliances will automatically activate throughout the notification zones prescriptively upon a sprinkler water flow per Section 907.2.9.1 Exception 2, and/or heat detection trigger added as additional mitigation per this Appeal.

Condition #5: Electrical Meters (2 locations)

- Located outside of plan area footprint of physical stair.
- Separated by a 1-hour enclosure "cabinet" (walls and ceiling) as required per Section 1011.7.4 with 60-min doors as required per Table 716.1(2) for fire barriers that are part of an egress component.
- 195-degree heat detector, centered in "cabinet", and tied to occupant notification appliances located in every unit in the building, common areas, and associated breezeway.
- Occupant notification appliances will automatically activate throughout the notification zones prescriptively upon a sprinkler water flow per Section 907.2.9.1 Exception 2, and/or heat detection trigger added as additional mitigation per this Appeal.
- Prescriptively, within the breezeway, there are dry, side-wall sprinkler heads.

Condition #6: Mailboxes (2 locations)

- Located outside of plan area footprint of physical stair.
- Non-combustible as they are made of metal; mail is segregated into small compartments.
- Large parcel locker is located outside of the breezeway.
- Prescriptively, within the breezeway, there are dry, side-wall sprinkler heads.

RECONSIDERATION TEXT: Egress occurs from the exterior exit stairway directly to the exterior on the north "egress end", not passing by mailbox units on the south "open end".

Mailboxes (typical of two, located side by side)

- Each mailbox unit is 30.5 inches wide x 18 inches deep x 62 inches high (see attached cutsheet).
- Located outside of plan area footprint of physical stair, including landing depth.
- Non-combustible as they are made of metal; mail is segregated into small compartments.
- Only one, small parcel compartment (10 inch parcel, 10 inch x 12 inch door).
- Prescriptively, within the breezeway, there are dry, side-wall sprinkler heads.

Reason for alternative

BUILDING OVERVIEW:

The Clinton Apartment Buildings at Peaceful Villa are comprised of two (2) separate code buildings. Each building contains a maximum of four (4) units per floor surrounding a single, 3-story exterior exit stairway in an unconditioned breezeway; the breezeway is open on the two ends. Additionally, each building contains a couple of two-story units with an internal stair; those units are not considered/discussed in this appeal. While the breezeway is unconditioned, the Trash Room, Water Meter Room, and Bike Room all contain an electric wall heater to maintain a minimum temperature. The building is fully-sprinklered per NPFA 13, including dry sprinkler-head coverage at the breezeway.

BREEZEWAY OVERVIEW:

The breezeway is separated from the dwelling units and other amenity/service spaces as required for an exterior exit stairway. In fact, the rating is exceeded as a 2-hour fire barrier with 90-min fire-resistance-rated door and frame is provided, while only a 1-hour fire barrier with 45-min openings is required. The breezeway wall forming the fire barrier is balloon-framed outside of the structure supporting the units. Although the supporting construction of the breezeway wall at the second and third story is the 1-hour horizontal assembly that forms the exterior exit stairway landings, all supporting construction is within the breezeway, outside of the unit/amenity framing, and the rooms/openings of concern for fire origination are located on the ground floor, where supporting construction is the slab on grade.

Therefore, the 2-hour fire barrier provides additional protection for occupants that are egressing and those that are awaiting rescue in their units at an emergency escape and rescue opening (EERO). Additionally,

even though these EEROs are only required in sleeping rooms (bedrooms) per Section 1031, they are also provided in each living room area. This provides an additional location within the units (except studio) for occupants to flag down fire personnel and await rescue in the event the other egress options are compromised.

The compact design of the unit layout means that the travel distance from the second story units is below 125 ft. Per Table 1006.3.4(1), exceeding this threshold requires this stair to be an exterior exit stairway to meet travel distance. The third story units exceed this threshold, though the longest travel distance is ~160 ft, only 35 ft longer than would be allowed for an exit access stairway; 15 ft of that would occur after the stair on the level of exit discharge. Once an occupant reaches the level of exit discharge, egress occurs directly to the north within 15 ft. The openings and equipment discussed in this appeal are located at the opposite end of the breezeway. Additionally, the breezeway is open on two ends, where an exit stairway is only required to be open on one side per Section 1027.3. The openings located on two opposite sides will allow for cross-ventilation and encourage smoke movement, should smoke enter the breezeway from the conditions identified as part of this appeal.

TRASH ROOM, WATER METER ROOM, BIKE ROOM, AND LAUNDRY ROOM:

The 90-min person-doors at the Trash Room, Bike Room, and Laundry Room will be provided with digital access control and an auto-actuator for accessible access, as well as automatic, self-closing hardware. This will prevent the door from being propped-open and ensure it is closed during a fire/smoke event. Additionally, a vision panel will aid in viewing potential smoke and fire, which will inform someone of the risk before opening the door during an event that would allow fire/smoke into the breezeway. For the most significant rooms in terms of fire origination risk, the Trash Room and Laundry Room doors are at the far south end of the breezeway. At the Laundry Room, the door is outside the landing plus 10 ft requirement per Section 1027.6; at the Trash Room, it is less than 6 inches shy of meeting this requirement.

Only one outlet each will be provided in the Trash Room and Bike Room. The outlets will be locked and only for use by maintenance staff to facilitate maintenance operations. This will ensure that items are not left unattended while charging, particularly bikes. In addition, at the Bike Room, the bike racks are all wall mounted, which is not the typical storage solution for electric bikes due to their weight. Also, a separate Bike Room is being provided at the site that is specifically for electric bikes; it will be provided with appropriate bike racks and adequate power to charge all bikes.

Signage will be provided at the Trash Room, Bike Room, and Laundry Room to encourage the doors to remain closed. Additional signage at the Trash Room and Water Meter Room will discourage the use of the rooms for storage. At the Bike Room, it will also be stated that battery charging is not allowed. This will provide both the residents and maintenance staff with

signage that reinforces the mitigation measures identified in this appeal to support the safe egress of all occupants.

At the Trash Room, Bike Room, and Laundry Room, an additional sprinkler head will be provided at the interior of the room, above the door. Designed as a "water curtain" per NFPA 13, it will suppress any fire that originates within the room, thus protecting the opening beyond the increased fire-resistance rating of the door. As well, one (1) 135-degree heat detector will be provided in each room. This will be tied to the notification appliances (horns and strobes) that are provided as required in each unit; additionally, a fire alarm notification appliance will also be provided at each breezeway where these openings occur. This early warning detection will allow occupants to be alerted earlier than normal to initiate egress; it provides a trigger at 135 degrees, as opposed to the 155 degrees required to fuse a sprinkler head. Additionally, if triggered at the same time, the heat detector provides notification 30-90 seconds before the fire sprinkler water flow device due to the inherent delay with flow switch verification.

ELECTRICAL METERS AND MAILBOXES:

The electrical meters are located in the breezeway, outside the footprint of the stair in plan; however, they are still located within the area defined as the exterior exit stairway (landing plus 10 ft extension). Therefore, as required per Section 1011.7.4 and Table 716.1(2), the electrical meters will be separated by a 1-hour fire-resistance-rated enclosure consisting of a 1-hour fire barrier with 60-min doors. It will essentially create a protected "cabinet" for the electrical meters. While technically a prescriptive strategy, the doors that are proposed for access create an opening that is not allowed per Section 1027.6. Therefore, it is proposed to mitigate these two (2), double-door openings with one (1) 195-degree heat detector in the "cabinet". This will occur in one (1) breezeway per building, for a total of two (2) breezeways.

The mailboxes are also located in the breezeway, outside the footprint of the stair in plan; they, too, are located within the area defined as the exterior exit stairway. However, the mailboxes are constructed of metal and noncombustible. They are divided into small compartments to hold the mail of residents. This does not contribute significantly to combustible loading or fire origination due to the protection and division of the mail by the mailbox design. Any large packages will be handled by a parcel locker located outside of the breezeway. Additionally, due to the prescriptive installation of dry sprinkler heads in the breezeway, a fire would quickly be suppressed, if not extinguished, should a fire originate in the breezeway. Egress could still be maintained as the egress path runs north, opposite of the mailbox location on the south end.

SUMMARY:

Per Section 1027.6, openings other than those from normally occupied spaces are not allowed in an exterior exit stairway. Additionally, per 1011.7.4, enclosures under exterior stairways must be separated by 1-hour

fire-resistance-rated construction. However, due to the overall increased fire-resistance-rating protection of the breezeway, the enhanced fire detection, suppression, and notification strategies in the rooms of concern, as well as the operational mitigation measures, it is proposed that the strategies presented provide equivalent fire and life safety protection for occupants and the exterior exit stairway path should a fire/smoke event occur involving one of these openings or this equipment.

Therefore, it is requested to allow the openings and equipment as identified in the Proposed Design of Conditions #1, #2, #3, #4, #5, and #6.

ATTACHMENTS:

Peaceful Villa Clinton Breezeway Appeal Attachment 01_Drawings (6 sheets)
Peaceful Villa Clinton Breezeway Appeal Attachment 02_1027.6(1)
Commentary Diagram (1 sheet)

RECONSIDERATION TEXT:

BUILDING OVERVIEW:

The Clinton Apartment Buildings at Peaceful Villa are comprised of two (2) separate code buildings. Each building contains a maximum of four (4) units per floor surrounding a single, 3-story exterior exit stairway in an unconditioned breezeway; the breezeway is open on the two ends. Additionally, each building contains a couple of two-story units with an internal stair; those units are not considered/discussed in this appeal.

This appeal is focused on the Clinton West building, specifically the west breezeway (CIRC C1A1). The building is fully-sprinklered per NPFA 13, including dry sprinkler-head coverage at the breezeway.

BREEZEWAY OVERVIEW:

The breezeway is separated from the dwelling units and other amenity/service spaces as required for an exterior exit stairway. The compact design of the unit layout means that the total travel distance from the second story units is below 125 ft. Per Table 1006.3.4(1), exceeding this threshold requires this stair to be an exterior exit stairway to meet travel distance. The third story units exceed this threshold, though the longest travel distance is ~160 ft, only 35 ft longer than would be allowed for an exit access stairway; 15 ft of that would occur after the stair on the level of exit discharge. Once an occupant reaches the level of exit discharge, egress occurs directly to the north within 15 ft.

The mailbox units are located at the end of the breezeway that is opposite from the direction of egress. Additionally, the breezeway is open on two ends, where an exit stairway is only required to be open on one side per Section 1027.3. The openings located on two opposite sides will allow for cross-ventilation and encourage smoke movement, should smoke enter the breezeway from the conditions identified as part of this appeal.

MAILBOX UNITS:

The mailbox units are located in the breezeway, outside the footprint of the stair in plan; they are located within the area defined as the exterior exit stairway. However, the mailboxes are constructed of metal and noncombustible. They are divided into small compartments to hold the mail of residents. This does not contribute significantly to combustible loading or fire origination due to the protection and division of the mail by the mailbox design. Other than the single parcel compartment, any large packages will be handled by a parcel locker located outside of the breezeway. Additionally, due to the prescriptive installation of dry sprinkler heads in the breezeway, a fire would quickly be suppressed, if not extinguished, should a fire originate in the breezeway. Egress could still be maintained as the egress path runs north, opposite of the mailbox location on the south end.

SUMMARY:

Per Section 1011.7.4, the open space under exterior stairways shall not be used for any purpose. However, due to the minimal fire risk of the mailboxes due to noncombustible materials, individualized compartments with secured access, and limited combustible loading, it is proposed that the strategies presented provide equivalent fire and life safety protection for occupants and the exterior exit stairway path should a fire/smoke event occur involving these mailbox units.

Therefore, it is requested to allow the mailbox units at the Clinton West building as identified in the Proposed Design.

ATTACHMENTS:

Peaceful Villa Clinton Breezeway Appeal Attachment 01*Drawings*RECONSIDERATION (6 sheets) Peaceful Villa Clinton Breezeway Appeal Attachment 02_Mailbox Cutsheets (9 sheets)

APPEAL DECISION

Location of two mailbox units within the exterior exit stairway of the Clinton West Building: Granted as proposed.

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) 823-6251 or come to the Development Services Center.























