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# **APPEAL SUMMARY**

**Status:** Decision Rendered - Held Over from 31930 (10/18/23) for more information.

Appellant Name: Isaac Adams
Appellant Phone: 503-226-1575
Plans Examiner/Inspector: Chanel Horn
Stories: 4 Occupancy: R-2 Construction Type: V-A
Fire Sprinklers: Yes - NFPA-13 throughout
LUR or Permit Application No.: 23-035590-CO
Proposed use: Residential Apartments

# **APPEAL INFORMATION SHEET**

# Appeal item 1

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Code Section	2022 OSSC Section 2902.1 Minimum number of fixtures
Requires	"Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on 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."
	RECONSIDERATION TEXT:  Code Section: 2022 OSSC Section 2902.3.3 Location of toilet facilities in occupancies other than malls
	Requirements: "In occupancies other than covered and open mall buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed 500 feet."
Code Modification or Alternate Requested	The purpose of this appeal is to get alignment with the building official on the application of Table 2902.1 footnote 'f' AND to allow the small interior and exterior lounge areas that are accessible from the residential unit corridors on the upper two floors to be considered as under Residential Classification, and Apartment House Description, per Table 2902.1, and

therefore, included as part of the "1 per dwelling unit" requirement for

water closets, lavatories, and toilets. This most accurately reflects the use of the spaces.

### **RECONSIDERATION TEXT:**

The purpose of this appeal is to allow the public restroom serving an outdoor amenity lounge in an apartment building to be located two stories below the space.

# **Proposed Design**

For amenity areas outside of the residential units, occupants will be included in the calculations for plumbing fixtures as required for Classification as either Business (office), Assembly (exhibition halls), or Storage (low hazard goods) per Table 2902.1, except for the following areas that will be excluded:

- L3 Lounge (Room #290)
- L3 Outdoor Lounge (Room #281)
- L4 Outdoor Lounge (Room #390)
- L4 Bike Room (Room #391) only excluded for travel distance (324ft) and number of stories traveled per Section 1006.3.2; adding them does not affect fixture count.

These areas will be excluded from the amenity calculation based on the actual use of the space; they will be included in the "Residential Apartment Housing" calculation, which has the requirement of "1 per dwelling unit" for water closets, lavatories, and toilets. This strategy is supported by the use of the space as follows:

- Per Section 2902.1, for uses not identified in Table 2902.1, the actual use of the space may be used as identified by the building official.
- The actual use of the identified amenity spaces is intended to be casual, daily use, primarily by residents, with occasional, invited guests. Access control (card readers) will prevent visitors and the public from accessing the three lounges, as well as all bike rooms, without the accompaniment of a resident.
- They are not intended for significant or formal gatherings, or for use by outside groups, and their size does not support those types of gatherings.
- All residential units on the third and fourth floors are within 226 feet of a lounge area; this means that the travel distance from a lounge area back to the unit plumbing fixtures is approximately the same or less, plus the distance within the unit. This is less than the 300 ft distance that would be allowed to access a public restroom.
- Bike rooms are solely for the use of residents as they are coming or going from/to their apartments. They are considered "not normally occupied" spaces and serve as a transitory stop on the path of travel; providing restrooms would not serve to increase health and wellness of occupants for this function.

### RECONSIDERATION TEXT:

The users of the Outdoor Lounge (Room #390) on Level 4 will be adequately served by the public restrooms on Level 2 – and by the bathrooms in the adjacent dwelling units - for the following reasons:

- The actual use of the lounge is intended to be casual, daily use, primarily by residents, with occasional, invited guests. Access control (card readers) will prevent visitors and the public from accessing the lounge without the accompaniment of a resident.
- The lounge is not intended for significant or formal gatherings, or for use by outside groups, and its size does not support those types of gatherings.
- The travel distance from the lounge to the nearest public restroom (Restroom 183C) is 258ft, well below the 500ft maximum.
- All residential units on the fourth floor are within 226 feet of the lounge area; this means that the travel distance from the lounge area back to the unit plumbing fixtures is approximately the same or less, plus the distance within the unit. This is less than the 500 ft distance that would be allowed to access a public restroom.

## Reason for alternative

### **BUILDING OVERVIEW:**

The Peaceful Villa affordable housing project is comprised of three separate code buildings containing 166 dwelling units total. The focus of this appeal is the largest of the three buildings, the 132,000sf South Building which holds 117 dwelling units and is four stories of Type V-A construction. Along with the dwelling units (R-2 occupancy) the building program includes office space (B occupancy), a community room (A-3 occupancy), bike rooms (S-1 occupancy) and laundry and trash rooms (R-2 occupancy).

# STRATEGY OVERVIEW:

The application of Table 2902.1 is subjective and requires interpretation when specific uses are not identified in the Description column. Per the 2021 IBC Commentary, the brief wording in the "description" column is not intended to be complete or inclusive of all uses for a particular space.

Section 2902.1 allows for the building official to consider actual use of a space when determining occupant load for plumbing fixture count.

Adopted early in Oregon from the 2024 IBC, footnote 'j' was added to create less stringent accommodation for such spaces in a residential building, not more stringent. It states that, "Amenity spaces, leasing offices and storage spaces accessed only by the occupants of Group R-2 dwelling units and their guests, building leasing agents and their staff, or building maintenance personnel may be provided as a single-user toilet room for up to the first 100 occupants." It allows spaces that might be more akin to "Business" to apply a lesser ratio for the first 100 occupants, not to classify spaces that have traditionally been classified as part of the "Residential" description (Bike Room, Mechanical, Corridor Lounges), whether as Group

S-1 or Group B, as requiring additional fixtures beyond what is required for the residential units.

The following plumbing fixture calculation strategy is proposed as prescriptive path to compliance but requires agreement on interpretation.

We are using the occupant load reduction allowed by Table 2902.1, footnote 'f', to apply to leasing offices and storage spaces on Levels 1, 2 and 3 that are accessed only by the occupants of Group R-2 dwelling units and their guests, building leasing agents and their staff.

We have excluded the occupant loads for the following space types from our calculations as they are included in group R-2 and have traditionally been included in the "Apartment House" use in in Table 2902.1: trash rooms, laundry rooms, lobbies, corridors, stairs, janitors closets and mechanical/IT rooms.

We have included the occupant loads for bike rooms, storage rooms, community rooms and offices in our calculations for number of fixtures.

However, for three amenity spaces on the upper floors (Indoor Lounge #290, Outdoor Lounge #281 and Outdoor Lounge #390) we request an alternate from the building official that would allow us to exclude them from the fixture counts given their proximity to plumbing fixtures in adjacent dwelling units and their limited use by residents and residents' invited guests only. We also ask that we may exclude the distance and number of stories traveled from Bike Room #391 to the public restrooms on Level 2 given that that bike room is a transitory stop for residents coming/going from their dwelling unit.

## SUMMARY:

It is proposed that "Residential" Classification and "Apartment Housing" Description per Table 2902.1 be applied for the use of the small interior and exterior lounge areas accessible from the unit corridors on the third and fourth floors of the Peaceful Villa South Building.

Therefore, it is requested to include those spaces as part of the "1 per dwelling unit" requirement for water closets, lavatories, and toilets.

#### ATTACHMENTS:

Peaceful Villa Plumbing Calc AppealAttach 01Dwgs.pdf

## **RECONSIDERATION TEXT:**

## **BUILDING OVERVIEW:**

The Peaceful Villa affordable housing project is comprised of three separate code buildings containing 166 dwelling units total. The focus of this appeal is the largest of the three buildings, the 132,000sf South Building which holds 117 dwelling units and is four stories of Type V-A construction. Along with the dwelling units (R-2 occupancy) the building program includes office space (B occupancy), a community room (A-3 occupancy), bike rooms (S-1 occupancy) and laundry and trash rooms (R-2 occupancy).

### STRATEGY OVERVIEW:

For the amenity lounge space on the fourth floor (Outdoor Lounge #390) we request an alternate from the building official that would allow users to travel two stories to the nearest public toilet facility given the lounge's proximity to plumbing fixtures in adjacent dwelling units and its limited use by residents and residents' invited guests only.

### SUMMARY:

Given that all nearby dwelling units include at least one bathroom, and that the travel distance from the lounge to the toilet facilities on Level 2 is significantly less than 500ft, we believe the proposed design has met the intent of the code-prescribed proximity of fixtures.

### ATTACHMENTS:

Peaceful Villa Plumbing Calc Appeal*Attach 01\_Dwgs*RECONSIDERATION Sheet G011, G101 - G104; (5 sheets)

# **APPEAL DECISION**

# Location of toilet facilities two stories below the space where required to be provided: 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.



















