



1. [Horizontal Appeals](#)

APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 32301	Project Address: 205-219 NW 4th Ave
Hearing Date: 5/22/24	Appellant Name: Gabriel Dominek
Case No.: B-009	Appellant Phone: 5033806143
Appeal Type: Building	Plans Examiner/Inspector: David Bartley
Project Type: Commercial	Stories: 3 Occupancy: R-2, R1, and A-2 Construction Type: III-B
Building/Business Name: Overland Building/CityTeam	Fire Sprinklers: Yes - Throughout
Appeal Involves: Alteration of an existing structure, occ Change from B to R-1, R-2	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1]	Proposed use: Congregate living with dormitory and transitory sleeping rooms

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	2022 OSSC 712.1.9 Two-story openings, item 4
Requires	<p>In other than Groups I-2 and I-3, a vertical opening that is not used as one of the applications specified in this section shall be permitted if the opening complies with all of the following.</p> <ol style="list-style-type: none"> 1. It is not open to a corridor in Group I and R occupancies.
Code Modification or Alternate Requested	Applicant requests to allow an existing two-story opening with modifications.
Proposed Design	<p>There is an existing Two-story Opening between the 2nd and 3rd floors that occurs in the middle of the floor plan. Because of it's position, the egress path from some of the R-2 sleeping rooms on the 3rd floor will pass by the edge of the opening.</p> <p>The opening is similar to an exit access stairway opening (escalator provisions of NFPA 13 figure A.9.3.5) with draft curtain (wood beams and added plate in this case) and sprinklers. The spacing of sprinklers and other requirements around the opening would be the same (sprinklers 6 ft o.c., 6-</p>

12 inches from the draft curtain, max 12 inches from ceiling, and an 18-inch draft curtain).

The sprinkler flow is proposed to be that of a Water Curtain (NFPA 13 19.4.3.1), 3 gpm per lineal foot with no sprinklers discharging less than 15 gpm.

See attached plans.

Reason for alternative

Due to the existing configuration and proposed layout, it would be difficult and costly to close or enclose the opening.

Appeal item 2
Code Section

2022 OSSC Table 2902.1 Minimum Number of Required Plumbing Fixtures

Requires

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.

Code Modification or Alternate Requested

Applicant proposes to install fewer fixtures than required by Table 2902.1.

Proposed Design

This facility will house 30 R-1 male residents and 86 R-2 male residents. Applicant proposes to install the fixture counts shown in the attached table. We have also provided the prescriptive calculation.

Reason for alternative

On the Second Floor there are 72 beds and on the Third Floor there are 44 beds. Based on the owner's current facilities, because there will never be more residents than beds, the beds are never 100% occupied, and there are never visitors so the lounge areas are non-simultaneous use*, installing fixtures per Table 2902.1 will be far in excess of the need.

- We have not appealed for non-simultaneous use.
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APPEAL DECISION

"1. Allow existing two-story opening to open to a corridor in Group R with a draft curtain and sprinklers:

Denied. Proposal does not provide equivalent fire and life safety.

2. Allow fewer plumbing fixtures to be provided than required for Groups R-1 and R-2 based on actual use:

Denied. Proposal does not provide equivalent access to sanitation.

Appellant may contact David Bartley (503-865-6529) with questions."

"PLEASE READ THE NOTE BELOW when providing Board requested Additional Information or when submitting a reconsideration after 1st time appeal Denial.

A reconsideration is submitted online 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.

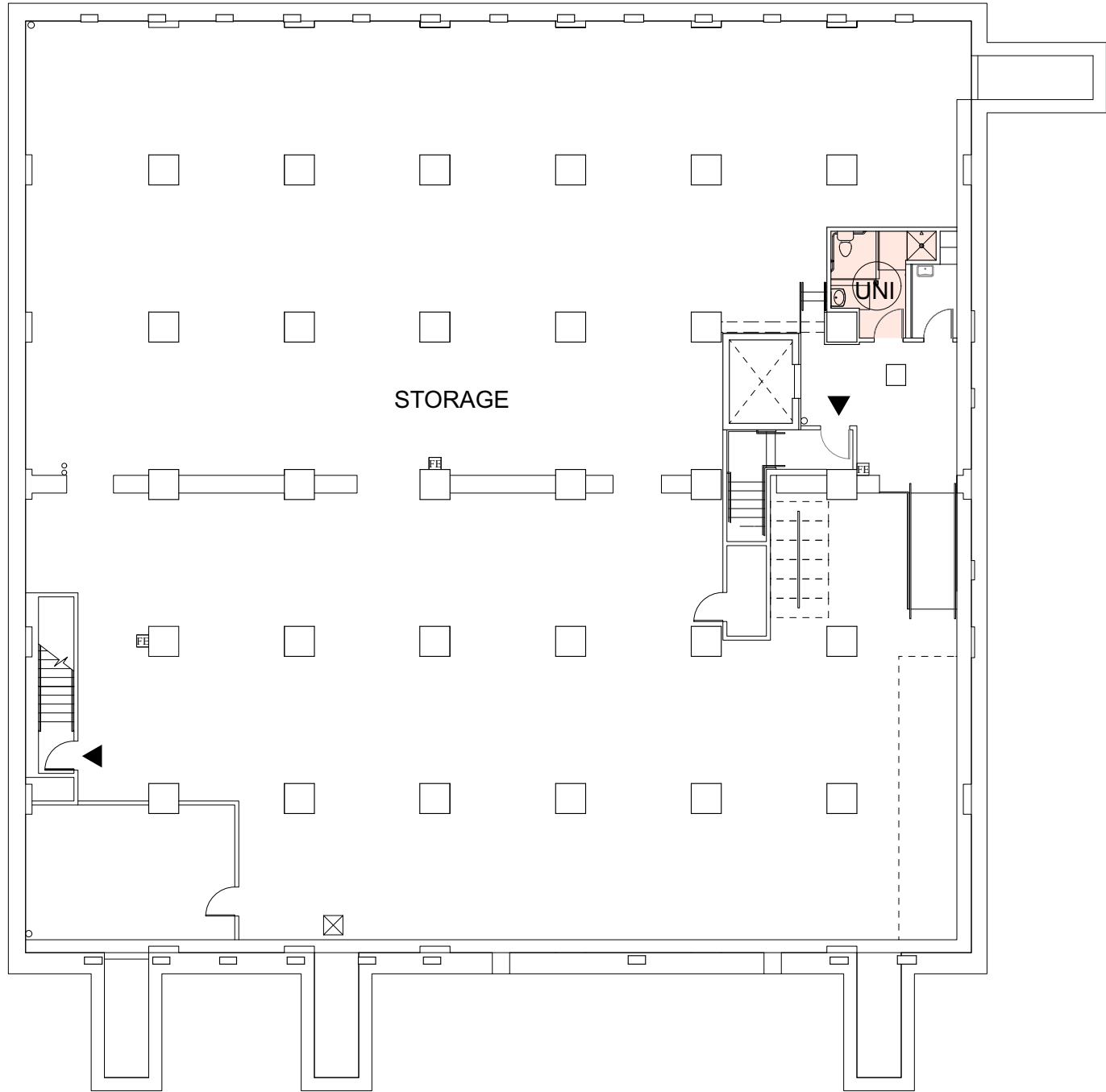
No additional fee is required when the Board has requested additional information or for the first reconsideration of a denied appeal if submitted within 6 months of the original appeal. In these two specific instances please ignore the auto-generated request for another fee.

PLEASE NOTE that there will be no auto-generated verification that the appeal is successfully submitted. To verify this by viewing the submitted appeal, go to;

<https://www.portlandoregon.gov/bds/appeals/?action=search> .

Then click on ""SEARCH"" and you will see the most recent 500 appeals in order that they have been filed. Find your appeal, click on ""view"" and then on ""file"". You can also refine the results by filling in a search word such as your name. "

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.



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AP1 **BASEMENT FLOOR PLAN**
Scale: 1/16" = 1'-0"



1
AP1 **FIRST FLOOR PLAN**
Scale: 1/16" = 1'-0"

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Appeal Sheet 1





2
AP2

THIRD FLOOR PLAN

Scale: 1/16" = 1'-0"



1
AP2

SECOND FLOOR PLAN

Scale: 1/16" = 1'-0"

1
AP3

REPRESENTS A
DOUBLE BUNK
(2 RESIDENTS)

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Appeal Sheet 2

TABLE 2902.1 PROPOSED CALCULATION

BASEMENT						
CLASSIFICATION	WC PROPOSED			LAV PROPOSED		SHOWER/TUB PROPOSED
	M	F	UNISEX	M	F	
TOTALS	0	0	1	1	1	1

FIRST FLOOR						
CLASSIFICATION	WC PROPOSED			LAV PROPOSED		SHOWER/TUB PROPOSED
	M	F	UNISEX	M	F	
TOTALS	4	4	0	2	2	0

SECOND FLOOR						
CLASSIFICATION	WC PROPOSED			LAV PROPOSED		SHOWER/TUB PROPOSED
	M	F	UNISEX	M	F	
TOTALS	4	2	0	7	2	8

THIRD FLOOR						
CLASSIFICATION	WC PROPOSED			LAV PROPOSED		SHOWER/TUB PROPOSED
	M	F	UNISEX	M	F	
TOTALS	5	2	0	7	2	8

TABLE 2902.1 PRESCRIPTIVE CALCULATION

BASEMENT														
CLASSIFICATION	DESCRIPTION	OCC. LOAD	M	F	WC RATIO		WC REQ.		LAV RATIO		LAV REQ.		SHOWER/TUB RATIO	SHOWER/TUB REQ.
					M	F	M	F	M	F	M	F		
Storage		31	15.5	15.5	1/100		0.16	0.16	1/100		0.16	0.16	-	0
TOTALS							1	1			1	1		0

FIRST FLOOR														
CLASSIFICATION	DESCRIPTION	OCC. LOAD	M	F	WC RATIO		WC REQ.		LAV RATIO		LAV REQ.		SHOWER/TUB RATIO	SHOWER/TUB REQ.
					M	F	M	F	M	F	M	F		
Assembly	Banquett hall	292	146	146	1/75		1.95	1.95	1/200		0.73	0.73	-	0
Business		87	43.5	43.5	1/25 [1/50 after 50]		1.76	1.76	1/40 [1/80 after 80]		1.1	1.1	-	0
Storage		2	1	1	1/100		0.01	0.01	1/100		0.01	0.01	-	0
TOTALS							4	4			2	2		0

SECOND FLOOR														
CLASSIFICATION	DESCRIPTION	OCC. LOAD	M	F	WC RATIO		WC REQ.		LAV RATIO		LAV REQ.		SHOWER/TUB RATIO	SHOWER/TUB REQ.
					M	F	M	F	M	F	M	F		
Residential	Domatories	184	92	92	1/10		9.2	9.2	1/10		18.4	9.2	1/8	23
Business		10	5	5	1/25 [1/50 after 50]		0.2	0.2	1/40 [1/80 after 80]		0.13	0.13	-	0
Storage		2	1	1	1/100		0.01	0.01	1/100		0.01	0.01	-	0
TOTALS							10	10			19	10		23

THIRD FLOOR														
CLASSIFICATION	DESCRIPTION	OCC. LOAD	M	F	WC RATIO		WC REQ.		LAV RATIO		LAV REQ.		SHOWER/TUB RATIO	SHOWER/TUB REQ.
					M	F	M	F	M	F	M	F		
Residential	Domatories	190	95	95	1/10		9.50	9.50	1/10		9.5	9.5	1/8	23.75
Business		2	1	1	1/25 [1/50 after 50]		0.04	0.04	1/40 [1/80 after 80]		0.03	0.03	-	0
Storage		1	0.5	0.5	1/100		0.005	0.005	1/100		0.005	0.005	-	0
TOTALS							10	10			10	10		24

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Appeal Sheet 3

