



APPEALS
 City of Portland
 Bureau of Development Services
 1900 SW 4th Ave., Suite 5000 (5th floor)
 Portland, Oregon 97201
 (503) 823-7335

**Building Code Appeal Form
 (Project Information Sheet)**

BLD

To Appellant:

These forms must be filled out completely. For help in filling them out, consult with the Plans Examiner assigned to your project or with a Plans Examiner in the Development Services Center. The details of each item being appealed must be included on these forms in order to be considered. Drawings clearly indicating the area and the conditions of each item being appealed must also be submitted with your appeal. Supplemental information such as photos, test data, etc. can be helpful if it is pertinent to the item being appealed. Each item being appealed requires a separate Appeal Information Sheet. As many items as desired may be submitted with one Project Information Sheet.

The fee, relevant plans (**exclusive of any plans submitted for permit processing**) and any supplemental information must be submitted with these forms. Checks are to be made payable to "Treasurer, City of Portland". Fees are listed below:

**\$200 for one and two family dwellings
 Plus \$100 each for each appeal item over four**

**\$400 for all other conditions (four appeal items or less)
 Plus \$100 each for each appeal item over four**

Mail or hand-delivered appeals must be received by no later than 5:00 PM on Friday. Electronic appeals must be received by 9:00 AM on Monday. (The fee, plans and supplemental information for electronic appeals may be delivered separately by 9:00 AM on Monday.) In most cases, appeals submitted by these deadlines will be heard the following Wednesday. However, an appeal may be deferred for hearing at a later date due to the number of appeals scheduled for hearing, the complexity of the appeal being submitted, or other unforeseen factors. Appeal decisions are mailed and are usually available the following day on the BDS web site http://www.portlandonline.com/bds/index.cfm?c=34196#cid_105495, or by calling the Appeal Board Support Staff at (503) 823-7335.

Project Information (Items in **BOLD** cannot be left blank):

This appeal involves (check at least one below)

- | | |
|---|---|
| <input type="checkbox"/> Erection of a new structure | <input type="checkbox"/> Change of Occupancy: from _____ to _____ |
| <input checked="" type="checkbox"/> Alteration of an existing structure | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Addition to an existing structure | <input type="checkbox"/> Reconsideration of Appeal ID # _____ |

Proposed Use of Structure (e.g., single-family dwelling, office, etc.) Restaurant/offices

Project Street Address 424 SW 4th Avenue

Owner Name Chris Erickson **Company** Witherspoon & Sons, LLC

Address 107 SE Washington Street #140 **City** Portland **State** OR **Zip** 97214

Phone 503-954-1230 **Email** chris@parliamentdesign.com

Related Permit Application #, LUR Case #, or if none, check Preliminary
 Permit # _____ LUR Case # _____ Preliminary

Number of stories 4 **Occupancy Group** B/A-2/S-2 **Construction Type** III-B

Fire Sprinklers No Yes > Location: Fully fire sprinklered

Plans Examiner/Inspector working on project Ben Howell

In accordance with the City Code, I hereby submit an appeal for an alternative method or modification of the requirements of the Building Codes of the City of Portland as outlined in the attached information.

Appellant Name Keith Livie **Company** LSW Architects, PC

Address 2300 Main Street **City** Vancouver **State** WA **Zip** 98660

Phone 360-694-8571 **Email** klivie@lsw-architects.com

Appellant signature _____ **Date** _____

For Office Use Only: Received By _____ Date Received _____ Receipt # _____



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Code Section being appealed:

Regulation Requirement:

1004.8 Outdoor Areas. "The occupancy load of such outdoor areas shall be assigned the building official in accordance with the anticipated use."

Table 1004.1.1 Occupancy load for assembly use with tables and chairs: 1 person per 15 square feet.

1004.1.1 Exception: Actual number of occupants may be approved by the Building Official.

303.1 Exception 2. A room or space used for assembly with occupancy load less than 50 persons and accessory to another occupancy shall be classified as a Group B occupancy.

Proposed Design: (Describe the alternate methods or materials of construction to be used or that exist. Be as specific as possible)

The enclosed area of the fourth floor will be used as Conference Rooms / Lunch Rooms. There is a total of 462 square feet of Conference rooms (does not include circulation space) divided by 15 square feet per occupant = 31 occupants (32 occupants if you consider spaces separately). Occupancy load including circulation space = 667 square feet divided by 15 = 45 people. There is also a Storage/Mechanical Room with area of 267 square feet divided by occupancy load 300 square feet per occupant = 1 occupant. The outside roof deck space is 2055 square feet including raised planter, reflecting pond, and fire pit area. (1538 square feet without raised planter, reflecting pond, and fire pit area) 2055 square feet divided by 16 occupants = 129 square feet per occupant. (1538 square feet usable space divided by 16 occupants = 97 square feet per occupant). Owner proposes posting maximum occupancy load for roof at 49 occupants to avoid having an A Occupancy above the third floor of a Type III-B Building. See attached sheet 1.2 for plan showing proposed occupancy load factors.

Attached are also the furniture layouts roof area and sample copy of lease. Lease will not be finalized until construction is complete.

Reason for Alternate: (Describe why the alternate is required and how it will provide equivalent health, accessibility, structural capacity, energy conservation, life safety or fire protection to what the code requires)

This is an existing historical building with type III B construction. The roof area will be leased by occupants of the second and third floor offices as an extension of the office space. Employees and Clients will use the outdoor roof deck space for lunch and to conduct office work on nice days. Space is not accessible by first floor Tenant (No Tenant in that space at this time) or by public. Only people that would normally occupy the second, third, and enclosed portion of the fourth floor would use this space. The roof patio space will not be used for Functions, Receptions, or Parties. The equivalent fire/life safety will be provided by limiting the allowable occupancy load to 49 people, installing a fire sprinkler system throughout entire building, and installing a fire alarm system throughout the building. Signs will be posted at locations determined by Building Official throughout the fourth floor limiting occupancy load to 49 occupances.



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Code Section being appealed:

Regulation Requirement:

Section 1072.1: Exits shall discharge directly to the exterior of the building.

Section 3202.2: Doors and windows shall not open or project into public way.

Proposed Design: (Describe the alternate methods or materials of construction to be used or that exist. Be as specific as possible)

Please see attached floor plan. Door needs to be set back 3'-1" from property line to prevent door from opening over property line. Door 109 from exit passageway is in wall perpendicular to property line in recessed entry way. Centerline of door is 6'-0" back from property line. Fire sprinklers will be installed on each side of entry vestibule walls centered over each window/door opening. Door 110B will provide secondary exit access to other stair enclosure and secondary access to Public Way.

Reason for Alternate: (Describe why the alternate is required and how it will provide equivalent health, accessibility, structural capacity, energy conservation, life safety or fire protection to what the code requires)

Door exits direct to Public Way in recessed entry space that is 8'-0" deep. This is only 4'-11" more than the minimum that would be required to meet requirements of Section 3202.2. Proposed fire sprinklers provide protection from fire in vestibule. Exit door into second stair enclosure provides alternate access path to Public Way.



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Code Section being appealed:

Regulation Requirement:

Section 3202.2: Doors and windows shall not open or project into public way.

Proposed Design: (Describe the alternate methods or materials of construction to be used or that exist. Be as specific as possible)

Please see attached floor plan. Allow door 110 to swing 2'-6" over property line and delete the requirement for recessed pocket for door. Door will be used for emergency exit only. No door latch hardware or lock will be installed on exterior side of door. Owner will agree to sign a revocable easement to allow door to swing over the property line with City of Portland Transportation Department.

Reason for Alternate: (Describe why the alternate is required and how it will provide equivalent health, accessibility, structural capacity, energy conservation, life safety or fire protection to what the code requires)

Homeless people currently urinate in the existing recessed area at this door location. This creates health concerns. Eliminating the recess will eliminate this problem. Stair will be used for emergency exit only.