



TOPIC: Temporary Event Spaces for Arts and Cultural Businesses-OSSC/1/#3 & OSSC/31/#2

CODE: Oregon Structural Specialty Code: 2014 Edition

REVISED: May 24, 2019 /Rebecca Esau/ , Director

**REFERENCE: Oregon Structural Specialty Code,
Sections 108 and 3103**

**SUBJECT: Use of Arts and Cultural Businesses for
Temporary Event Spaces**

QUESTION: Commercial buildings are sometimes used as assembly spaces on a temporary basis, though the permitted occupancy is not an assembly occupancy. However, there are occasions when there are arts or cultural events that occur in these types of spaces and attract customers above the legal permitted number of occupants. The demand of these events is unpredictable and planning for temporary arts and cultural events can be challenging. If an art or cultural business has use of a space in a building that was not permitted as an assembly occupancy as defined in the building code, are there options for temporarily using the space for assembly events??

RESPONSE: The Bureau of Development Services (BDS) and Portland Fire & Rescue (PF&R) Fire Marshal's Office (FMO) have determined that a building may temporarily be used for arts and cultural events without undergoing a change of occupancy based on the conditions noted within. This code guide does not apply to buildings regulated by the Oregon Residential Specialty Code. When the building is used for assembly on a regular basis, a full change of occupancy shall be required.

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A. Permits and Inspections

A conditional use permit for temporary arts and cultural events in a non-assembly building is required through the FMO prior to operation of the temporary assembly space (*300.08ART – Annual Permit for Temporary Arts and Cultural Events*). Inspections are required as part of the permitting process.

1. Fees

The fee for an annual permit for temporary arts and cultural events in a non-assembly building are per the adopted PF&R fee schedule.

2. Pre-Inspection

The Fire Marshal and the Building Official, or their designees, shall conduct an inspection with the applicant present prior to commencement of work in preparation for the use as a temporary arts and cultural event space. The inspection shall determine if the building or area is appropriate for the events and identify what work needs to be completed prior to operation.

NOTE: Construction related modifications may require other building or trade permits from BDS.

3. Post-Inspection

If work is required, the FMO shall conduct another inspection with the applicant after the work is completed. The inspection shall verify that the life safety systems are operational, and all requirements of the permit have been met. Events may not commence until successful completion of this inspection.

B. Time Limit

The space may be utilized as a temporary arts and cultural event space no more than 90 days per permit year.

C. Renewal

The full permit application packet, including fee, plans and event schedules must be resubmitted every year. Upon renewal of the annual permit, a new inspection shall be conducted by the FMO to verify continued compliance with the code requirements. Any deficiencies identified in this inspection shall be corrected before a new permit will be issued.

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D. Maximum Number of Occupants Allowed

The maximum number of occupants shall be calculated using an occupant load factor of one individual for every 25 square feet of room area, with a maximum of 75 occupants regardless of square footage of the space.

Exception: A facility may have up to 99 occupants in a temporary arts and cultural event space, if the space meets the minimum occupant load factor of 25 square feet per person. A pre-approved plan must be used for this exception. This exception will only be allowed under the annual permit a maximum of 4 times per calendar year, with a maximum duration of 4 consecutive calendar days per event. Beyond the 4 allowable exceptions, the regular permit application process for non-assembly buildings must be followed and permit fees will be assessed accordingly. See Portland Policy Document FIR 3.12-*Temporary Public Assembly Permits for Non-Assembly Type Occupancies*.

E. Life-Safety Requirements

The following life-safety requirements apply to buildings and areas being used as a temporary arts and cultural event space:

1. Permitted Use

- a. The current use/occupancy has been maintained per the last permitted use approved by BDS.
- b. All construction related modifications in the proposed space were completed under benefit of required building or trade permits through BDS and PF&R.
- c. There are no open building or trade permits.
Exception: An open building permit allowing the proposed temporary use for the facility is allowed if BDS issued a Temporary Certificate of Occupancy.
- d. There are no open building or fire code violations.

2. Sprinklers

It is not required for a building to have sprinklers to be used as a temporary assembly space for most arts and cultural events. However, buildings with fire sprinkler systems may be granted more flexibility as noted:

- a. When a building is fully protected with a fire sprinkler system, temporary assembly spaces may be located on any building floor level.
- b. When a building is not fully sprinkled, temporary assembly spaces may only be located on the first (ground) floor or second floor.
- c. Temporary assembly spaces are not permitted in basement areas of a building that is not protected with a fire sprinkler system.

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3. Means of Egress (Exits)

All floor levels with a temporary event space shall have a minimum of two means of egress (exits) with outward swinging doors. For purposes of this code guide, fire escapes are not considered a means of egress.

- a. The exits serving the room shall be separated by a distance equal to at least one half of the longest diagonal distance of the room.
- b. Doors shall have panic hardware.

4. Emergency Evacuation Plan

An emergency evacuation plan shall be created for all temporary assembly spaces. The plan must address the evacuation of all visitors and staff during an emergency event. At a minimum, the emergency evacuation plan shall contain all the following:

- a. Building Floor Plans. Building floor plans for each floor being used as temporary event spaces and the level of exit discharge shall be clearly identified;
- b. Egress Path. A plan to show egress from the proposed temporary assembly spaces and from the building; and
- c. Life-Safety Systems. Information regarding fire sprinkler or fire alarm systems in the building.

F. Additional Fire Marshal's Office Conditional Use Permit Requirements

1. The approved arts and cultural event permit and floor plans must be kept at the event where they are accessible to any fire or police official. Plans must be an actual representation of the events and must be drawn to scale.
2. Documentation of all fire life safety requirements, including the emergency evacuation plan, must be submitted to the FMO. Copies must be maintained on-site and be available at the request of the FMO.
3. Exit signs shall be fully illuminated at all times.
4. Exit paths shall be unobstructed and exit doors maintained to be readily openable.
5. There shall be no smoking or open flames allowed within the building. A portable fire extinguisher shall be located within 75' of all areas within the temporary assembly space.
6. Rooms used for temporary events shall limit the number of occupants using 25 square feet per person with a maximum of 75 occupants regardless of the size of the space.

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7. An accurate and up-to-date list of the site event schedule shall be provided to the FMO. Changes to the schedule shall be communicated as soon as they are known. Failure to communicate event schedule changes may result in revocation of the conditional use permit.
8. Additional permit requirements can be found on the FMO permit application, *300.08ART – Annual Permit for Temporary Arts and Cultural Events*.
9. Other conditions may be required on a case-by-case basis.

G. Relationship to other Portland Fire & Rescue Conditional Use Permits

Buildings may have more than one FMO conditional use permit for assembly events in non-assembly buildings. One annual permit may be requested for arts and cultural events meeting the requirements of this guidance. For any event that does not meet the requirements of this guidance, a separate permit must be requested in accordance with *FIR-3.12 Temporary Public Assembly Permits for Non-Assembly Type Occupancies*.

NOTE: Utilizing the exception noted in Section D, will count as one event under Policy FIR 3.12.

Proposals that do not meet the requirements of Sections B-E of this code guide may be reviewed on a case-by-case basis through the BDS administrative appeals process.

Revised May 24, 2019
New April 18, 2019