

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered - Reconsideration of ID 15127

Appeal ID: 15333

Project Address: 2638 NW Wilson St

Hearing Date: 7/5/17

Appellant Name: Joshua Klyber

Case No.: B-020

Appellant Phone: 15032091458

Appeal Type: Building

Plans Examiner/Inspector: John Butler

Project Type: commercial

Stories: 2 **Occupancy:** B, and Accessory A3, F-1

Construction Type: V-B

Building/Business Name:

Fire Sprinklers: Yes - Throughout

Appeal Involves: Addition to an existing structure, Reconsideration of appeal

LUR or Permit Application No.:

Plan Submitted Option: pdf [File 1] [File 2]

Proposed use: Office/Light Industrial

APPEAL INFORMATION SHEET

Appeal item 1

Code Section

OSSC 706.1.1

Requires

706.1.1 Party walls. Any wall located on a lot line between adjacent buildings, which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706. Party walls shall be constructed without openings and shall create separate buildings.

Exception: Openings in a party wall separating an anchor building and a mall shall be in accordance with Section 402.7.3.1.

Proposed Design

Original Language:

The Property Owner owns two buildings of Type VB construction on two different lots. The east building is located at 2638 NW Wilson St and the west building is located at 2034 NW 27th Ave. Both buildings will be primarily B occupancies with associated accessory occupancies. The two buildings, each two stories, are currently connected by a breezeway. The property line falls at the breezeway.

The proposed design is to demolish the breezeway and add areas to each building. Each building will extended up to the property line and be separated by a party wall. The proposed design meets the requirements of Section 706.1.1, except that openings will be provided on the party wall to connect the two buildings.

The following protective measures will be provided:

-- Party wall meets the requirement of 2-hour fire wall, and each building will be structurally

independent. The 2-hour rating meets the rating requirements, based upon occupancy, of Table 706.4

- The openings in the party wall will be inset from the party wall. The ceiling, walls, floor, and supporting structure will also be 2-hour rated assemblies consistent with that of the firewall.
- The openings in the party wall will be protected by 2-hour fire resistance rated doors, exceeding opening protection Table 716.5.
- The doors will be on magnetic hold-opens. The magnetic hold opens will be automatically released when the fire alarm is activated.
- Smoke detection will be provided throughout both buildings.
- A "Do Not Sell Separately" easement will be reviewed by the City and recorded with the County.
- If either of the buildings is sold, then each building will be brought into compliance with the current building, fire and accessibility requirements.

Reconsideration:

An additional door is proposed in the party wall between the two properties.

- An additional opening will be added aligned to the party wall (see attached plan for location).
- The door will 2-hour fire rated door.
- The door will be fitted with a closer and will be normally closed.
- The additional door will be written into the "Do Not Sell Separately" easement to be reviewed by the City and recorded with the County.

Reason for alternative Original Language:

The two buildings are owned and managed by the same owner. With the proposed extension of the two buildings up to the property line, a party wall will provide as the separation. The opening in the party wall is required to serve as a second exit from the ground floor of the newly expanded East building. Currently the East building has only one exit. By providing a second exit, the safety of the occupants will be increased from the current conditions. The openings are also essential for providing communication and coordination of activities on either side of the wall.

The openings in the party will be inset into the East Building from the party wall. Because the second floors of each building are at different heights, a ramp will be necessary to connect the two. Due to space limitation, structural requirements, and the need of a landing between the ramp and the doors, the doors cannot be located at the party wall. The doors must be inset from the party wall to accommodate the ramp.

To protect the insets, the ceiling, walls, and floor of the insets will be 2 hour rated and consistent with the rating of the party wall. The structure supporting the floor of the 2nd story inset will also be 2-hour rated. The insets will be protected to the same degree as the party wall.

The openings will be protected by 2-hour fire resistant rated fire doors which exceeds the requirements for 2-hour fire walls by OSSC Table 716.5. The door will normally be on magnetic

hold-open and will be automatically released upon activation of fire alarm on either side of the party wall.

Smoke detectors will be installed throughout both buildings. These smoke detectors will have audible alarms and will serve as an early warning system to the occupants. This will increase the safety of the occupants beyond the current conditions.

A “Do Not Sell Separately” easement will be provided to the city for review and will be recorded with the county. If the either portion is ever sold, then both buildings will be brought into compliance with current code requirements.

Given the provision of the rated opening protection, the additional protection of the early warning smoke detection, single ownership, and the recorded easement agreement, we request you to grant this appeal.

Reconsideration:

The additional door will provide maintenance access to the mechanical equipment located in the courtyard. The door, located in the party wall, will be provided the same protections as the other openings in the party wall. Specifically, a 2 hour rated door that exceeds the requirements for the 2 hour rated party wall. Additionally, the door will be normally closed and will be used for maintenance access only. This door will also be written into the easement agreement and will be reviewed by the BDS attorney.

Given that the door is not used for egress, the fire protection rating, and its incorporation into the easement agreement, we request approval of the reconsideration.

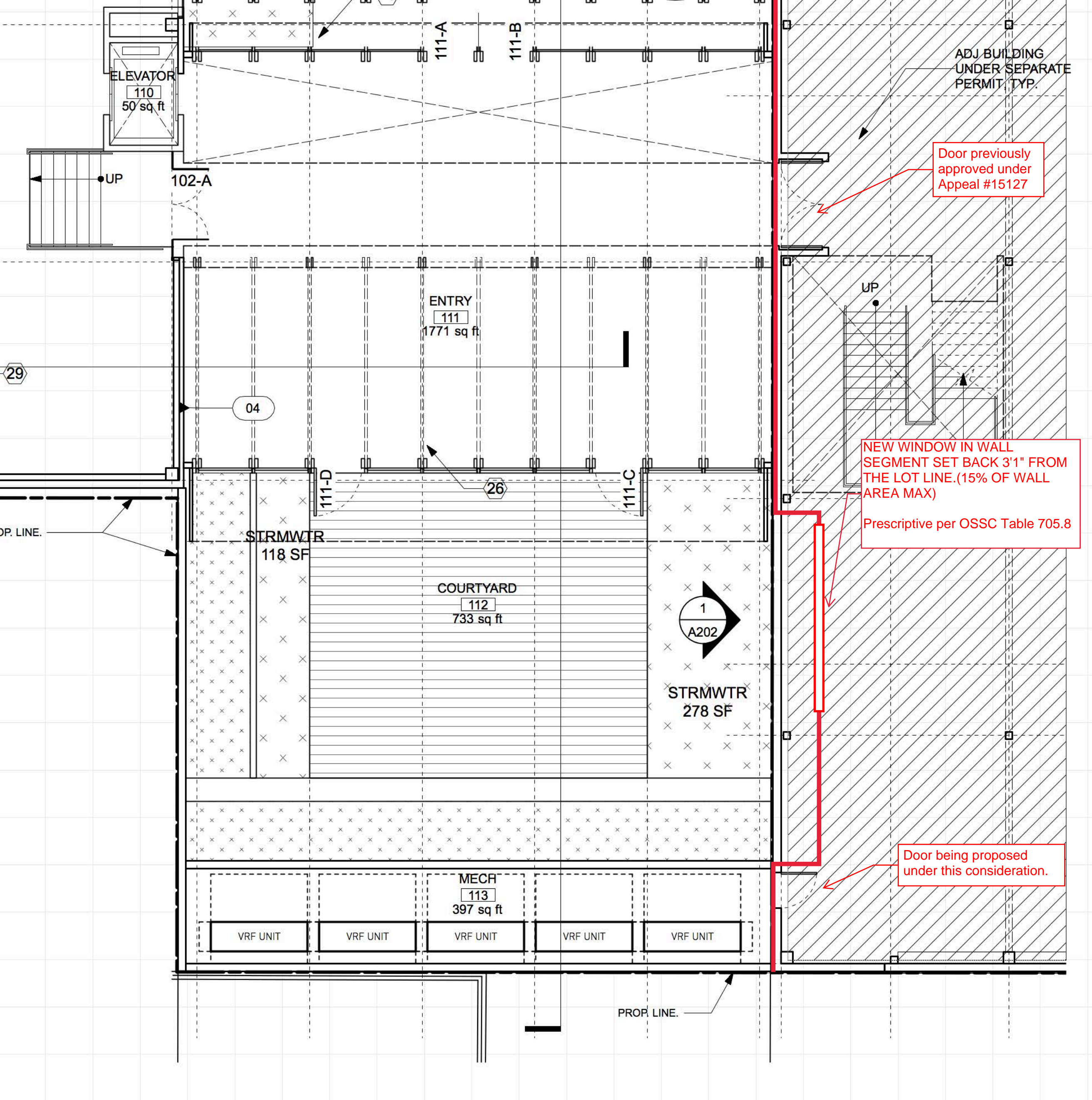
APPEAL DECISION

Connection of two buildings under same ownership with party wall and additional opening across property line: Granted provided covenant not to sell properties separately approved under Appeal #15127 is ammended to include the second door opening prior to plan review approval of the tenant improvement.

The covenant must be reviewed and approved by BDS prior to recording. Appellant may contact Nancy Thorington (503-823-7023) for assistance.

The Administrative Appeal Board finds with the conditions noted, 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 180 calendar days of the date this decision is published. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.



Door previously approved under Appeal #15127

NEW WINDOW IN WALL SEGMENT SET BACK 3'1" FROM THE LOT LINE.(15% OF WALL AREA MAX)

Prescriptive per OSSC Table 705.8

Door being proposed under this consideration.

