Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Items 1 and 3:Decision Rendered Item 2: On Hold for Additional Information Item 4: Building Code Appeal Not Required.

Appeal ID: 15953	**Project Address:** 5 SE MLK Jr Blvd
Hearing Date: 10/11/17	**Appellant Name:** Joe Dietz
Case No.: B-016	**Appellant Phone:** 312-768-6236
Appeal Type: Building	**Plans Examiner/Inspector:** Jerry Englehardt
Project Type: commercial	**Stories:** 17 **Occupancy:** R-2, B, S-2, M, A-2 **Construction Type:** 1-A
Building/Business Name: 5 MLK	**Fire Sprinklers:** Yes - Throughout
Appeal Involves: Erection of a new structure	**LUR or Permit Application No.:**
Plan Submitted Option: pdf [File 1] [File 2]	**Proposed use:** Residential, Office, Retail and Parking

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	Section 403.3.2 of the 2009 IBC and 2010 OSSC and Section 903.3.5.2 of the 2009 IBC and 2010 OSSC, Portland Fire Design Manual
Requires	Section 403.3.2 of the 2009 IBC and 2010 OSSC requires 2 water mains, located in different streets with the exception that, with valving requirements, they may come from the same street. (see attachments) Section 903.3.5.2 of the 2009 IBC and 2010 OSSC require a secondary on-site water supply equal to the calculated sprinkler demand plus hose. (see attachments) The result is the requirement for a tank sized for the calculated demand of the fire protection system with 2 separate supplies to the tank from the public water.
Proposed Design	I am proposing to provide a tank, sized in accordance with the Portland Fire Design Manual (see attachment), with 1 supply to the tank from the public water, designed to refill the tank at a rate at least equal to the standpipe supply requirements, also per the Portland Fire Design Manual. TANK INFORMATION FIRE SPRINKLER DEMAND AND DURATION STANDPIPE DEMAND: 750 GPM PER NFPA 14 2010 STANDPIPE DURATION: 30 MINUTES PER NFPA 14 2010 TOTAL STANDPIPE DEMAND: 22,500 GALLONS SPRINKLER DEMAND @ 60 MINUTE DURATION PER NFPA 13 2013: RETAIL: ORDINARY GRP II @ .2 GPM/AREA (1500 SQ FT) + 100 GPM HOSE

(INSIDE) = 24,720 GALLONS
PARKING GARAGE: ORDINARY GRP I @ .15 GPM / 1950 SQ FT + 100 GPM HOSE
(INSIDE) = 23,550 GALLONS
TANK IS SIZED FOR LARGEST DEMAND OF 30,000 GALLONS

Reason for alternative The language in chapter 4 of the IBC section 403.3.2, and subsequently the OSSC section 403.3.2, was intended to be applicable to buildings over 402 feet tall. This was verified, if by implication only, in the ICC Opinion (see attachment) and account of the proposal and adaptation of the chapter 4 language.

The Portland Fire Manual specifies how tanks need to be sized an only that the "...connection to the public water supply be designed to refill the tank at a rate at least equal to the standpipe supply requirements." In this case the flow test provided by the City of Portland provides an estimated flow of 1,300 gpm. (see attachment)

In the past it has been the policy of Portland Fire to allow a tank, sized to comply with the Portland Fire Design Manual, and a single supply to the tank from the public water (also per the manual) to provide a sufficient amount of redundancy to provide reasonable protection.

Appeal item 2

Code Section 1812 Radon control methods, R-2 and R-3 Occupancies

Requires Section 1812.1 Scope. The provisions of this section apply to new Group R-2 and R-3 occupancies constructed in Baker, Clackamas, Hood River Mulnomah, Polk Washington and Yamhill Counties for which initial building permits are issues on or after April 1, 2011

Section 1812.3.2 - Sub floor Preparation. A layer of gas permeable material shall be placed under all concrete slabs and other floor systems that directly contact the ground and are within the walls of the living spaces of the building, to facilitate future installation of a sub- slab de-pressurization system if needed.

Section 1812.3.6 - Passive sub slab de-pressurization system (basement or slab on grade). In basement or slab on grade buildings, sub slab soil exhaust system duct complying with section 1812.3.7 shall be installed during construction.

Section 1812.3.7 - Sub slab soil exhaust system ducts (SSESD). SSESD's shall be provided in accordance with this section and shall run continuous from the soil-gas-retarder to the termination point described in section 18.12.3.7.5...

Proposed Design The Proposed building is a fully sprinkled 17 story building of 1A construction. There are 10 stories of R-3 living units (220 total units) over a one story retail space, support space and a private parking garage.

Please consider the following:

There are not residential or living spaces that directly contact the ground floor of the building.
All ground floor support spaces such as trash, lobby ect. are ventilated and exhausted per code for air changes and or moisture control .
The Garage is Exhausted 24/7 at 400 CFM>
All retail will need to meet, at minimum, a ventilation rate to control moisture. The code requires a minimum of 0.02 cmf/sf mechanical ventilation (IMC 406.1). the owner will obtain separate TI building permits for retail and office spaces.

	All spaces on the ground floor of the building will have ventilation/exhaust rates that exceed that which is required for radon control. A vapor barrier will be specifted under all slab on grade areas. This method of radon control has been approved throught the following appeals: Appeal ID 12045, Appeal ID 10875, Appeal ID 10325, Appeal ID 9795, Appeal ID 8416
Reason for alternative	The code compliant mechanical ventilation systems for the ground floor uses of retail, support space and the provide garage meet the ventilation requirements of the mechanical code. Additionally, no residential living spaces are located on the ground floor and the ground floor spaces have ventilation and exhaust rates that exceed that which is required for radon control. Because of these conditions, we believe the building meets or exceeds the intention of the code to prevent radon gas impacts to residential spaces .

Appeal item 3

Code Section	OSSC 1015.2.1 Two exists or exit access doorways
Requires	“Where two exits or exit access doorways are required from any portion of the exit access, the exit doors or exit access doorways shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between exit doors or exit access doorways.” Exception1 “Where interior exit stairways are inter connected by a 1 hour fire-resistance-rated corridor conforming to the requirements of section 1018, the required exit separation shall be measured along the shortest line of direct travel with in the corridor.” Exception2 “Where the building is equipped throughout with an automatic sprinkler system in accordance with section 903.31.1 or 903.3.1.2. the separation distance of the exit doors or exit access doorways shall not be less than one-third of the length of the maximum overall diagonal dimension of the areas served.
Proposed Design	The proposed design is to have an amenity roof deck on the 17th floor that will serve the residential occupants on the outdoors deck area of the fully sprinkled building. The two doors egress from the outdoor deck area meets the requirements of OSSC 1015.2.1, exception 2, in combination with the commentary provision for the exits being measured along the path of travel when the two exits are connected by a 1 hour corridor. In order to protect the occupants egressing the outdoor deck to the 2 egress points on the roof, we are proposing a route that will meet the requirements of the connected 1 hour corridor provision and exceed the requirements of a protected egress balcony. To meet these requirements and protect the occupants accessing the egress points we will provide the following additional protection measures: Sprinklers along the path of travel. Covered egress path with more than 50% openness to exterior side. Exit signage at each corner along the path of travel to clearly indicate the path of travel. Contrasting floor color in the paving along the path of travel. Egress illumination of 1 FC will be provided in the path travel. A 2 hour rated exterior fire barrier walls along the path will be provided separating the path from the interior areas with no openings. Exterior grills and fire features will be located 10’ from the designated path.
Reason for alternative	The diagonal distance of the occupied portion of the roof deck is 120’-0”, the diagonal distance between the exits are 23’-6”. We are proposing using the provision in the commentary for OSSC 1015.2.1 for remoteness of exit being calculated along the path of travel in a 1 hour rated corridor by providing an exterior egress balcony and other systems as noted above along the path of travel between the points of exit to allow the actual path of travel measurement (65’-6”) between the

accesses to point to be used rather than the diagonal, meeting the code requirement as noted in exception 1.
Exterior egress balconies per OSSC 1019 are an effective means of egress protected route. OSSC 1019 commentary states that the requirements are the same as for exit access corridors, even though the code states that exterior egress balconies exceed the protection of corridors as exterior egress balconies can extend the exit travel distance by an additional 100' per OSSC 1016.2.1. The proposed separation of the interior areas from the egress balcony exceeds the requirements for separation per OSSC 1019.2, by not only exceeding the corridor requirement protection of the balcony, by providing 2 hour protection of the separation walls, but additionally exceeding the requirement of separation since the path of travel is served by two exits, has no dead ends or openings and would be allowed to not have any fire rated separation per 1019.2, exception.
The egress path along the deck around the stair core is more than 50% open to the exterior, preventing any egress impedence by smoke or gases, protected by sprinklers, distinguished from the rest of the balcony area by paving color differentiation and being provided with exit signage and egress illumination as required by code for an egress route.
The gate in the egress path is to protect the pool area from children and will meet all the requirements for allowing unimpeded egress by being a double swinging gate, be at least 44" wide so as not to reduce the egress width, have hardware that is a push bar type, and be constructed of non-combustible material. The gate will swing in the direction of travel, regardless of the direction of the egressing occupants and exceeds the requirements for a door in an exit access corridor as it does not reduce the required 44" minimum width.
The egress doors on the 17th floor roof deck meet the requirements for separation along the path of travel in a 1 hour rated corridor by exceeding the protection of a 1 hour rated corridor by providing a protected and separated exterior egress balcony, therefore providing equivalent protection for the two means of egress from the roof deck area.

Appeal item 4

Code Section	PFC 307.1 requires that a person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with sections 307.1.1 through 307.5
Requires	Fire features need to meet the requirements for fire pits and tables on roofs and decks"
Proposed Design	The proposed design for the roof decks for the 5 MLK project includes natural gas grills and fire features. The devices will be located on the level 6 and 17 roof decks. See the attached plans. The grills/fire features on levels 6 and 17 will be compliant with the "design guidelines for fire pits and tables on roofs and decks" for the exception that there will be wood decking and seating within 10' the appliances. The adjacent wood decking and seating elements will be built from a tropical hardwood either Ipe or Camaru, and have a class A fire rating, per ASTM E108-07A. Also the building is type 1A construction and will be fully sprinkled. It should be noted that 2 of the grills and one of the fire features will be located under a roof structure. The gas burning appliance is CSA certified or UL listed. The gas burning appliance is secured to the roof or deck structure to prevent tipping. A portable fire extinguisher is installed on the same level and within 75 feet of the gas burning appliance. A timer is connected to the valve of the gas burning appliance allowing gas to flor to the appliance for periods of up to 60 minutes. An automatic fuel shutoff valve is connected to the fire alarm system that will interrupt the flow of gas when the fire alarm is activated anywhere in the building.

A manual fuel shut off is located at the fire pit.
A metal mesh screen, or a vertical glass windscreen that is at least as tall as the maximum flame height, will be fixed in place over the fire pit to prevent combustibles contacting or being ignited by the flames.

Reason for alternative	The design team has chosen the wood tile material for the decking and the seating elements, because of the aesthetic quality's and to meet the projects sustainability goals.

APPEAL DECISION

1. Single connection to water main with onsite water supply tank in lieu of connection to 2 water mains: Granted as proposed.

Note: The proposed capacity of the secondary on-site water supply is subject to review under the building permit submittal.

Appellant may contact AJ Jackson (503-823-3820) for more information.

2. Omission of radon ventilation: Hold for additional information.

Appellant may contact Thomas Ng (503 823-7434) with questions.

3. Separation of exit access doorways: Granted provided additional exit signage and luminous markings along the path of exterior egress is provided.

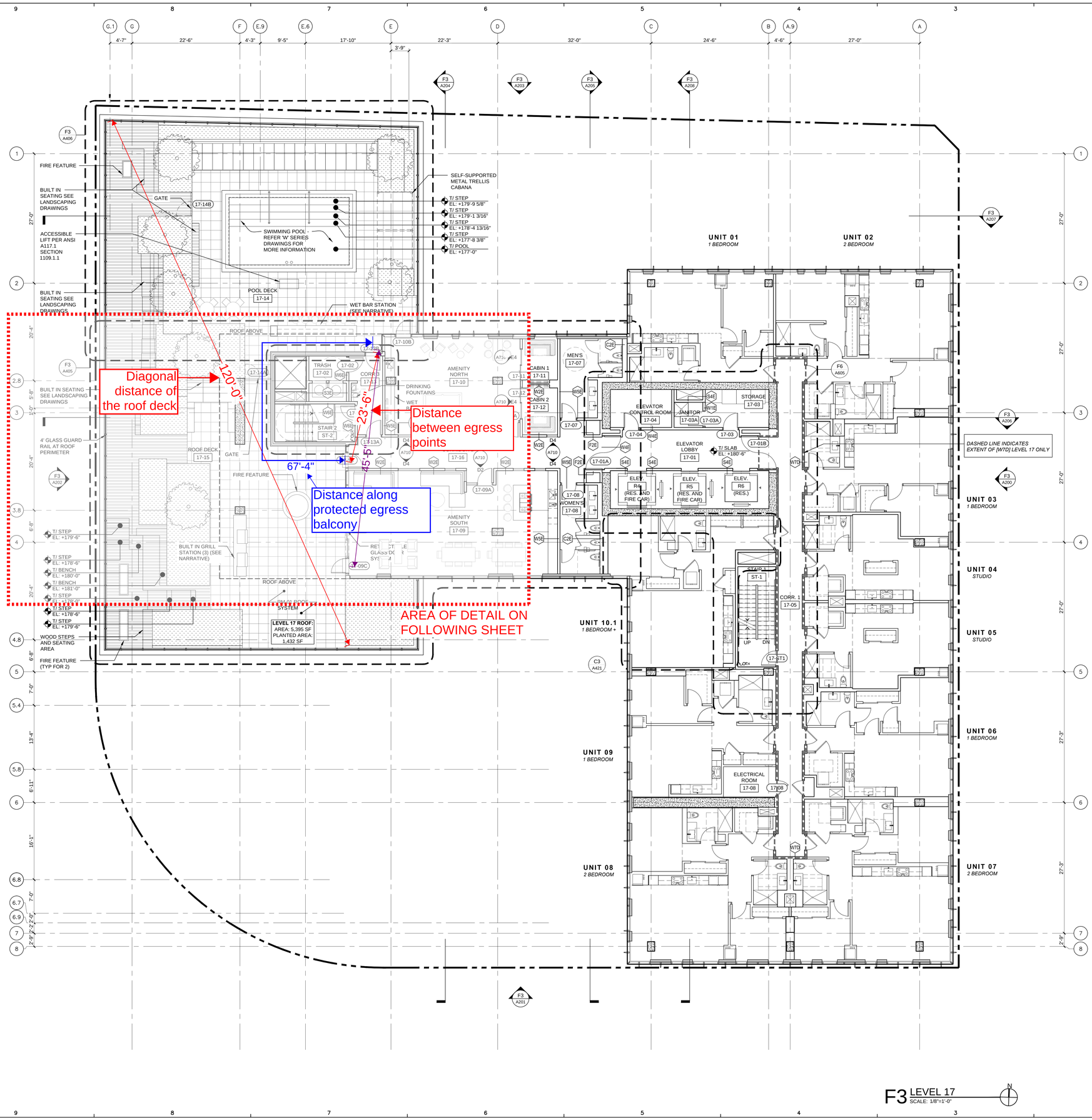
Appellant may contact John Butler (503-823-7339) with questions.

4. Fire features located under non-combustible roof: Building Code appeal is not required. A separate Fire Code appeal is required.

Appellant may contact John Butler (503-823-7339) with questions.

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.



GENERAL NOTES:

1. REFER TO A700-701 FOR PARTITION SCHEDULE
2. REFER TO A705-706 FOR DOOR SCHEDULE
3. FOR DESCRIPTION OF INTERIOR FINISHES REFER TO PROJECT NARRATIVE A720-724

ROOF MATERIAL LEGEND:

- 24X24 PRECAST PAVER SYSTEM, BASIS OF DESIGN IS HANOVER, WITH PEDESTALS LEVEL AT FINISHED FLOOR ELEVATION, DESIGNED TO WITHSTAND PROJECT SPECIFIC WIND LOADING
- 4-INCH EXTENSIVE LAYERED GREE ROOF SYSTEM BASIS OF DESIGN COLUMBIA GREEN SYSTEM WITH MEDIA RETENTION LAYER, PREGROWN SEDUM, 4.5" EXTRUDED ALUMINUM EDGING AND LOW VOLUME SPRAY IRRIGATION
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RM-01 HOT APPLIED ROOF MEMBRANE SYSTEM

RM-02 PVC ROOF MEMBRANE SYSTEM

NOTES:

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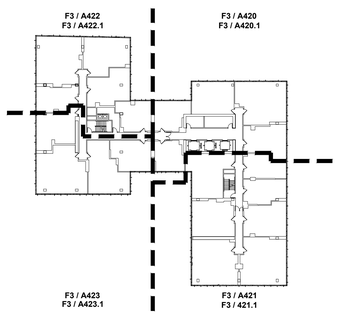

F3 LEVEL 17 — SCALE: 1/8"=1'-0"

F1 ENLARGED UNITS KEY PLAN — SCALE: 1/8"=1'-0"

BUILDING DEPT STAMP

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NOT FOR CONSTRUCTION

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ISSUANCES

NO.	ISSUED FOR	DATE
03	ASK 10.04.2017_2	10-04-2017
02	FOUNDATION PERMIT	08-11-2017
01	50% CD/GMP	06-30-2017

PROJECT

5 MLK

5 SE MARTIN LUTHER KING JR BLVD.
PORTLAND, OR 97214

DRAWING

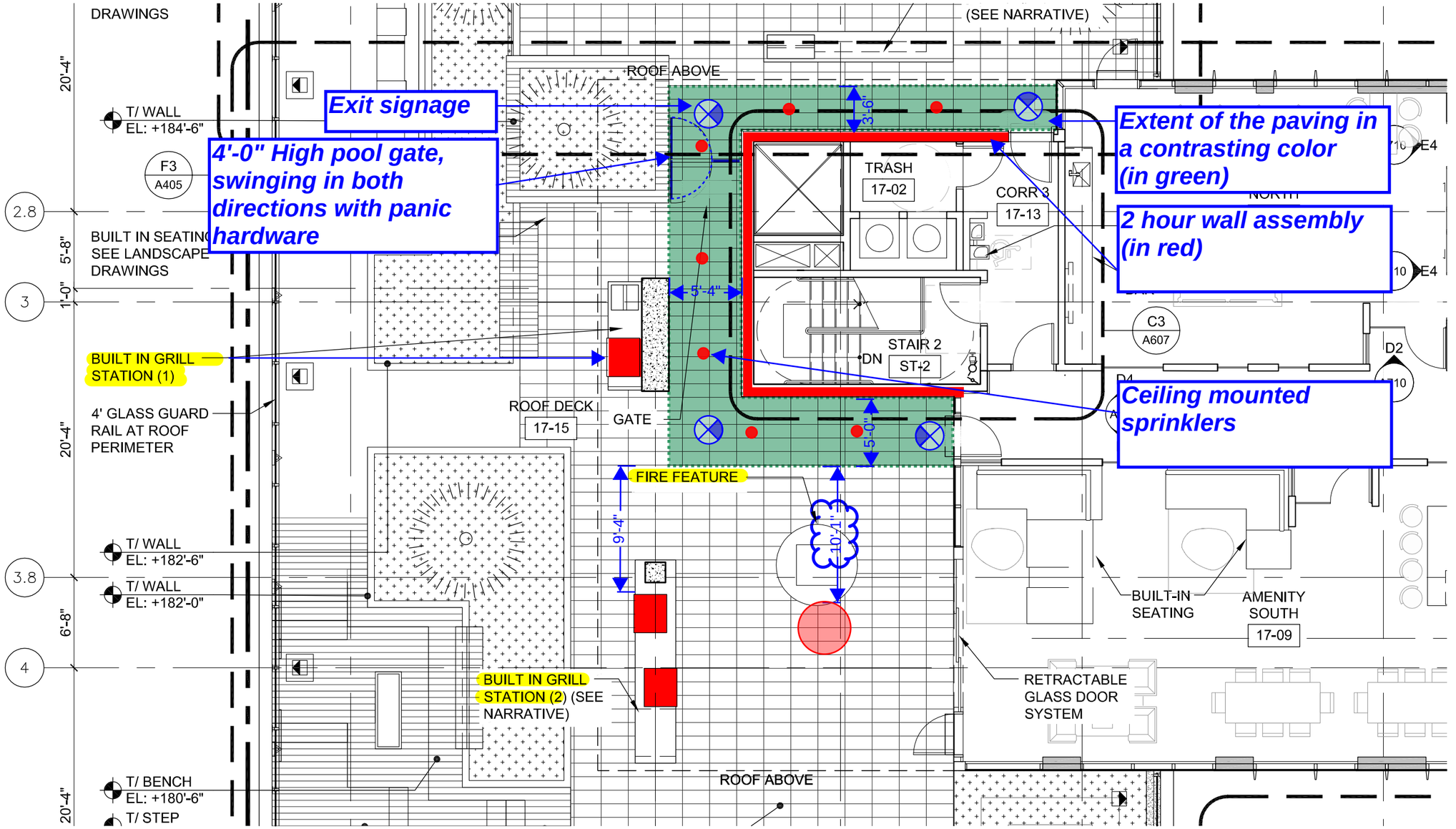
LEVEL 17 PLAN

DATE: 08-11-2017

SHEET: A114

PROJ. NO. 1616

PLOTTED: Aug 11, 2017 - 11:47am I:\1616 - Burnside Bridge Partners\2.0 DATA\2.06 sheets\A114 LEVEL 17 PLAN.dwg



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06	FOUNDATION PERMIT	08-11-2017
05	50% CD/GMP	06-30-2017
04	DESIGN DEVELOPMENT	04-07-2017
03	PRELIM. LIFE SAFETY REVIEW	01-05-2017
02	REVISED SCHEMATIC DESIGN	12-16-2016
01	SCHEMATIC DESIGN	08-12-2016

PROJECT

5 MLK

5 SE MARTIN LUTHER KING JR BLVD.
PORTLAND, OR 97214

DRAWING

LEVEL 06 PLAN

DATE 08-11-2017

SHEET A108

PROJ. NO. 1616

F3 LEVEL 06
SCALE: 1/8"=1'-0"

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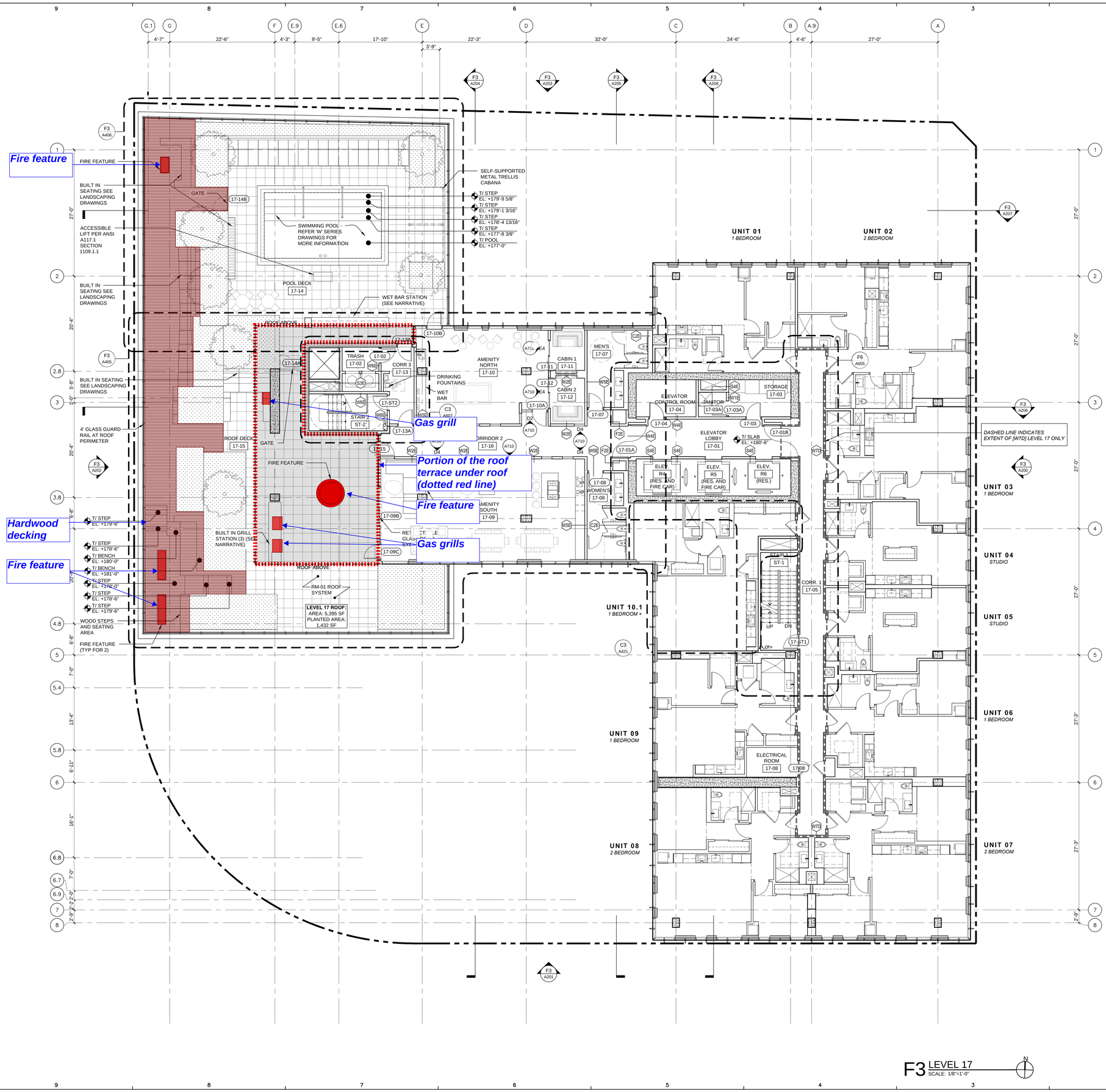

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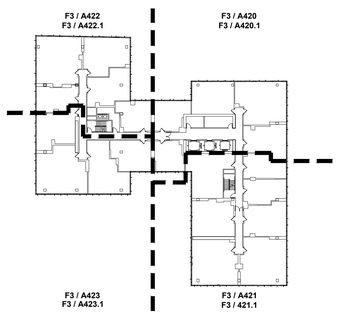

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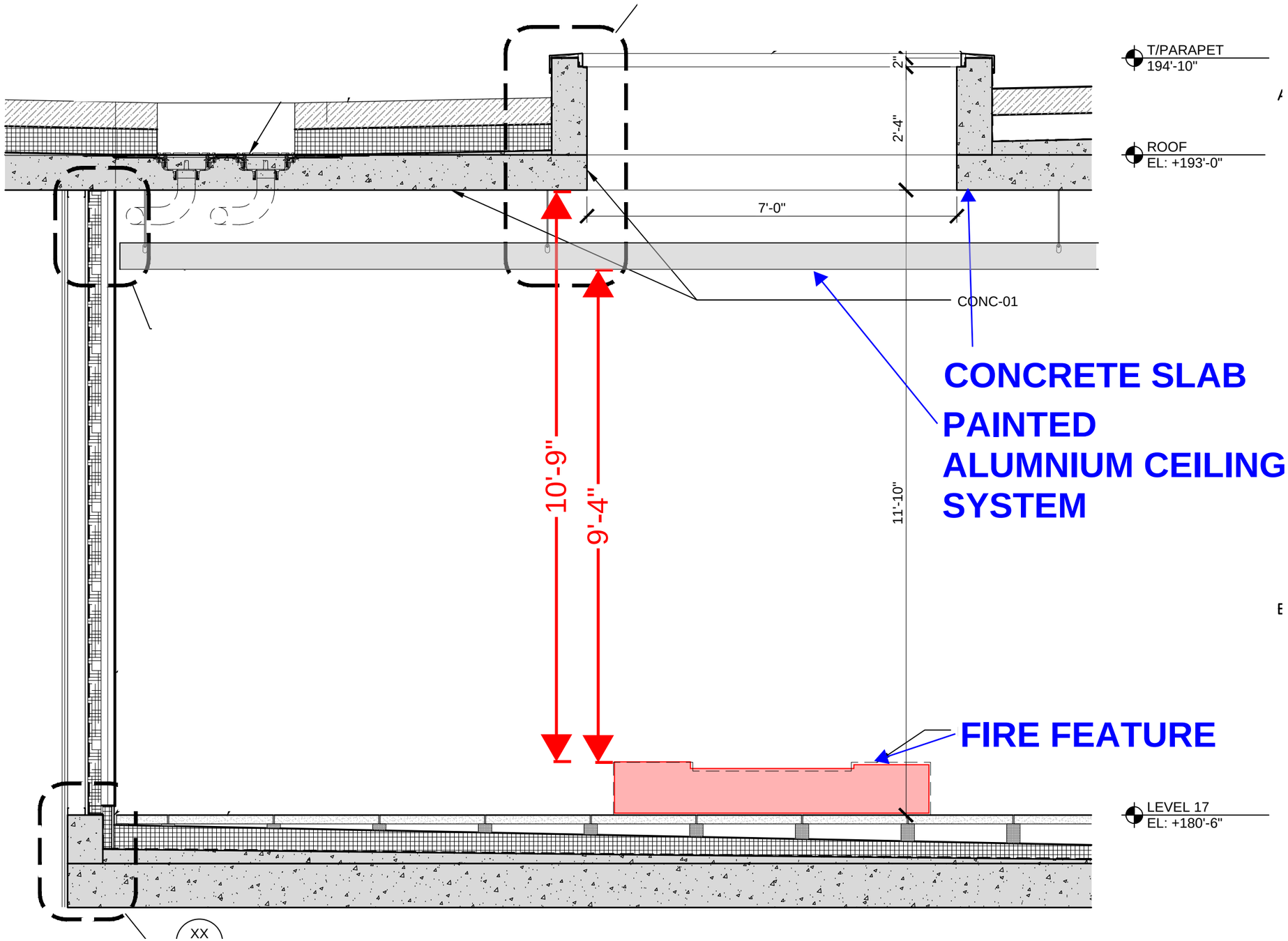

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