

# Development Services

## From Concept to Construction

Phone: 503-823-7300 Email: [bds@portlandoregon.gov](mailto:bds@portlandoregon.gov) 1900 SW 4th Ave, Portland, OR 97201

More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



### APPEAL SUMMARY

**Status:** Decision Rendered - Held over from ID 22263 (12/24/19) for additional information

|   |   |
|---|---|
| <b>Appeal ID:</b> 23402                             | <b>Project Address:</b> 2135 N/NW 29th Ave, Bldg 2                      |
| <b>Hearing Date:</b> 1/29/20                        | <b>Appellant Name:</b> Jason Bolt                                       |
| <b>Case No.:</b> B-015                              | <b>Appellant Phone:</b> 5034779165                                      |
| <b>Appeal Type:</b> Building                        | <b>Plans Examiner/Inspector:</b> David Bartley, Nancy Thorington        |
| <b>Project Type:</b> commercial                     | <b>Stories:</b> 5 <b>Occupancy:</b> R-2 <b>Construction Type:</b> III-B |
| <b>Building/Business Name:</b>                      | <b>Fire Sprinklers:</b> Yes - Proposed throughout                       |
| <b>Appeal Involves:</b> Erection of a new structure | <b>LUR or Permit Application No.:</b>                                   |
| <b>Plan Submitted Option:</b> pdf [File 1] [File 2] | <b>Proposed use:</b> Multi Family Residential                           |

### APPEAL INFORMATION SHEET

#### Appeal item 1

|   |  |
|---|--|
| <b>Code Section</b>                             | Table 602 Fire Resistance Rating Requirement for Exterior Walls Based on Fire Separation Distance  |
| <b>Requires</b>                                 | Table 602 Construction Type III-B, Occupancy Group R, Fire Separation Distance and required ratings: Equal to or greater than 30' requires no wall rating  |
| <b>Code Modification or Alternate Requested</b> | The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires.   |
| <b>Proposed Design</b>                          | The proposed design is a type III-B, sprinklered, 5 story, multi-family residential building. The building is fully sprinklered, with an elevator servicing all occupied floors, and two stairs that access the roof. It is designed as part of a collaborative Site Plan in conjunction with Waechter Architecture, and its site is under single ownership with the adjacent lots to the East (BLDG 1) and South (BLDG 3). The lots to the East (BLDG 1) and South (BLDG 3) are to be developed simultaneously under the aforementioned collaborative Site Plan (see SP-1). The proposed building's exterior walls are designed to be built up to the site's East and South property lines, which abut the lot of the aforementioned developments. At each inside corner between neighboring buildings along the East and South property lines, the first 4'-0" of wall at each building shall have a 1-Hour (non-bearing), or 2-Hour (bearing) wall rating with ¾-hour protection where opening protection is required by Section 705.8 (See B4-5, B4-6, & B4-7). The design implements permanent no-build easements (created through the collaborative Site Plan and guaranteed by future covenants) that burden the lots to the East (BLDG 1) and South (BLDG 3). The no-build easements will extend 30' into the adjacent lots. The result is a proposed building with portions of its East and South wall faces that are adjacent to no-build easements. The no- |

build easement will ensure a condition where the East and South property lines will perpetually maintain a fire separation distance of 30'; therefor :

there is no required rating for that portion of the wall

RECONSIDERATION : No additional text, providing additional information from previous appeal.

See attached Site Plan PDF

**Reason for alternative** The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings (See B4-5, B4-6, & B4-7) allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires. While the building is built up to its property lines, the no-build easements guarantee that the fire separation distance between exterior walls shall never be less than 30' on portions of the East and South property lines.

RECONSIDERATION : No additional text, providing additional information from previous appeal.

See attached Site Plan PDF

## Appeal item 2

**Code Section** Table 705.8 Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection

**Requires** Table 705.8 Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection: 25' to less than 30', Unprotected, Sprinklered, No Limit

**Code Modification or Alternate Requested** The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires.

**Proposed Design** The proposed design is a type III-B, sprinklered, 5 story, multi-family residential building. The building is fully sprinklered, with an elevator servicing all occupied floors, and two stairs that access the roof. It is designed as part of a collaborative Site Plan in conjunction with Waechter Architecture, and its site is under single ownership with the adjacent lots to the East (BLDG 1) and South (BLDG 3). The lots to the East (BLDG 1) and South (BLDG 3) are to be developed simultaneously under the aforementioned collaborative Site Plan (see SP-1). The proposed building's exterior walls are designed to be built up to the site's East and South property lines, which abut the lot of the aforementioned developments. At each inside corner between neighboring buildings along the East and South property lines, the first 4'-0" of wall at each building shall have a 1-Hour (non-bearing), or 2-Hour (bearing) wall rating with ¾-hour protection where opening protection is required by Section 705.8 (See B4-5, B4-6, & B4-7). The design implements permanent no-build easements (created through the collaborative Site Plan and guaranteed by future covenants) that burden the lots to the East (BLDG 1) and South (BLDG 3). The no-build easements will extend 30' into the adjacent lots. The result is a proposed building with portions of its East and South wall faces that are adjacent to no-build easements. The no-build easement will ensure a condition where the East and South property lines will perpetually maintain a fire separation distance of 30'; therefor :

the allowable area of openings in that portion of the wall shall have no limit

RECONSIDERATION : No additional text, providing additional information from previous appeal.

See attached Site Plan PDF

**Reason for alternative** The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings (See B4-5, B4-6, & B4-7) allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires. While the building is

built up to its property lines, the no-build easements guarantee that the fire separation distance between exterior walls shall never be less than 30' on portions of the East and South property lines.

RECONSIDERATION : No additional text, providing additional information from previous appeal.  
See attached Site Plan PDF

### Appeal item 3

**Code Section** 705.11 Parapets

**Requires** 705.11 Parapets: Parapets Shall be provided on exterior walls of buildings. Exception 1. The wall is not required to be fire-resistance rated in accordance with Table 602 because of fire separation distance

**Code Modification or Alternate Requested** The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires.

**Proposed Design** The proposed design is a type III-B, sprinklered, 5 story, multi-family residential building. The building is fully sprinklered, with an elevator servicing all occupied floors, and two stairs that access the roof. It is designed as part of a collaborative Site Plan in conjunction with Waechter Architecture, and its site is under single ownership with the adjacent lots to the East (BLDG 1) and South (BLDG 3). The lots to the East (BLDG 1) and South (BLDG 3) are to be developed simultaneously under the aforementioned collaborative Site Plan (see SP-1). The proposed building's exterior walls are designed to be built up to the site's East and South property lines, which abut the lot of the aforementioned developments. At each inside corner between neighboring buildings along the East and South property lines, the first 4'-0" of wall at each building shall have a 1-Hour (non-bearing), or 2-Hour (bearing) wall rating with ¾-hour protection where opening protection is required by Section 705.8 (See B4-5, B4-6, & B4-7). The design implements permanent no-build easements (created through the collaborative Site Plan and guaranteed by future covenants) that burden the lots to the East (BLDG 1) and South (BLDG 3). The no-build easements will extend 30' into the adjacent lots. The result is a proposed building with portions of its East and South wall faces that are adjacent to no-build easements. The no-build easement will ensure a condition where the East and South property lines will perpetually maintain a fire separation distance of 30'; therefor :

parapets are omitted where adjacent to the easement

RECONSIDERATION : No additional text, providing additional information from previous appeal.  
See attached Site Plan PDF

**Reason for alternative** The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings (See B4-5, B4-6, & B4-7) allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires. While the building is built up to its property lines, the no-build easements guarantee that the fire separation distance between exterior walls shall never be less than 30' on portions of the East and South property lines.

RECONSIDERATION : No additional text, providing additional information from previous appeal.  
See attached Site Plan PDF

### APPEAL DECISION

**1a. Omission of required fire rating of East exterior wall adjacent to easement with no build easement on Lot 1: Granted provided the easement is a minimum of 30 feet from the East lot line of Lot 2, and 30 feet 8 inches from the North lot line of Lot 3.**

**Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.**

**The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

**1b. Omission of required fire rating of South exterior wall adjacent to easement with no build easement on Lot 3: Granted provided the easement is 30 feet from the South lot line of Lot 2, and 40 feet from the West lot line of Lot 3.**

**Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.**

**The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

**2a. Increase in maximum allowable area of openings in East exterior wall adjacent to easement to unlimited with no build**

**easement on Lot 1: Granted provided the easement is a minimum of 30 feet from the East lot line of Lot 2, and 30 feet 8 inches from the North lot line of Lot 3.**

**Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.**

**The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

**2b. Increase in maximum allowable area of openings in South exterior wall adjacent to easement to unlimited with no build easement on Lot 3: Granted provided the easement is a minimum of 30 feet from the South lot line of Lot 2, and 40 feet from the West lot line of Lot 3.**

**Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.**

**The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

**3a. Omission of parapet construction adjacent to easement on East exterior wall with no build easement on Lot 1: Granted provided the easement is a minimum of 30 feet from the East lot line of Lot 2, and 30 feet 8 inches from the North lot line of Lot 3.**

**Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.**

**The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

**3b. Omission of parapet construction adjacent to easement on South exterior wall with no build easement on Lot 3: Granted provided the easement is a minimum of 30 feet from the East lot line of Lot 2, and 30 feet 8 inches from the North lot line of Lot 3.**

**Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.**

**The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

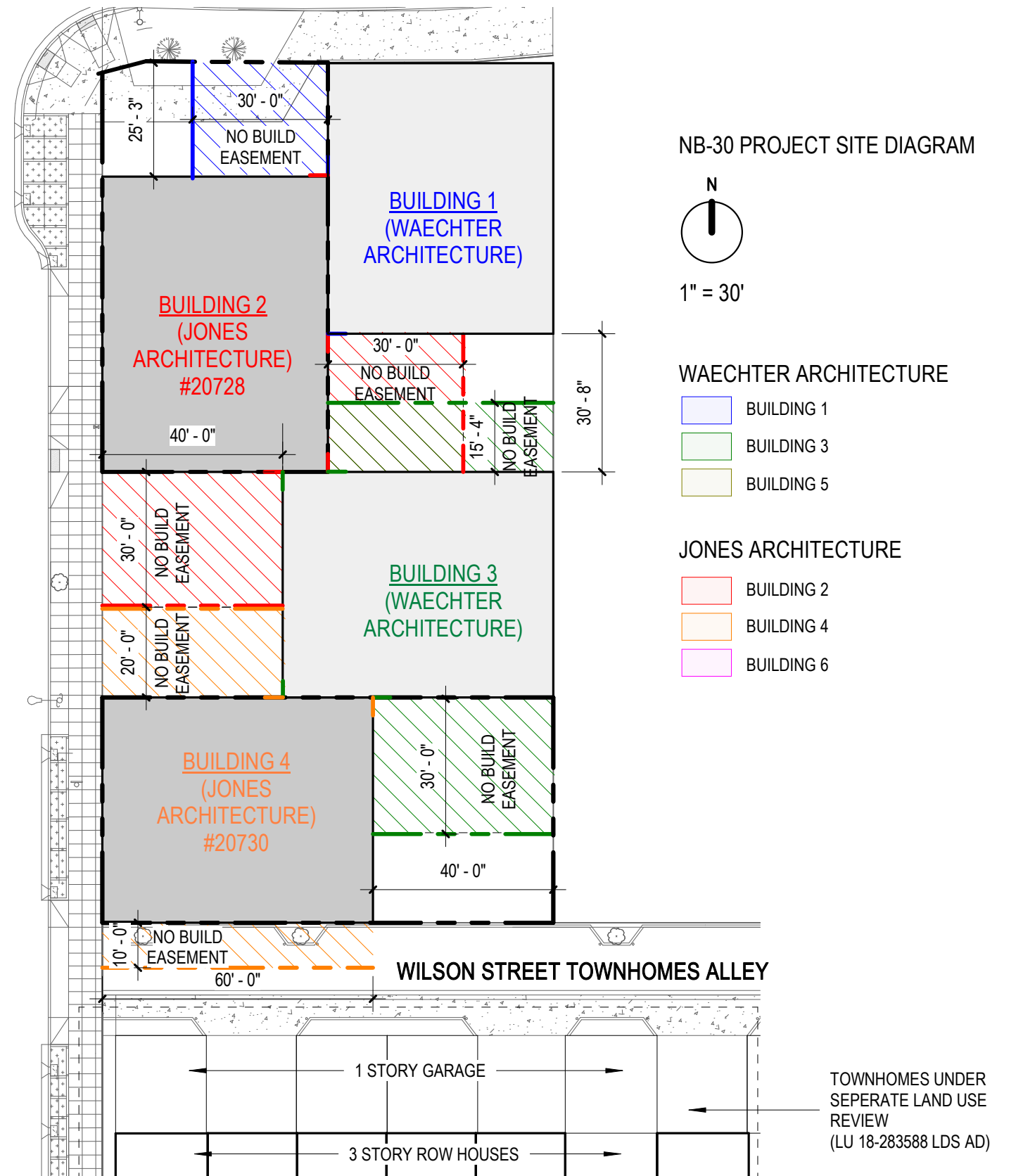
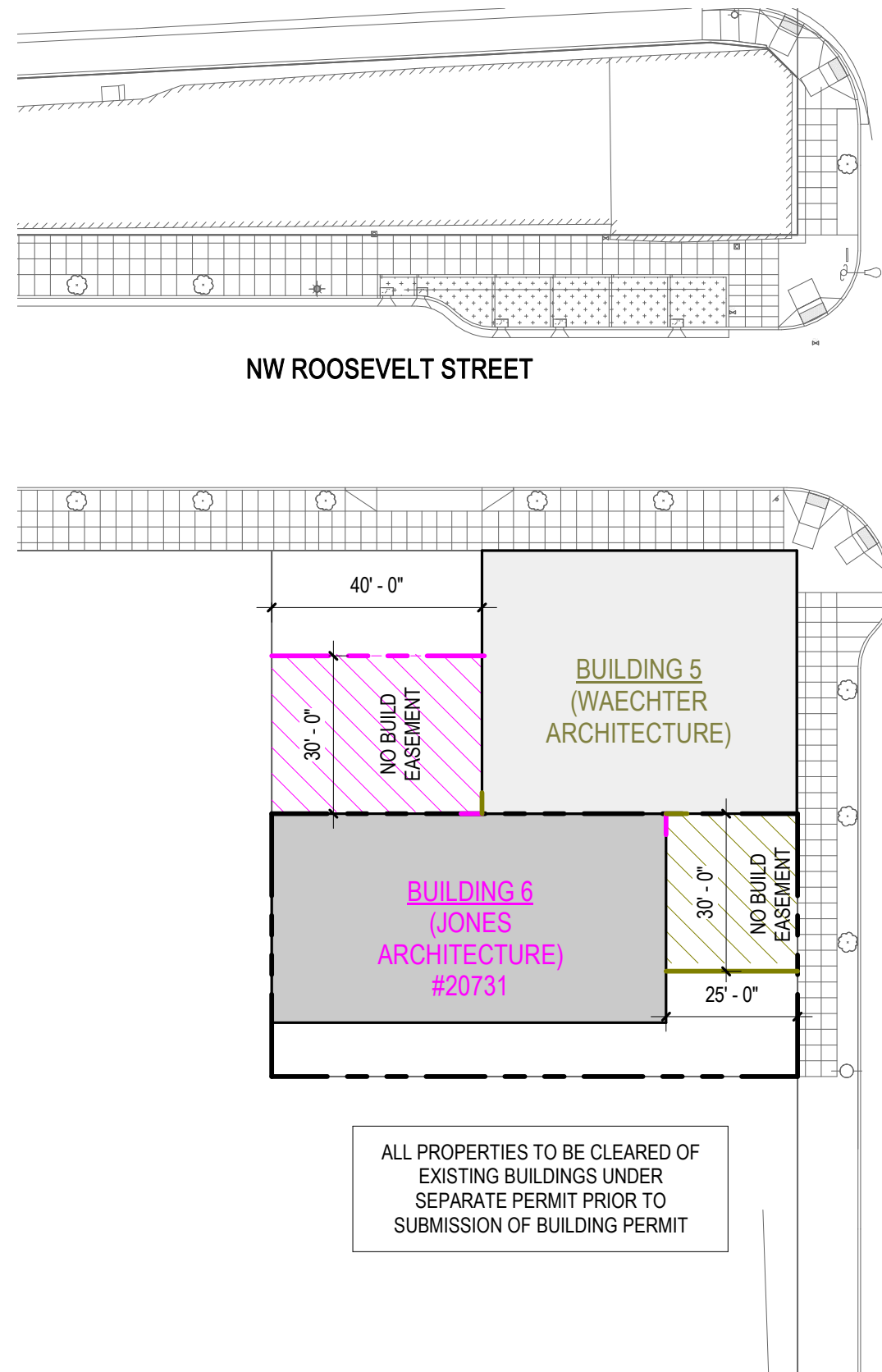
**The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

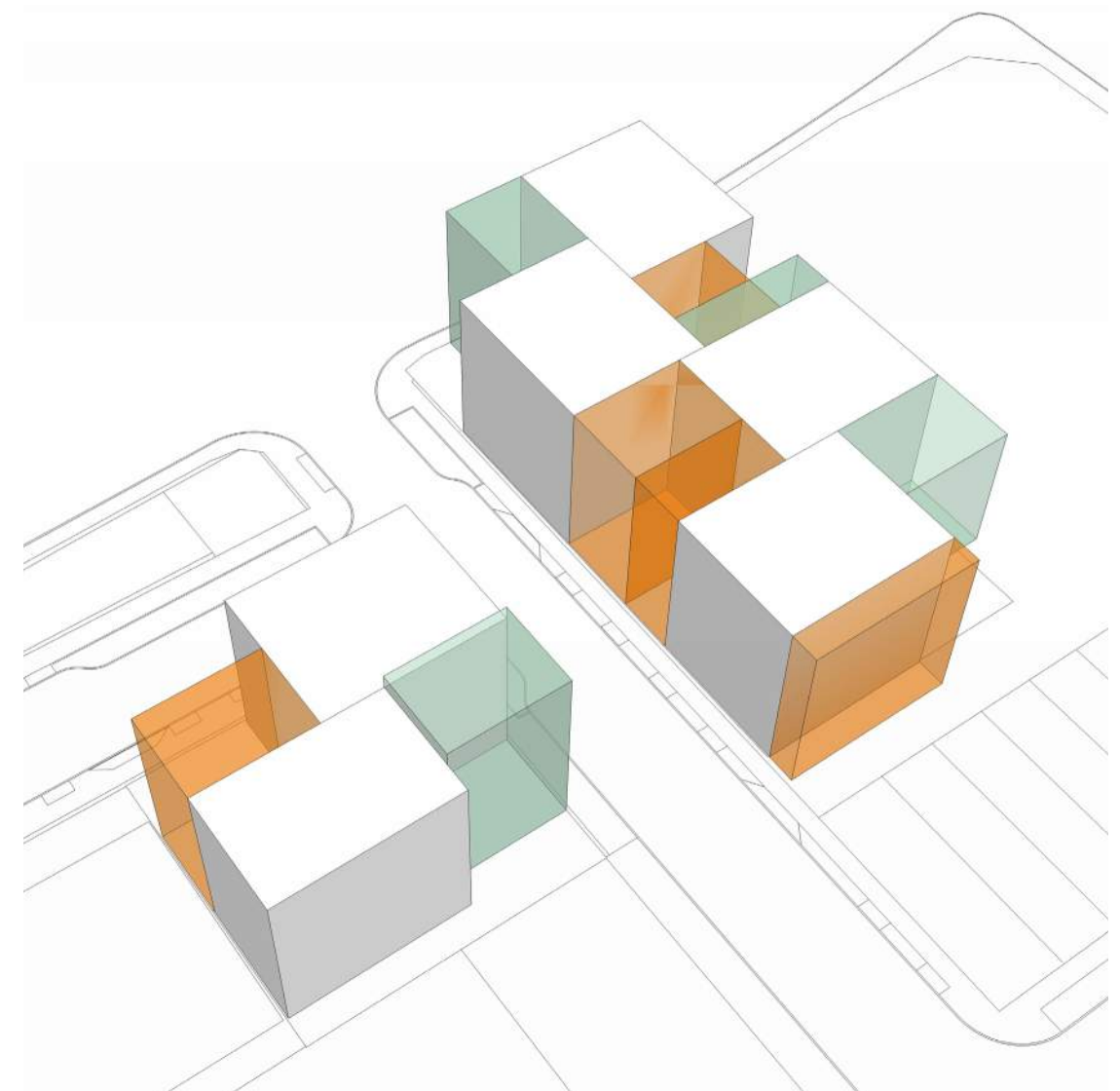
The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; 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 90 calendar days of the date this decision is published. For information on the appeals process, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

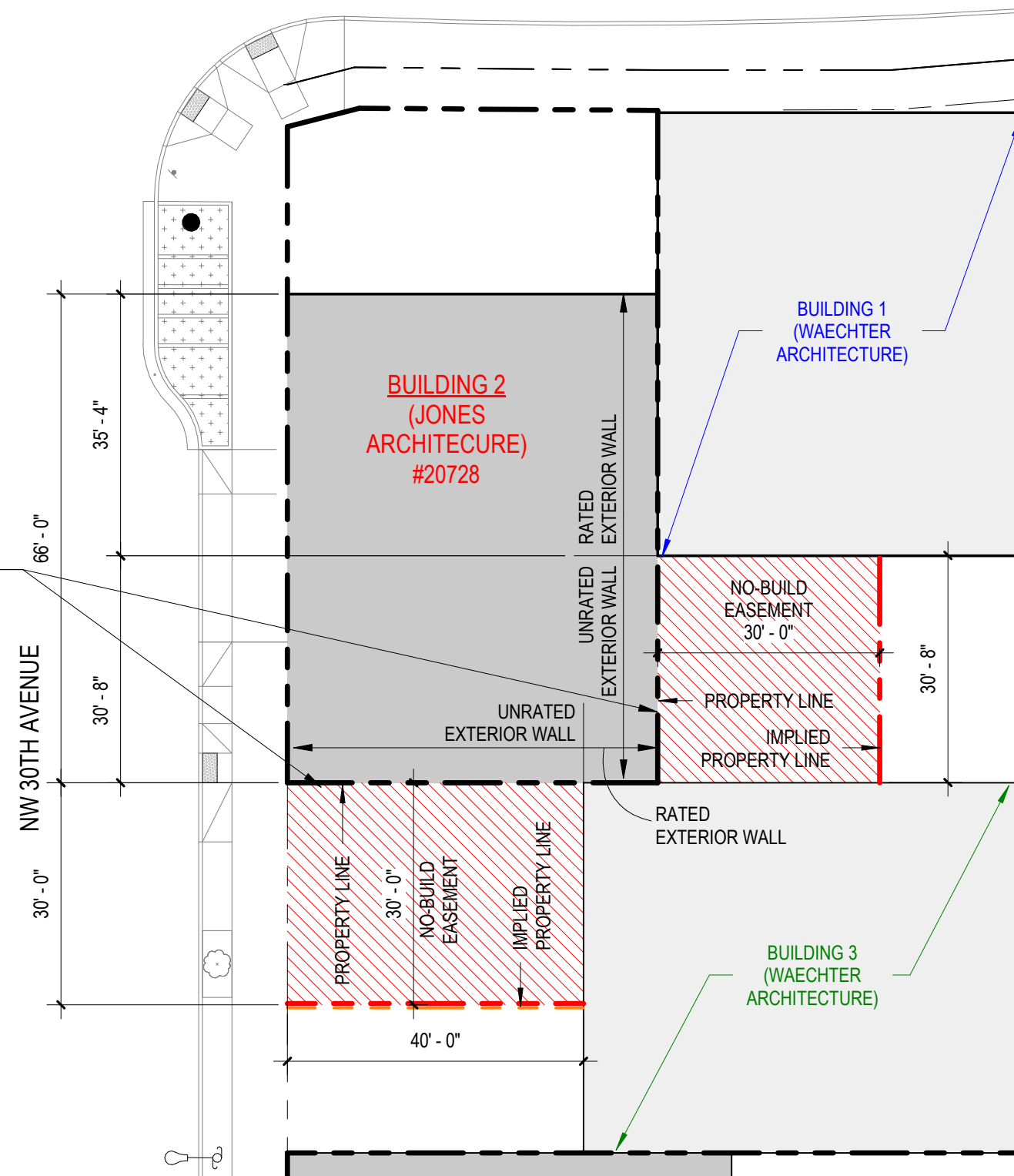
.....

NW NICOLAI STREET



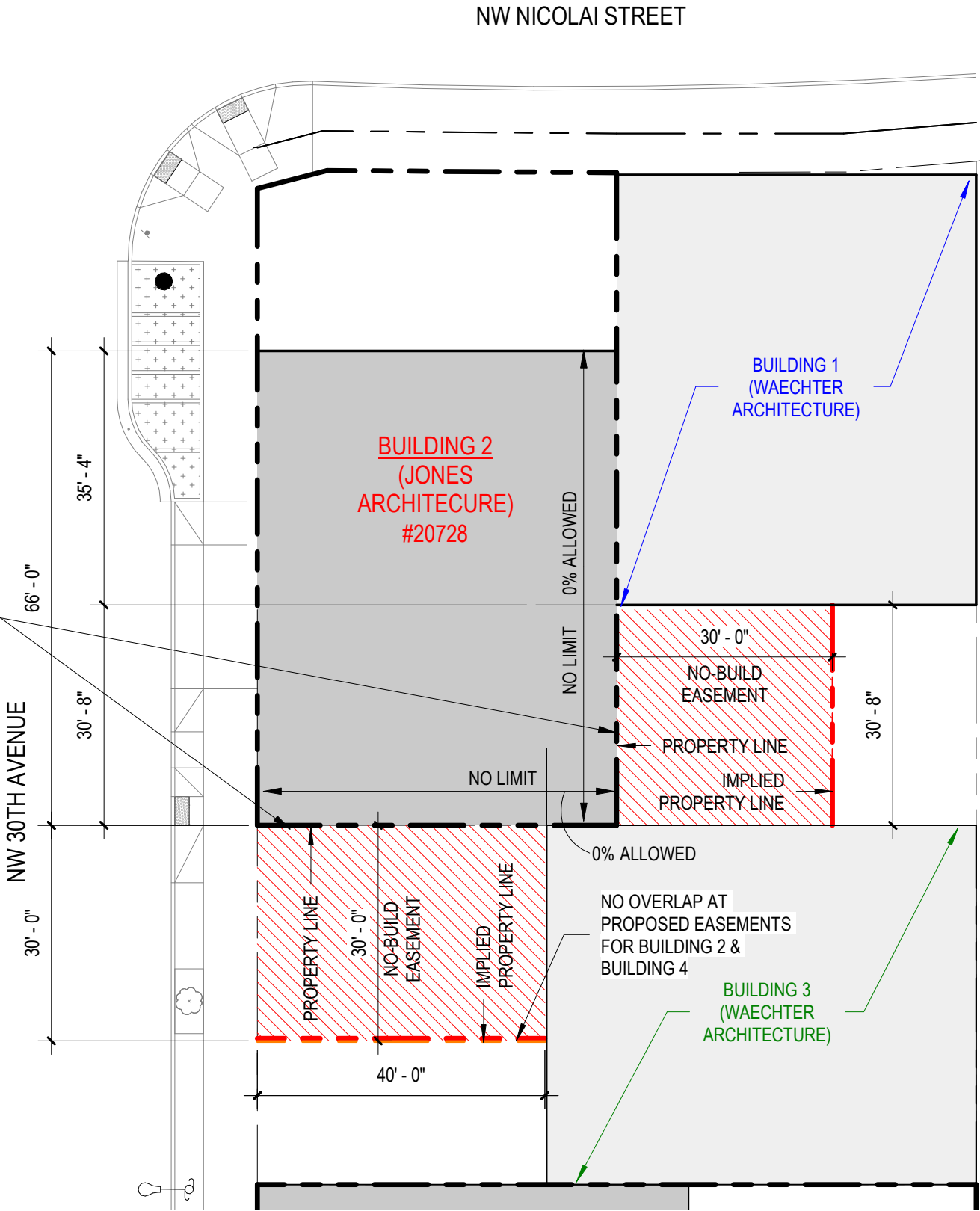


|                      |      |      |
|----------------------|------|------|
| 0' TO LESS THAN 5'   | IIIB | 1 HR |
| 5' TO LESS THAN 10'  | IIIB | 1 HR |
| 10' TO LESS THAN 30' | IIIB | 1 HR |
| 30' OR GREATER       | IIIB | 0    |





| TABLE 705.8          |                         |              |
|----------------------|-------------------------|--------------|
| 10' TO LESS THAN 15' | UNPROTECTED SPRINKLERED | 45%          |
| 15' TO LESS THAN 20' | UNPROTECTED SPRINKLERED | 75%          |
| 20' TO LESS THAN 25' | UNPROTECTED SPRINKLERED | NO LIMIT     |
| 25' TO LESS THAN 30' | UNPROTECTED SPRINKLERED | NO LIMIT     |
| 30' OR GREATER       | UNPROTECTED SPRINKLERED | NOT REQUIRED |



BUILDING 2 SITE DIAGRAM:  
NO BUILD EASEMENTS &  
ALLOWABLE OPENINGS

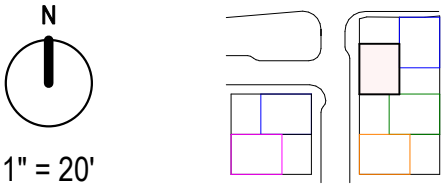
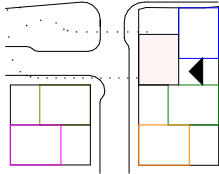
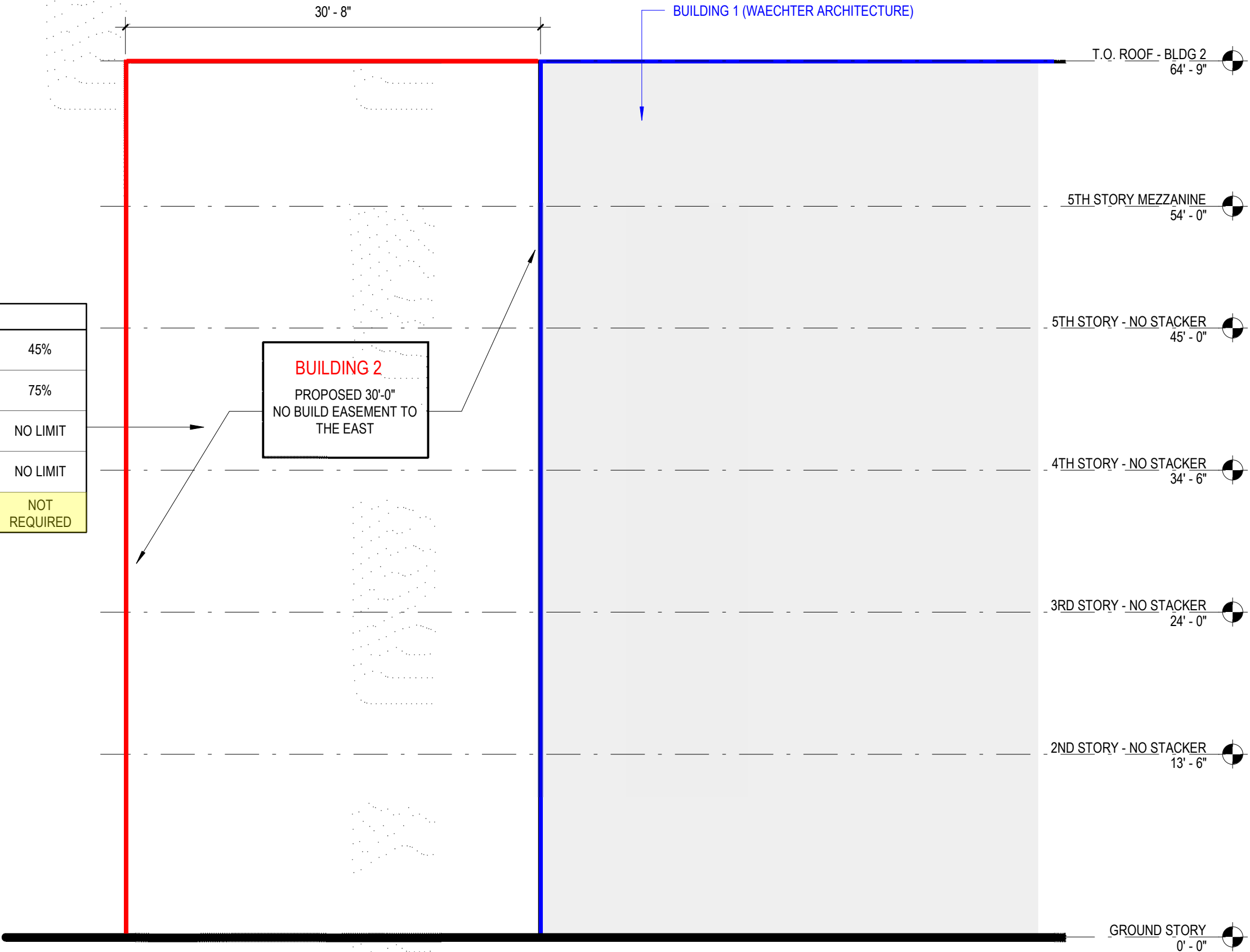


TABLE 705.8  
MAXIMUM AREA OF EXTERIOR WALL  
OPENINGS BASED ON FIRE SEPARATION  
DISTANCE AND DEGREE OF OPENING  
PROTECTION

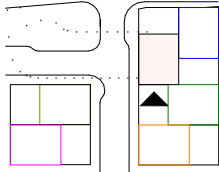


| TABLE 705.8          |                         |              |
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| 25' TO LESS THAN 30' | UNPROTECTED SPRINKLERED | NO LIMIT     |
| 30' OR GREATER       | UNPROTECTED SPRINKLERED | NOT REQUIRED |

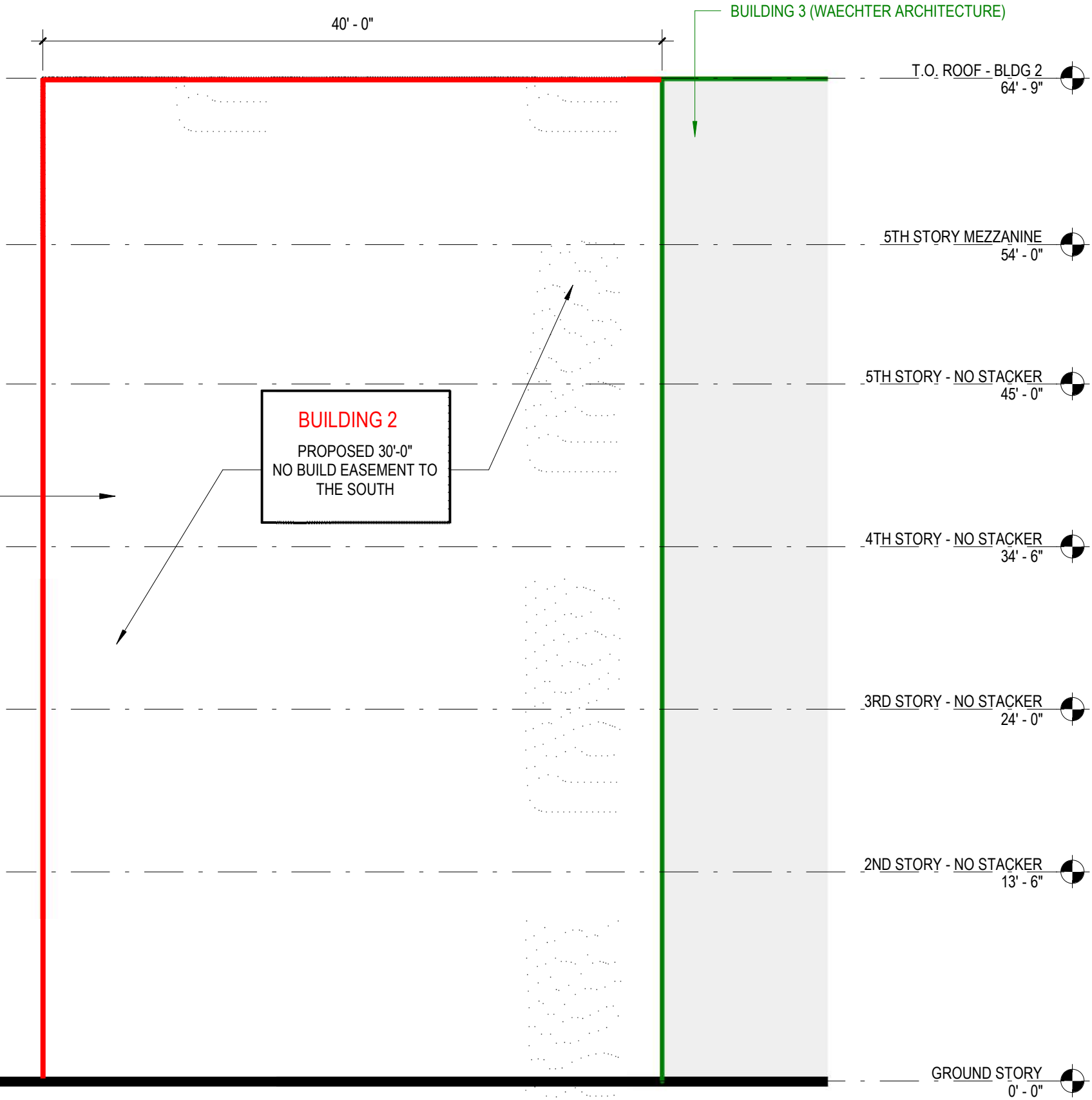


BUILDING 2 - EAST ELEVATION DIAGRAM - MAXIMUM ALLOWED OPENINGS

SCALE : 1/8" = 1'-0"

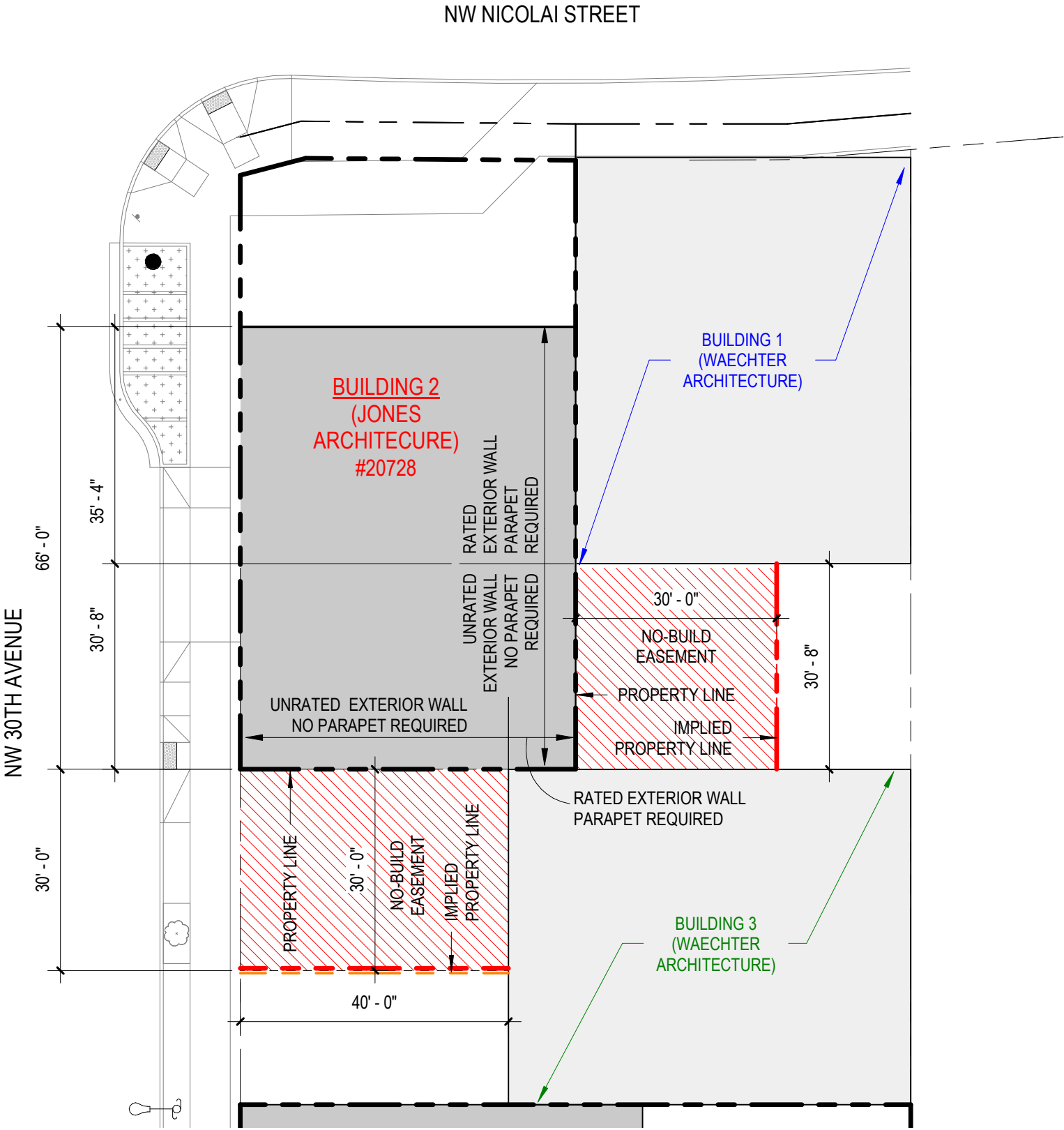


| TABLE 705.8          |                         |              |
|----------------------|-------------------------|--------------|
| 10' TO LESS THAN 15' | UNPROTECTED SPRINKLERED | 45%          |
| 15' TO LESS THAN 20' | UNPROTECTED SPRINKLERED | 75%          |
| 20' TO LESS THAN 25' | UNPROTECTED SPRINKLERED | NO LIMIT     |
| 25' TO LESS THAN 30' | UNPROTECTED SPRINKLERED | NO LIMIT     |
| 30' OR GREATER       | UNPROTECTED SPRINKLERED | NOT REQUIRED |

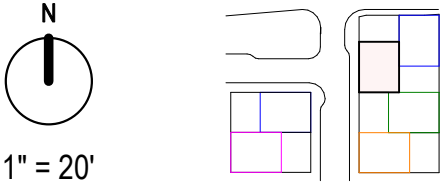


BUILDING 2 - SOUTH ELEVATION DIAGRAM - MAXIMUM ALLOWED OPENINGS

SCALE : 1/8" = 1'-0"



BUILDING 2 SITE DIAGRAM:  
NO BUILD EASEMENTS &  
PARAPETS

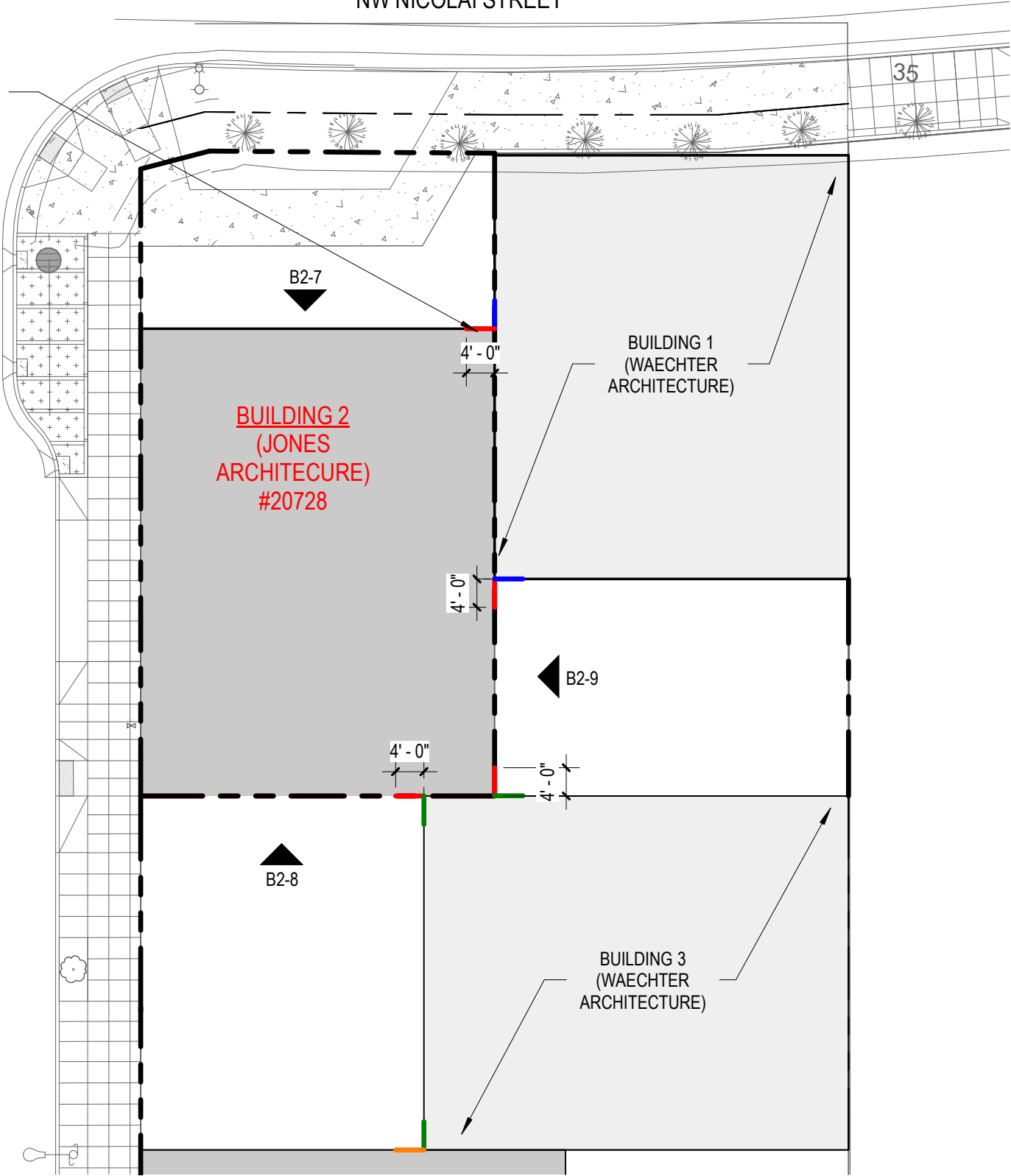


SECTION 705.11  
PARAPETS

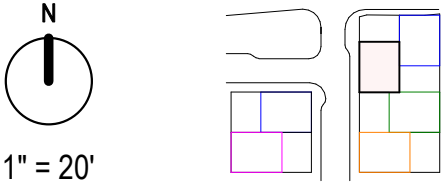
MIN 4'-0" RATED 1 HR EXTERIOR WALL (NON-BEARING), OR 2-HOUR (BEARING), W/ 3/4HR RATED OPENINGS WHERE REQUIRED PER SECTION 705.8, TYPICAL AT ALL INSIDE BUILDING CORNERS

NW 30TH AVENUE

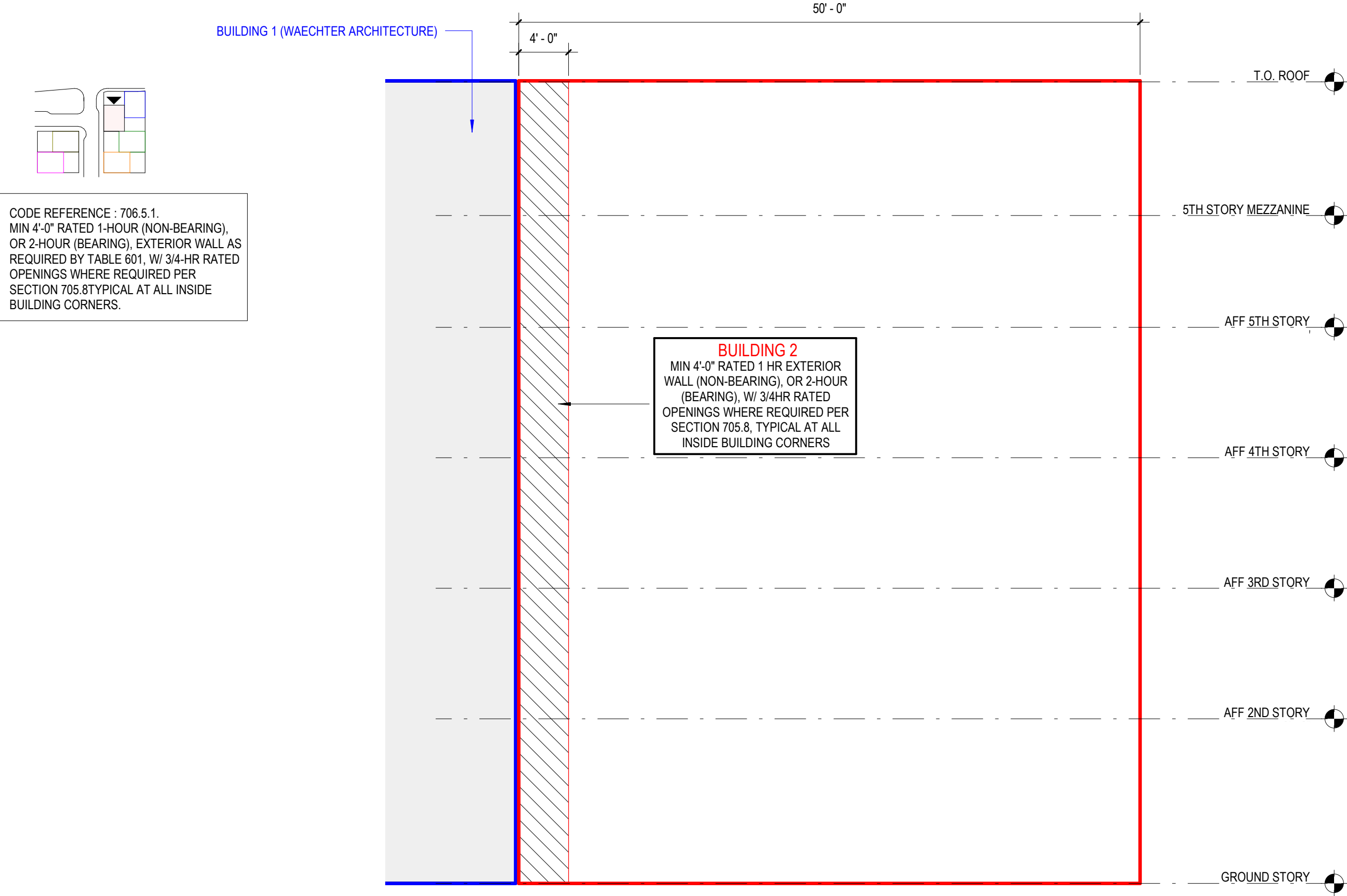
NW NICOLAI STREET



BUILDING 2 SITE DIAGRAM:  
WALL RATING AT INTERIOR CORNERS

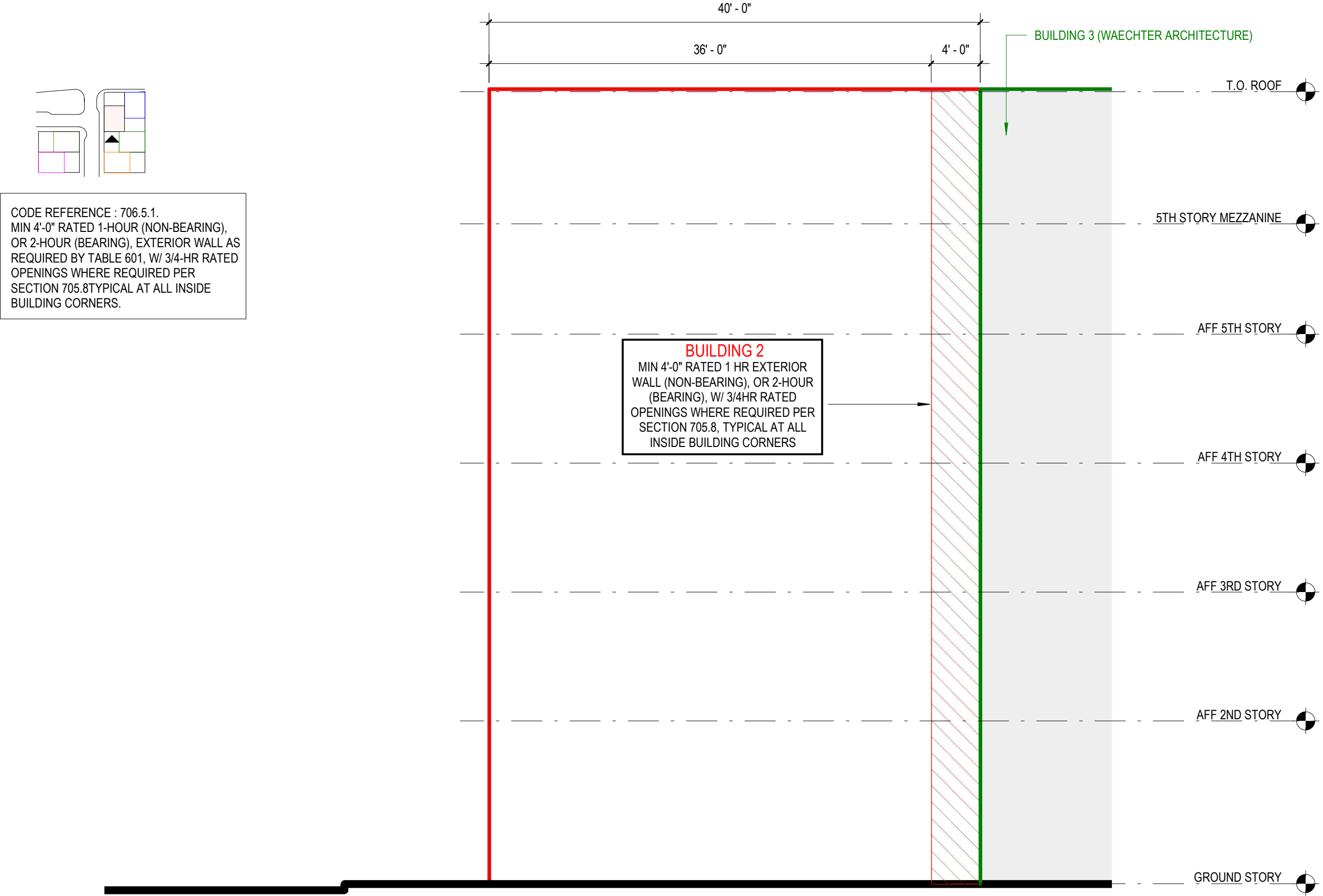


CODE REFERENCE : 706.5.1.  
MIN 4'-0" RATED 1-HOUR (NON-BEARING),  
OR 2-HOUR (BEARING), EXTERIOR WALL AS  
REQUIRED BY TABLE 601, W/ 3/4-HR RATED  
OPENINGS WHERE REQUIRED PER  
SECTION 705.8 TYPICAL AT ALL INSIDE  
BUILDING CORNERS.



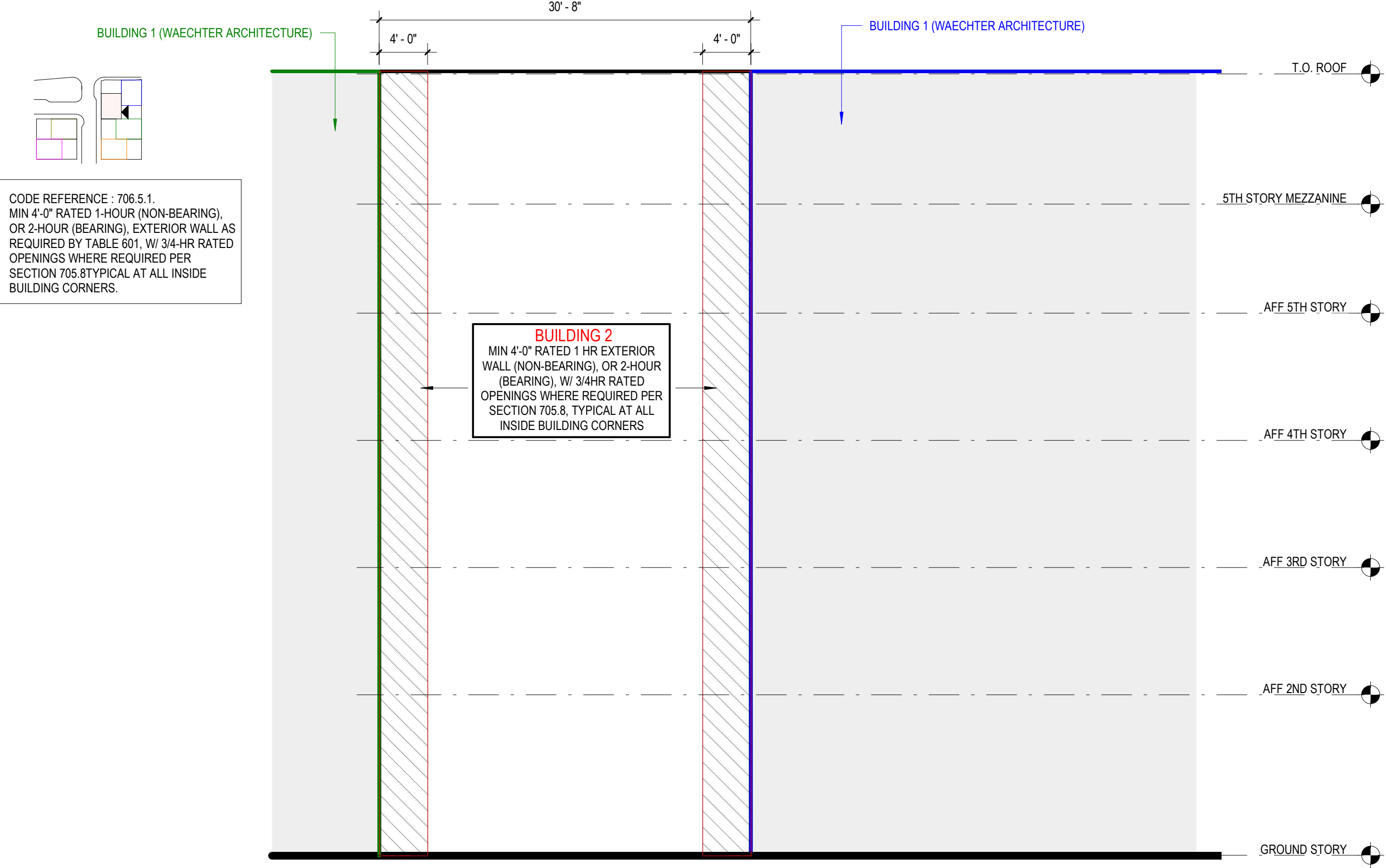
BUILDING 2 - NORTH ELEVATION DIAGRAM - WALL RATING AT INTERIOR BUILDING CORNERS

SCALE : 1/8" = 1'-0"



BUILDING 2 - SOUTH ELEVATION DIAGRAM - WALL RATING AT INTERIOR BUILDING CORNERS

SCALE : 1/8" = 1'-0"



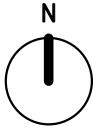
BUILDING 2 - EAST ELEVATION DIAGRAM - WALL RATING AT INTERIOR BUILDING CORNERS

SCALE : 1/8" = 1'-0"





NB-30 PROJECT SITE PLAN



1" = 30'

WAECHTER ARCHITECTURE

- BUILDING 1
- BUILDING 3
- BUILDING 5

JONES ARCHITECTURE

- BUILDING 2
- BUILDING 4
- BUILDING 6