

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered - Held over from ID 22264 (12/24/19) for additional information

Appeal ID: 23403	Project Address: 2135 W/NW 29th Ave, Bldg 4
Hearing Date: 1/29/20	Appellant Name: Jason Bolt
Case No.: B-016	Appellant Phone: 5034779165
Appeal Type: Building	Plans Examiner/Inspector: David Bartley, Nancy Thorington
Project Type: commercial	Stories: 5 Occupancy: R-2 Construction Type: III-B
Building/Business Name:	Fire Sprinklers: Yes - Proposed throughout
Appeal Involves: Erection of a new structure	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Multi Family Residential

APPEAL INFORMATION SHEET

Appeal item 1

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: 10' to less than 15', Unprotected, Sprinklered, 45%; and 20' to less than 25', 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 North (BLDG 3) and South (WILSON ST TOWNHOMES – UNDER SEPARATE PERMIT). The lot to the South is to be developed as townhomes that are set back 20' from the bordering property line for a privately owned / shared tract with an access alley. The lot to the North (BLDG 3) is 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 North and South property lines, which abut the lot of the aforementioned developments. At each inside corner between neighboring buildings along the North property line, 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 lot to the North (BLDG 3) and South (TOWNHOMES). The no-build easement to the North will extend 20' into the adjacent lot. The no-build easement to the South will extend 10' into the adjacent lot. The result is a proposed building with portions of its North and South wall faces that are adjacent to no-build easements. The no-build easement wall face on the North property line will perpetually maintain a fire separation distance of 20' Similarly, the no-build easement wall face on the South property line will perpetually maintain a fire separation distance of 10'; therefor :

the allowable area of openings in that portion of the North wall (40'-0") shall have no limit along the property line & a limit of 45% along the South property line (60'-0"); (SEE B4-1, B4-2 & B4-3)
 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 20' on portions of the North property line (40'-0") and not less than 10' along the South property line (60'-0").

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

Appeal item 2

Code Section 705.11 Parapets

Requires 705.11 Parapets: Parapets Shall be provided on exterior walls of buildings. Exception 6. Where the wall is permitted to have at least 25 percent of the exterior wall areas containing unprotected openings based on fire separation distance as determined in accordance with Section 705.8

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 North (BLDG 3) and South (WILSON ST TOWNHOMES – UNDER SEPARATE PERMIT). The lot to the South is to be developed as townhomes that are set back 20' from the bordering property line for a privately owned / shared tract with an access alley. The lot to the North (BLDG 3) is 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 North and South property lines, which abut the lot of the aforementioned developments. At each inside corner between neighboring buildings along the North property line, 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 lot to the North (BLDG 3) and South (TOWNHOMES). The no-build easement to the North will extend 20' into the adjacent lot. The no-build easement to the South will extend 10' into the adjacent lot. The result is a proposed building with portions of its North and South wall faces that are adjacent to no-build easements. The no-build easement wall

face on the North property line will perpetually maintain a fire separation distance of 20' Similarly, the no-build easement wall face on the South property line will perpetually maintain a fire separation distance of 10'; therefor :

parapets are omitted where adjacent to the easement since each has met the requirement of allowing more than 25 percent of the exterior wall area to contain unprotected openings based on fire separation distance as determined in section 705.11 exception 6. (SEE B4-1)

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 20' on portions of the North property line (40'-0") and not less than 10' along the South property line (60'-0").

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

Appeal item 3

Code Section 1027 Exit Discharge

Requires 1027.5 Access to a Public Way : The exit discharge shall provide a direct and unobstructed access to a public way.

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 North (BLDG 3) and South (WILSON ST TOWNHOMES – UNDER SEPARATE PERMIT). The lot to the South is to be developed as townhomes that are set back 20' from the bordering property line for a privately owned / shared tract with an access alley. The lot to the North (BLDG 3) is 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 North and South property lines, which abut the lot of the aforementioned developments. At each inside corner between neighboring buildings along the North property line, 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 lot to the North (BLDG 3) and South (TOWNHOMES). The no-build easement to the North will extend 20' into the adjacent lot. The no-build easement to the South will extend 10' into the adjacent lot. The result is a proposed building with portions of its North and South wall faces that are adjacent to no-build easements. The no-build easement wall face on the North property line will perpetually maintain a fire separation distance of 20' Similarly, the no-build easement wall face on the South property line will perpetually maintain a fire separation distance of 10'; therefor :

-within the 20' no-build easement along the north Property Line, one of the building's (2) required exits is located on the North property line, an interior property line (SEE B4-4). A shared egress court in conjunction with the building to the North (BLDG 3) will serve as a portion of the exit discharge for both buildings (BLDG's 3 & 4), which will be sized accordingly to accommodate minimum required widths to achieve no additional rating requirements,(10'-0" min per 1027.4.2) and occupant loads for both buildings.

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 easement guarantees that the fire separation distance between exterior walls shall never be less than 20' along a portion of the North property line (40'-0"). The easement ensures that a shared egress court with a minimum width of 10'-0" will perpetually exist as a portion of the exit discharge, providing occupants a direct and unobstructed access to a public way.

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

APPEAL DECISION

1a. Increase in maximum allowable area of openings adjacent to easement in North exterior wall to unlimited with no build easement on Lot 3: Granted provided the easement is a minimum of 30 feet from the North lot line of Lot 3, and 40 feet from the East 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. Increase in maximum allowable area of openings adjacent to easement in South exterior wall to 45 percent with no build easement on Wilson Street Townhomes Alley: Granted provided the easement is a minimum of 10 feet from the South lot line of Lot 4, and 60 feet from the East lot line of Wilson Street Townhomes Alley.

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. Omission of parapet construction adjacent to easement on North exterior wall with no build easement on Lot 3: Granted provided the easement is a minimum of 30 feet from the North lot line of Lot 3, and 40 feet from the East 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. Omission of parapet construction adjacent to easement on South exterior wall with no build easement on Wilson Street Townhomes Alley: Granted provided the easement is a minimum of 10 feet from the South lot line of Lot 4, and 60 feet from the East lot line of Wilson Street Townhomes Alley. 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.

3. Access to Public Way with egress at North exterior wall across property line with No Build, egress access easement on Lot 3: Granted provided the easement is a minimum of 30 feet from the North lot line of Lot 3, and 40 feet from the East lot line of Lot 3.

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

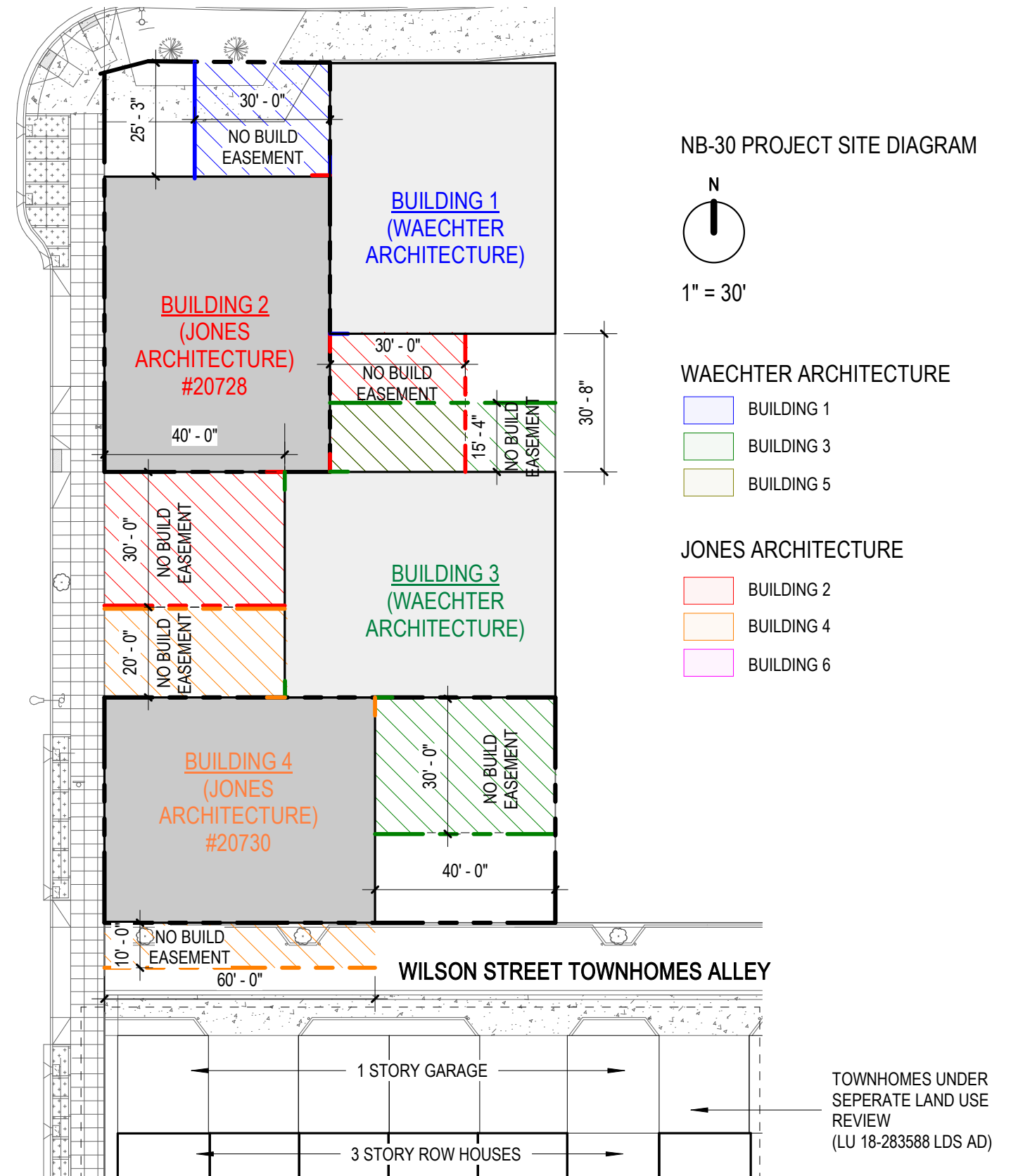
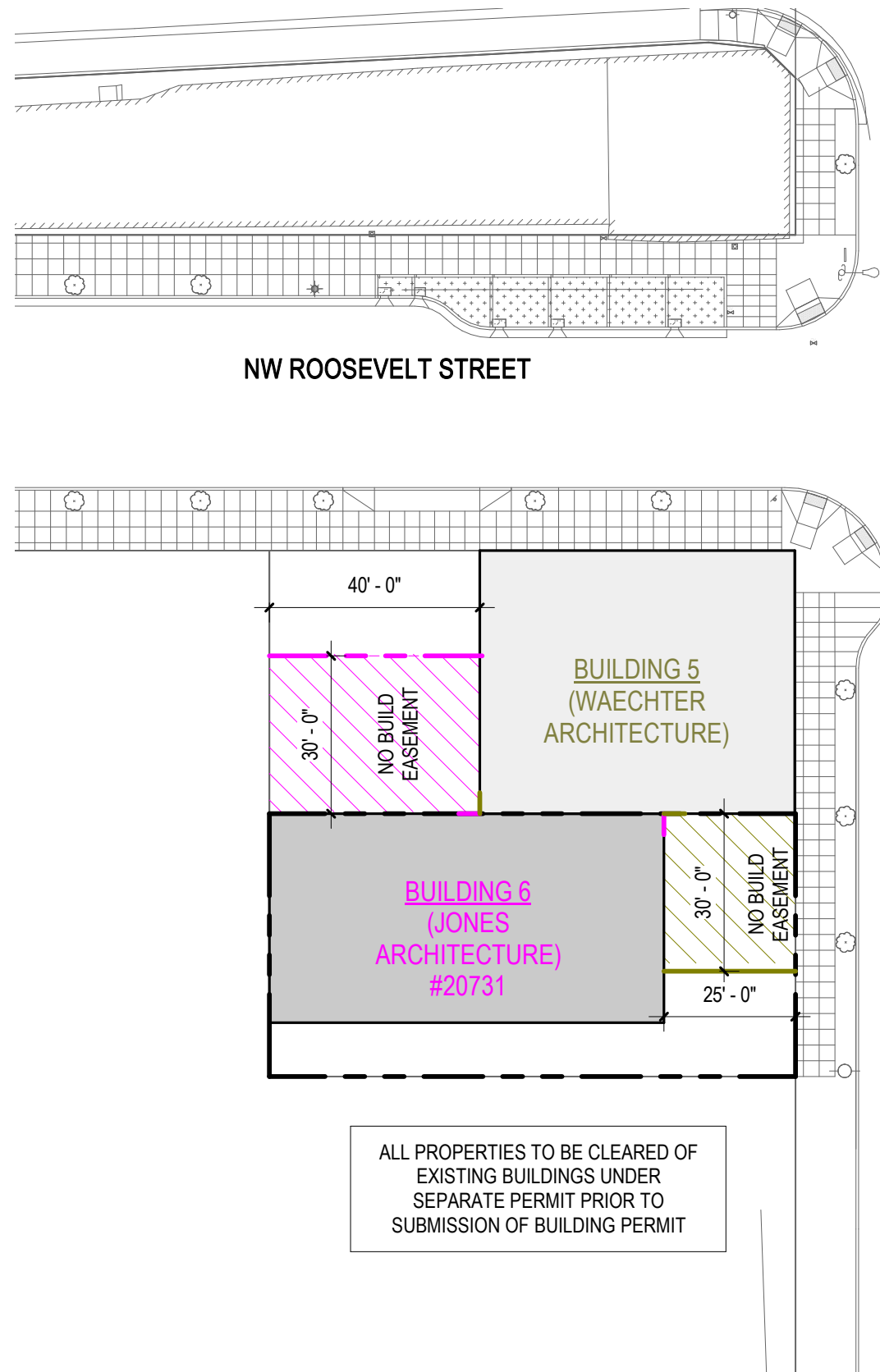
The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.

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, call (503) 823-7300 or come in to the Development Services Center.

NW NICOLAI STREET



SITE DIAGRAM - NO BUILD EASEMENTS

- Waechter Architecture - Sites 1, 3, 5
- Jones Architecture - Sites 2, 4, 6

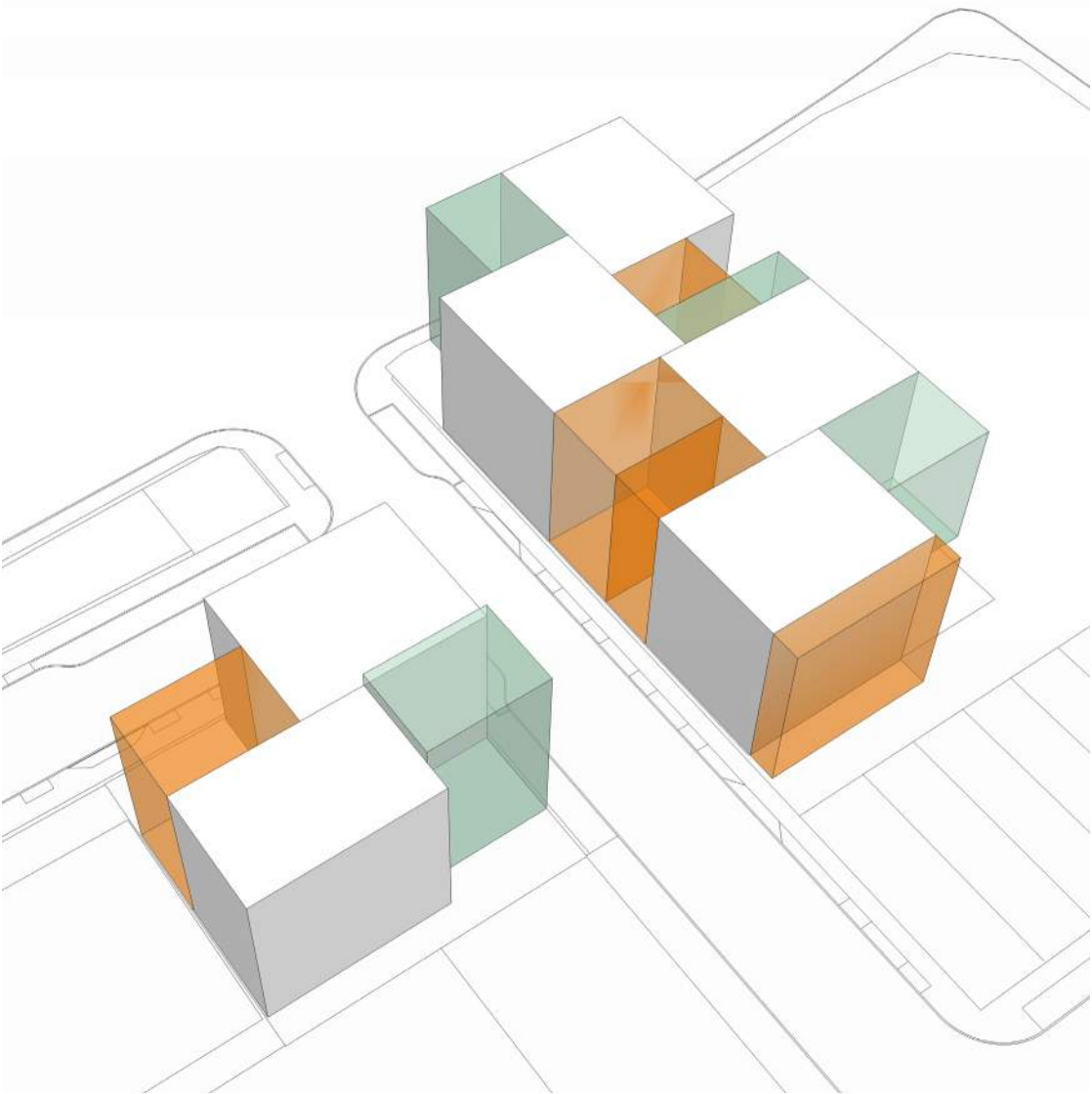
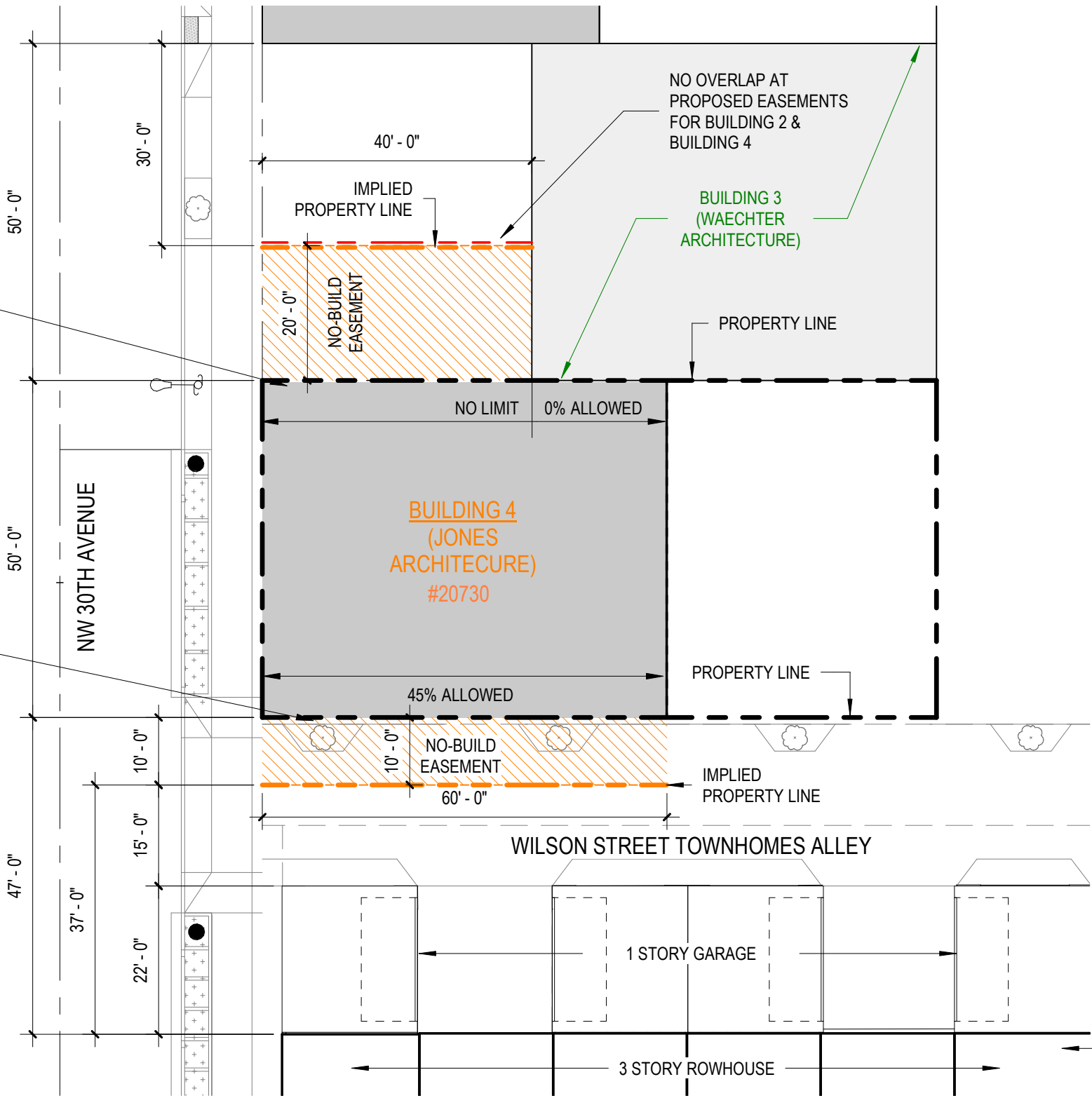


TABLE 705.8		
10' TO LESS THAN 15'	UNPROTECTED SPRINKLERED	45%
15' TO LESS THAN 20'	UNPROTECTED SPRINKLERED	75%
20' TO LESS THAN 25'	UNPROTECTED SPRINKLERED	NO LIMIT
25' TO LESS THAN 30'	UNPROTECTED SPRINKLERED	NO LIMIT
30' OR GREATER	UNPROTECTED SPRINKLERED	NOT REQUIRED

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 4 SITE DIAGRAM:
NO BUILD EASEMENTS &
ALLOWABLE OPENINGS

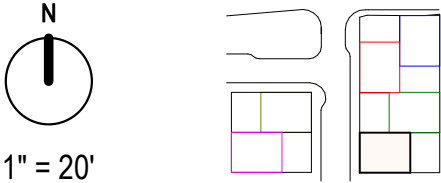


TABLE 705.8
MAXIMUM AREA OF EXTERIOR WALL
OPENINGS BASED ON FIRE SEPARATION
DISTANCE AND DEGREE OF OPENING
PROTECTION

TOWNHOMES UNDER
SEPERATE LAND USE
REVIEW
(LU 18-283588 LDS AD)

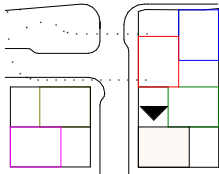
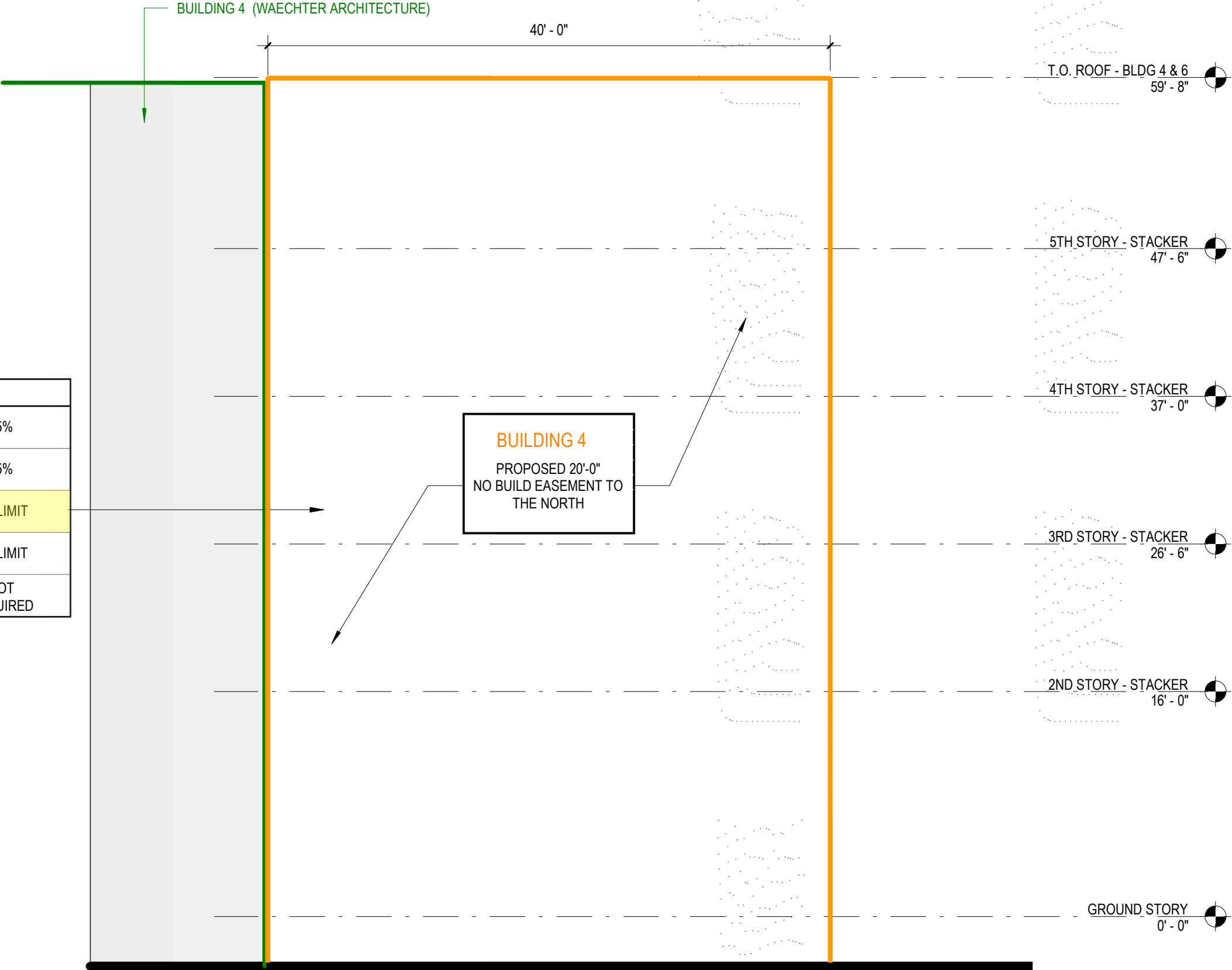


TABLE 705.8		
10' TO LESS THAN 15'	UNPROTECTED SPRINKLERED	45%
15' TO LESS THAN 20'	UNPROTECTED SPRINKLERED	75%
20' TO LESS THAN 25'	UNPROTECTED SPRINKLERED	NO LIMIT
25' TO LESS THAN 30'	UNPROTECTED SPRINKLERED	NO LIMIT
30' OR GREATER	UNPROTECTED SPRINKLERED	NOT REQUIRED



BUILDING 4 - NORTH ELEVATION DIAGRAM - MAXIMUM ALLOWED OPENINGS

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

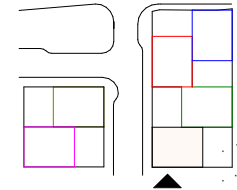
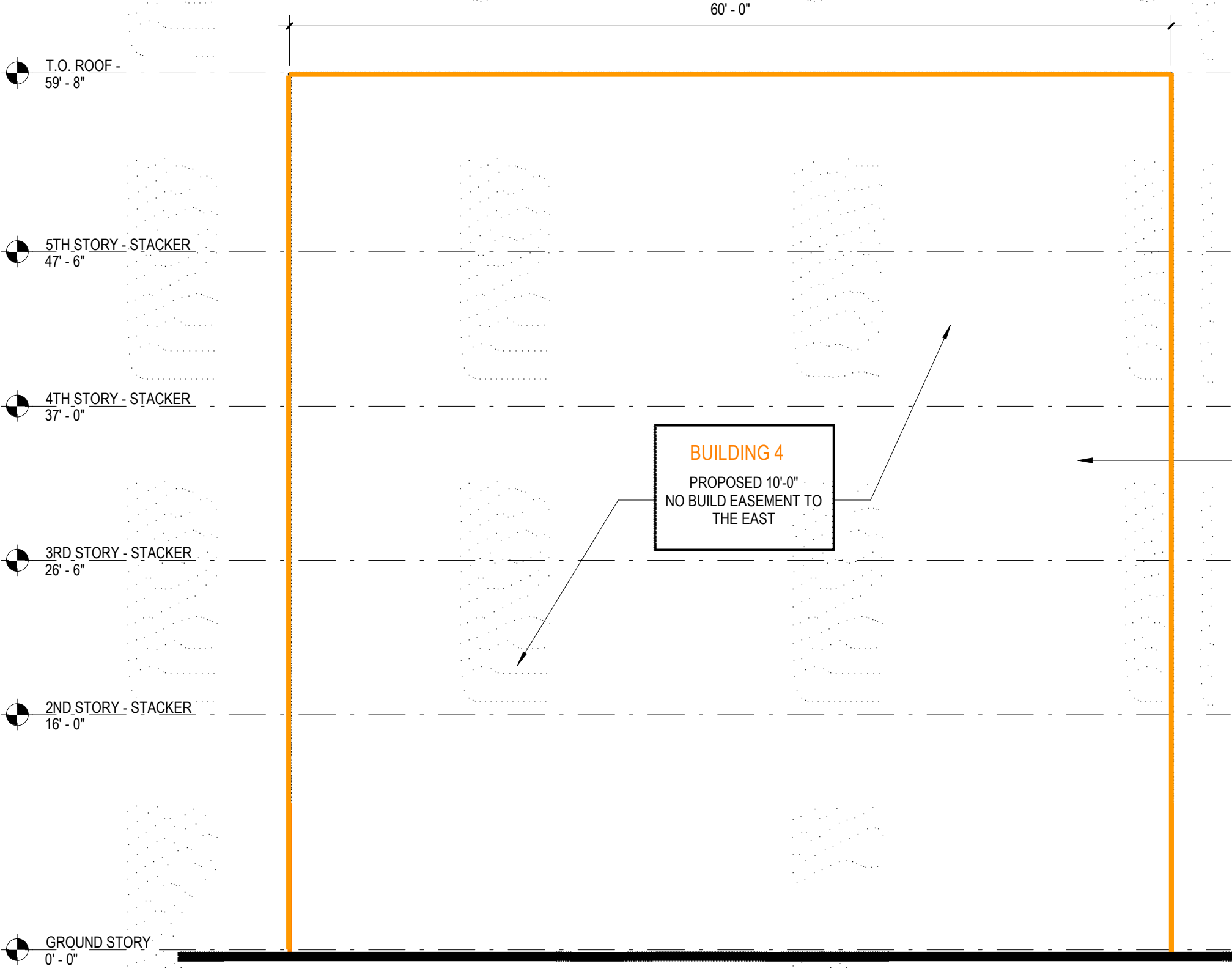
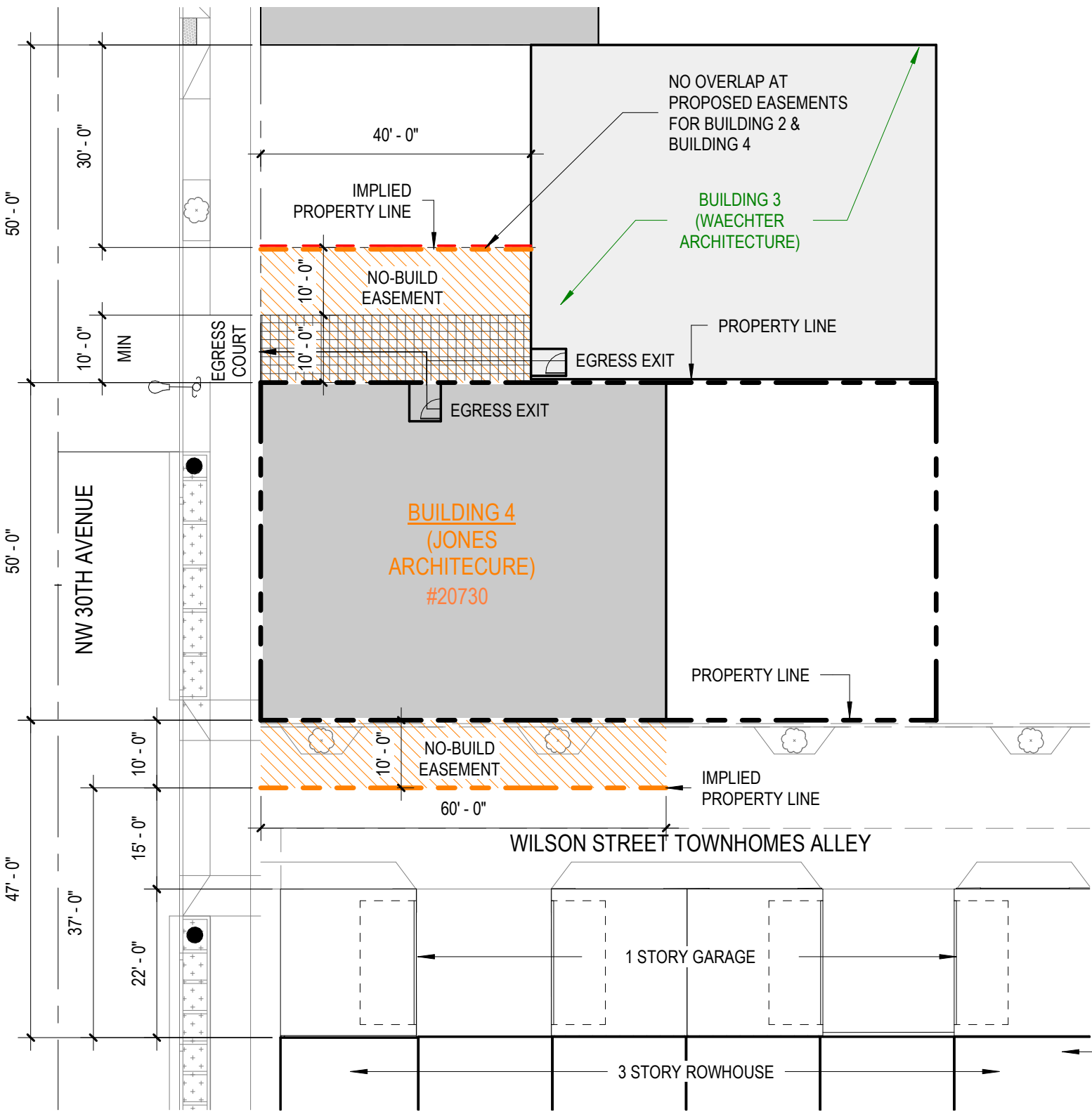


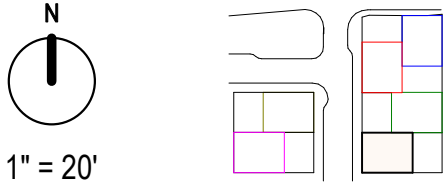
TABLE 705.8		
10' TO LESS THAN 15'	UNPROTECTED SPRINKLERED	45%
15' TO LESS THAN 20'	UNPROTECTED SPRINKLERED	75%
20' TO LESS THAN 25'	UNPROTECTED SPRINKLERED	NO LIMIT
25' TO LESS THAN 30'	UNPROTECTED SPRINKLERED	NO LIMIT
30' OR GREATER	UNPROTECTED SPRINKLERED	NOT REQUIRED

BUILDING 4 - SOUTH ELEVATION DIAGRAM - MAXIMUM ALLOWED OPENINGS

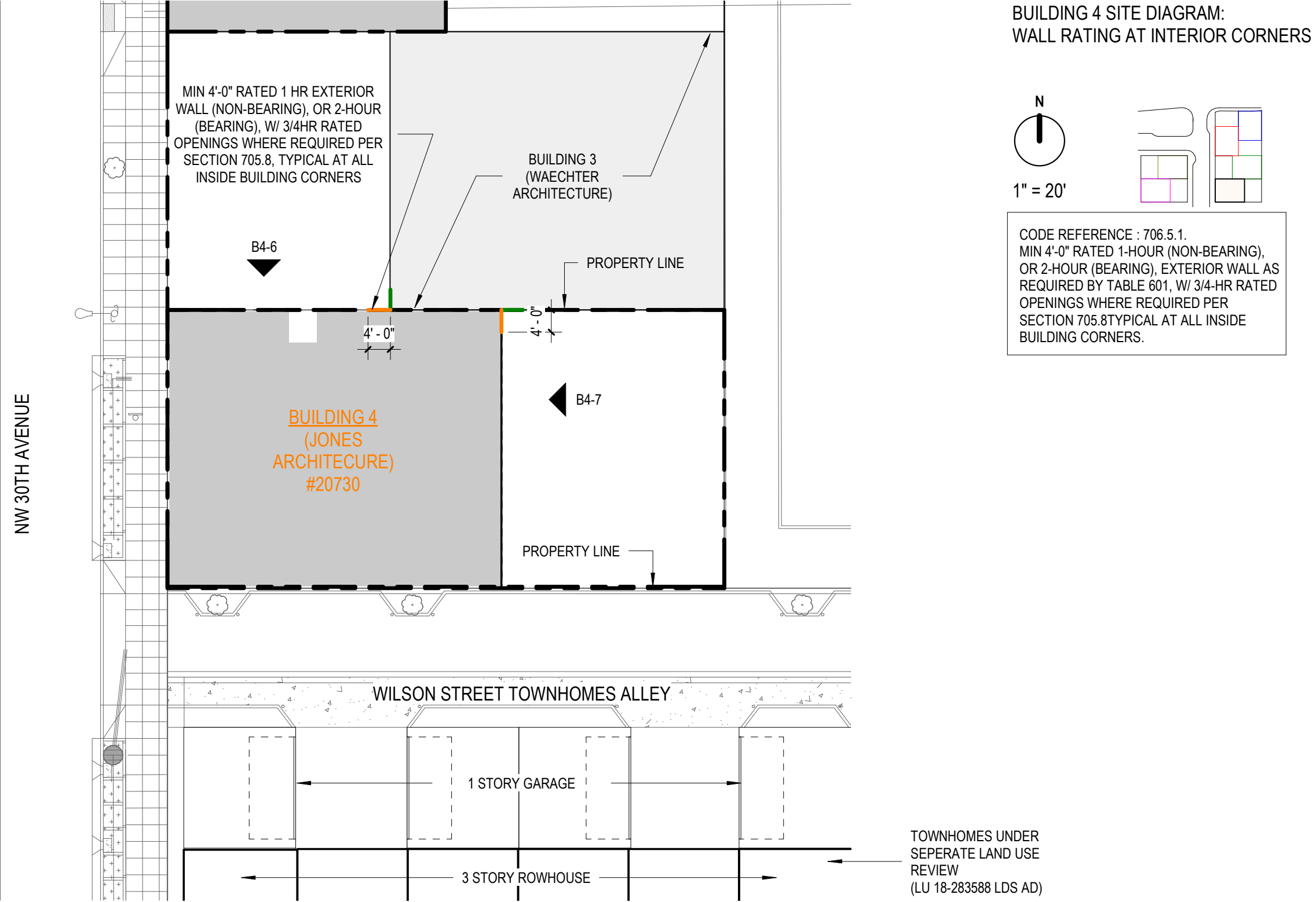
SCALE : 1/8" = 1'-0"

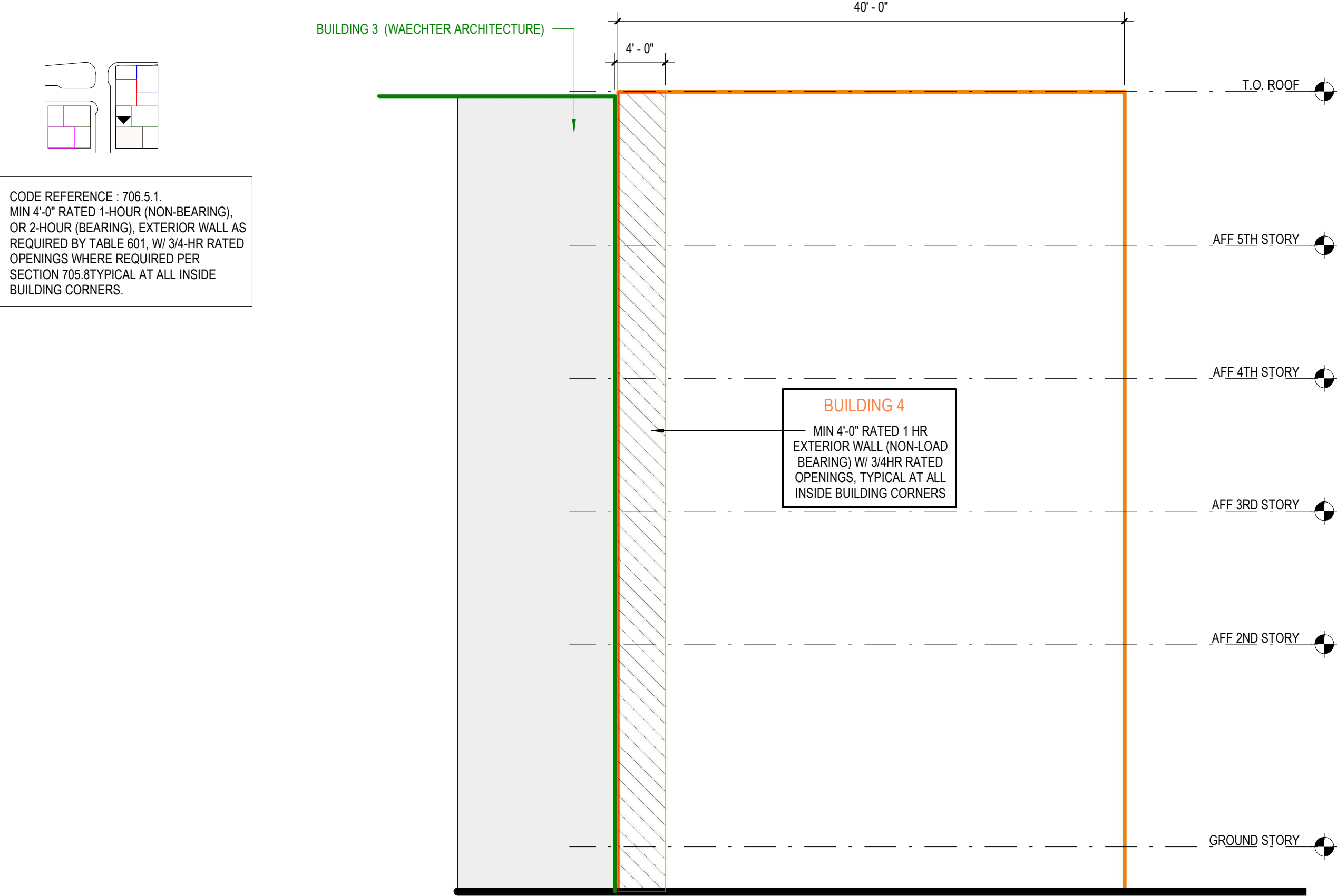


BUILDING 4 SITE DIAGRAM:
NO BUILD EASEMENTS &
EXIT DISCHARGE



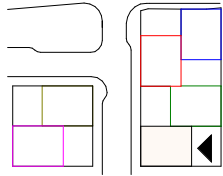
SECTION 1027
EXIT DISCHARGE



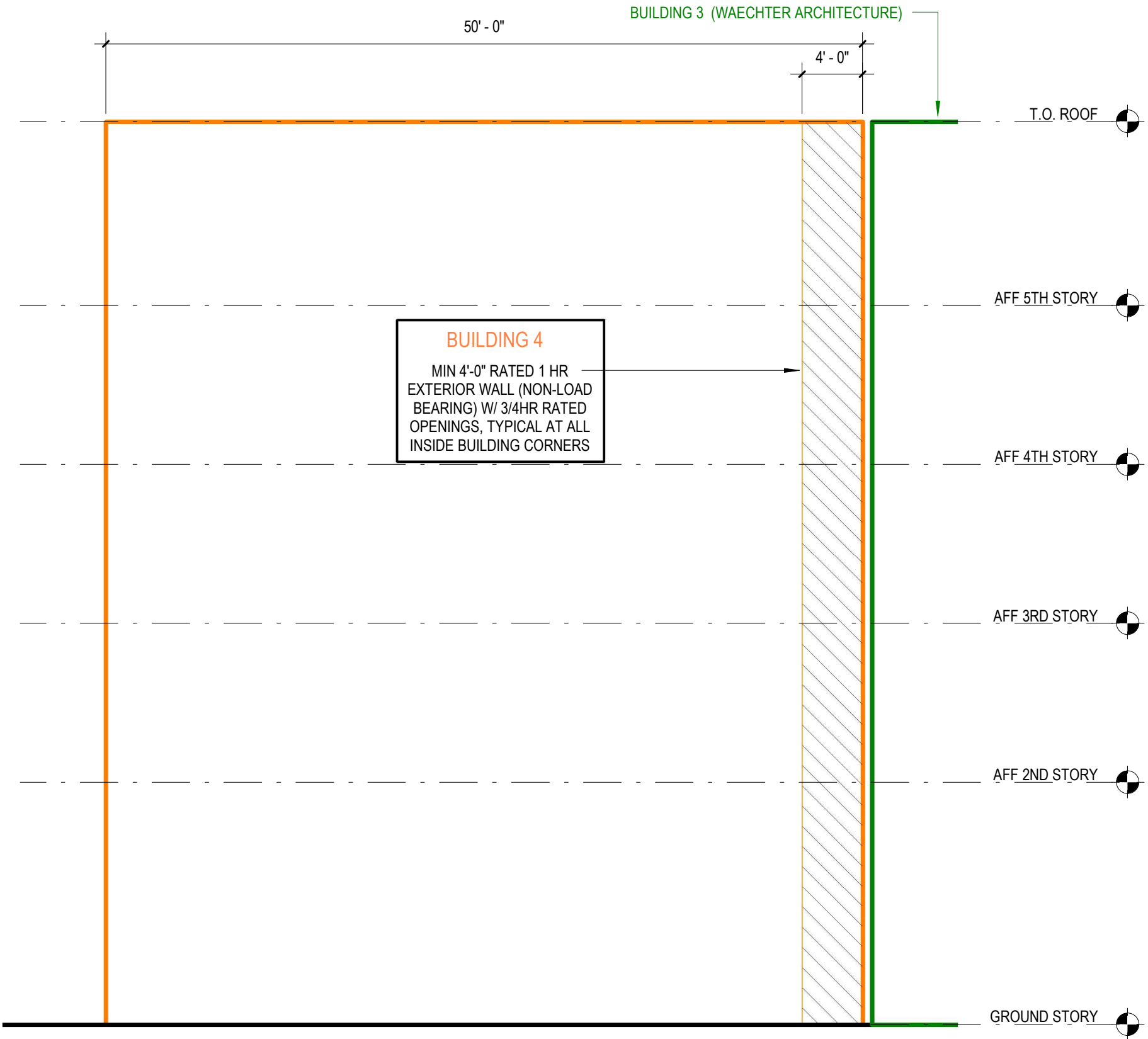


BUILDING 4 - NORTH ELEVATION DIAGRAM - WALL RATING AT INTERIOR BUILDING CORNERS

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



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

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

