

# 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 27586 (3/16/22) for additional information

<b>Appeal ID:</b> 27626	<b>Project Address:</b> 4800 N Lombard St
<b>Hearing Date:</b> 3/30/22	<b>Appellant Name:</b> Michael Barrett
<b>Case No.:</b> B-012	<b>Appellant Phone:</b> 541-968-9374
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Connie Jones
<b>Project Type:</b> commercial	<b>Stories:</b> 1 <b>Occupancy:</b> B, M <b>Construction Type:</b> V-B
<b>Building/Business Name:</b> University Park	<b>Fire Sprinklers:</b> No
<b>Appeal Involves:</b> Alteration of an existing structure, Reconsideration of appeal	<b>LUR or Permit Application No.:</b> 21-039721-CO
<b>Plan Submitted Option:</b> pdf [File 1] [File 2] [File 3] [File 4] [File 5] <b>Proposed use:</b> Retail	

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	OSSC 705.8.1 - Allowable Area of Openings
<b>Requires</b>	The maximum area of unprotected and protected openings permitted in an exterior wall in any story of a building shall not exceed the percentages specified in table 705.8 based on the fire separation distance of each individual story.
<b>Code Modification or Alternate Requested</b>	Define fire separation of edge of access easement at adjacent property in lieu of parcel property line.
<b>Proposed Design</b>	<p>A shared access easement to create a permanent 5' setback at the adjacent parcel is proposed . This essentially moves the property line 5' further away from the existing building walls and openings. See Exhibit A for FLS analysis and site plan.</p> <p>Easement language to be reviewed by Nancy Thorington to vest appeal conditions and recorded with the county on the adjacent parcel. See Exhibit B for draft language of easement.</p> <p>No additional changes to implementation to Table 705.8 or this code section is proposed outside of measuring the fire separation distance at the edge of the access easement and not the legal property line.</p> <hr/> <p>Reconsideration Text:</p> <p>A proposed access and maintenance agreement will provided with final language reviewed by the City based on a template provided by Nancy Thoringon. The proposed easement language has been removed from the appeal within this reconsideration.</p>

Unprotected openings to be less than 10% of the total wall area in conformance with OSSC Table 705.8 for exterior walls 5 feet away and are non-sprinklered. Elevations calculation the existing openings as a percentage of the exterior wall area are provided as Exhibits Z003 & Z004 along with supporting photographs of these walls.

This appeal proposes to use the existing openings only and does not propose new openings. This equates to approximately 4.6% of the wall within Suite 4800 and 3.1% of the wall within Suite 4818.

The proposed easement to run the entire width of the property line and measured 5'-0" from the property line.

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**Reason for alternative** Three separate lots create an existing retail building and parking lot within North Portland, functioning as a single lot. The project team has worked with BDS to update permit history and conform the building to current building and planning requirements.

Two existing openings exists along the property line within existing two hour cast in place concrete walls with a 2 hour rating. Rather than record a "do not sell separately" agreement, the project team seeks to record a permanent 5' setback through an easement agreement recorded with the county.

With a permanent easement, the project meets the same life-safety protection required for exterior walls and openings as required by Section 705.8 of the OSSC.

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Reconsideration Text:

The same entity owns both properties, including the propriety proposed to record the access and maintenance agreement. The easement and this proposal is to vest the existing conditions for exit discharge for second exits from the existing suites and existing openings within exterior walls if the northern parcel is ever sold and under different ownership.

Note that additional existing openings are included within this reconsideration at Suite 4818. An elevation and a photograph of these existing conditions are provided within exhibit Z004.

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## Appeal item 2

**Code Section** OSSC 1028.5 - Access to a Public Way

**Requires** The exit discharge shall provide a direct and unobstructed access to a public way.

**Code Modification or Alternate Requested** Allow exit discharge to connect to a public way through a shared access easement, crossing a property line.

**Proposed Design** A shared access easement shall be recorded on the adjacent property line creating a 5' setback for egress access. This access easement shall be accessed across the project property line and used where a second exit is required.

Easement language to be reviewed by Nancy Thorington to vest appeal conditions and recorded with the county on the adjacent parcel.

This is a similar appeal to Appeal 18481 - Item 1 (9/26/18)

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Reconsideration Text:

An easement and maintenance agreement is proposed to be reviewed by the City/Nancy Thorington based on the City's template. The proposed language from the original appeal is removed from this reconsideration.

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**Reason for alternative** Three separate lots create an existing retail building and parking lot within North Portland, functioning as a single lot. The project team has worked with BDS to update permit history and conform the building to current building and planning requirements.

As part of establishing up to date permit history, the project team wishes to establish routes for second exits for tenant suites for use under future tenant improvement permits. The existing building walls are located on the property line, preventing exit access from the existing rear exits to the public right of way without crossing a property line.

The project team wishes to vest the use of these exits and future second exits through the establishment of a shared access easement on the adjacent property line. This creates a permanent exit discharge route if the existing parking lot is developed in the future.

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Reconsideration Text:

Exit Discharge routes are proposed for all three suites (4800, 4808, 4818) for future use as part of this permit's core and shell work.

The FLS plan (Exhibit Z001) and the site plan (Exhibit Z002) have been updated to show exit discharge routes. Additional photographs are provided within Exhibit Z005 to show the current exterior court and discharge to the adjacent property.

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## APPEAL DECISION

**1. Increase in allowable area of unprotected exterior wall openings with 100 foot x 5 foot no build easement along the adjacent South property line of the lot to the North: Granted provided a recorded No Build Easement is provided prior to plan review approval.**

**Appellant must contact Nancy Thorington (503-865-6438) for more information prior to writing the no build easement and the no build easement must be reviewed and approved by BDS prior to recording. The easement must include language that establishes the edge of the easements on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

**2. Access to Public Way with egress across property line with 100 foot x 5 foot no build easement along the adjacent South property line of the lot to the North: Granted provided wheel stops are installed to prevent cars from intruding in to the 5 foot easement and provided a recorded No Build Easement is provided prior to plan review approval.**

**Appellant must contact Nancy Thorington (503-865-6438) for more information prior to writing the no build easement and the no build easement must be reviewed and approved by BDS prior to recording. The easement must include language that establishes the edge of the easements on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.**

**A copy of the recorded easement must then be provided to BDS prior to plan review approval.**

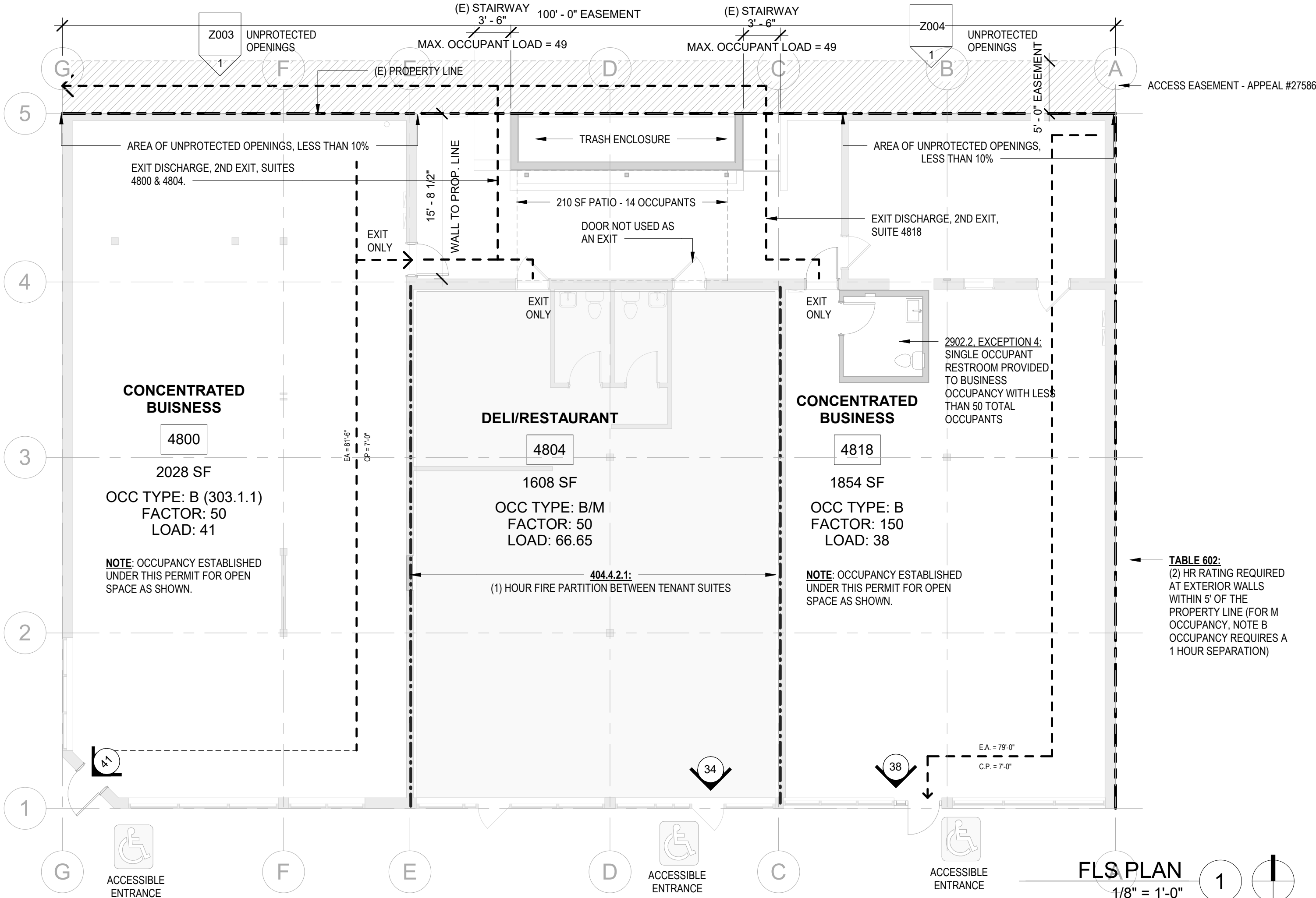
The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; and that special conditions unique to this project make strict application of those code sections impractical.

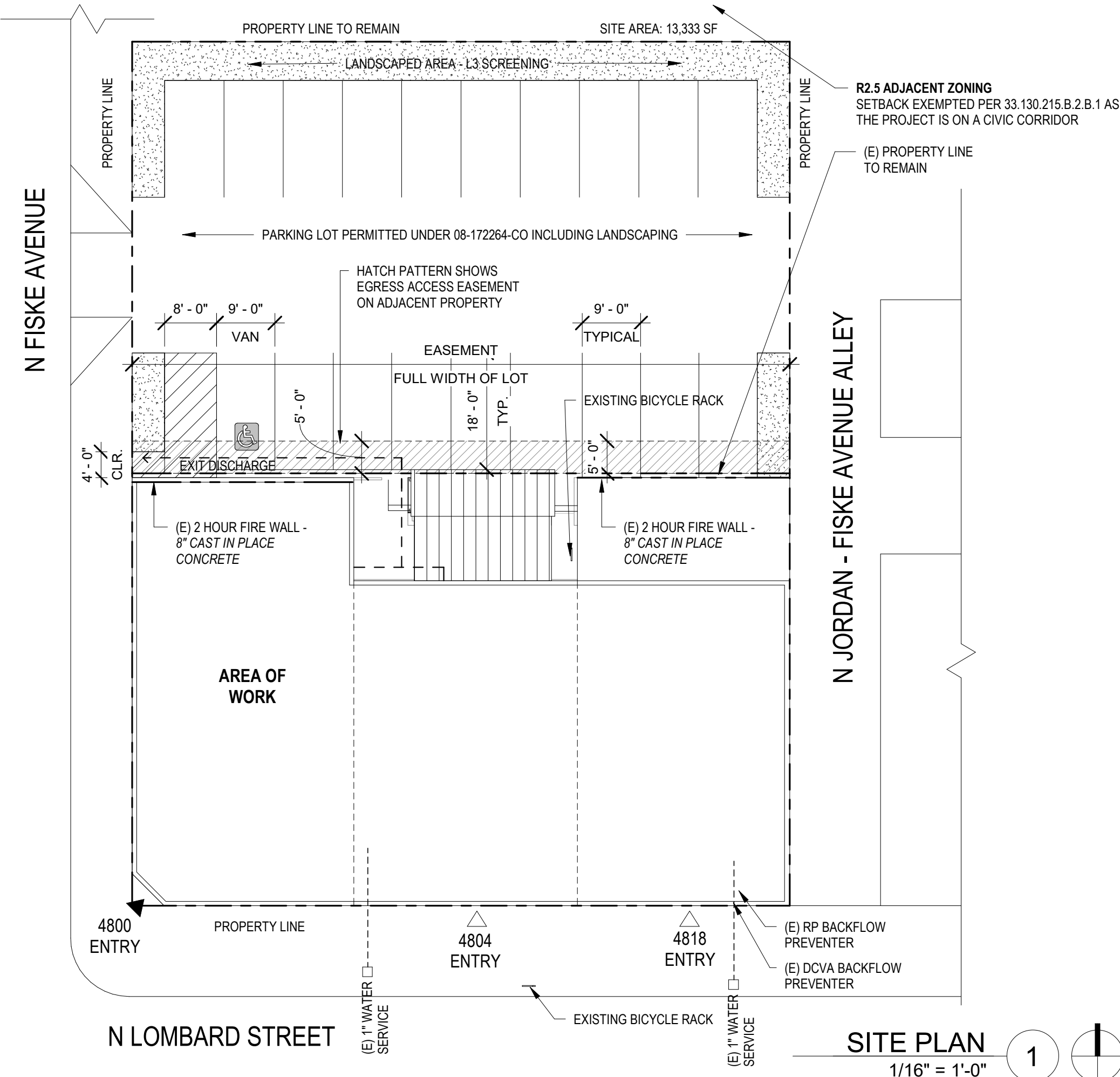
Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to [www.portlandoregon.gov/bds/appealsinfo](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

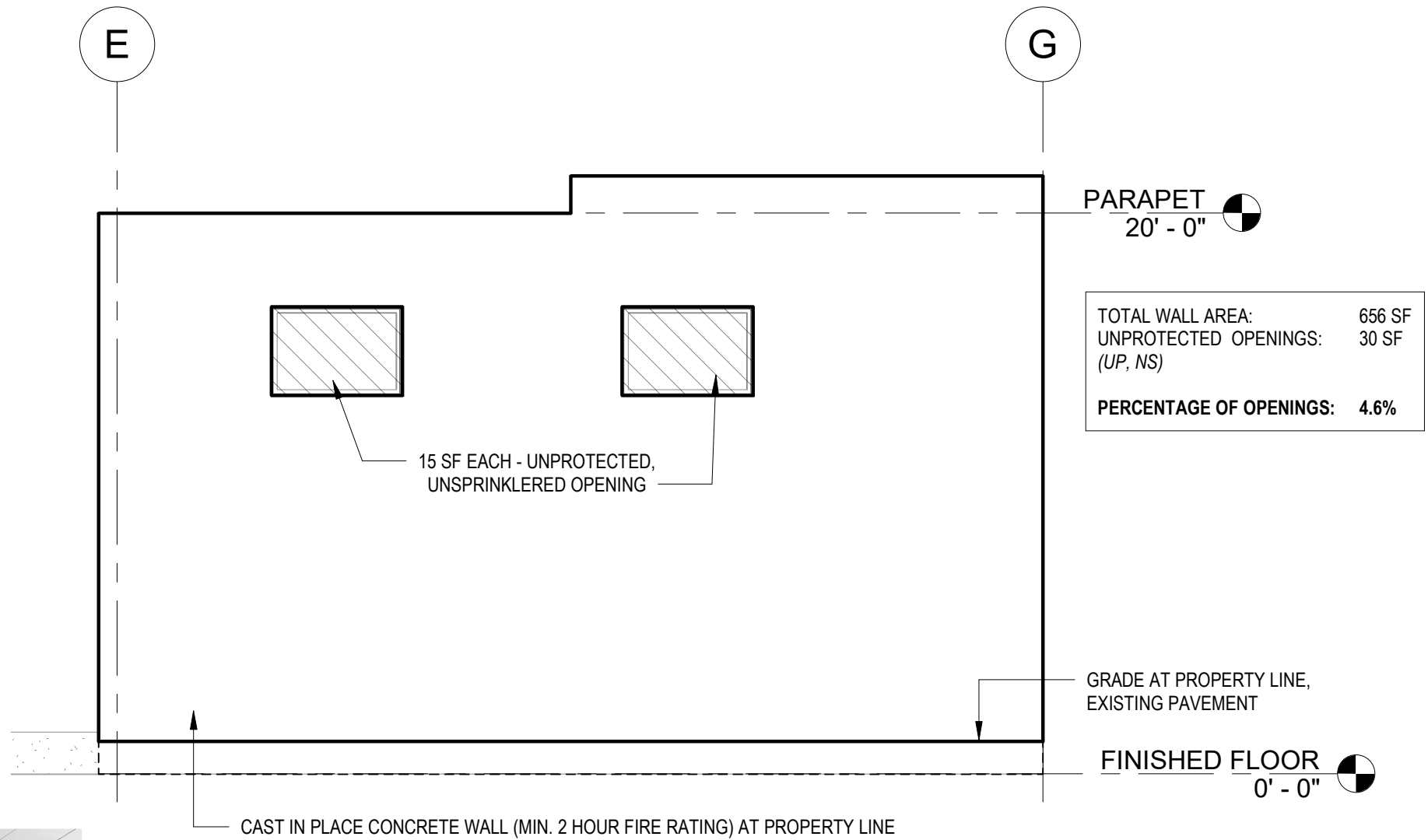
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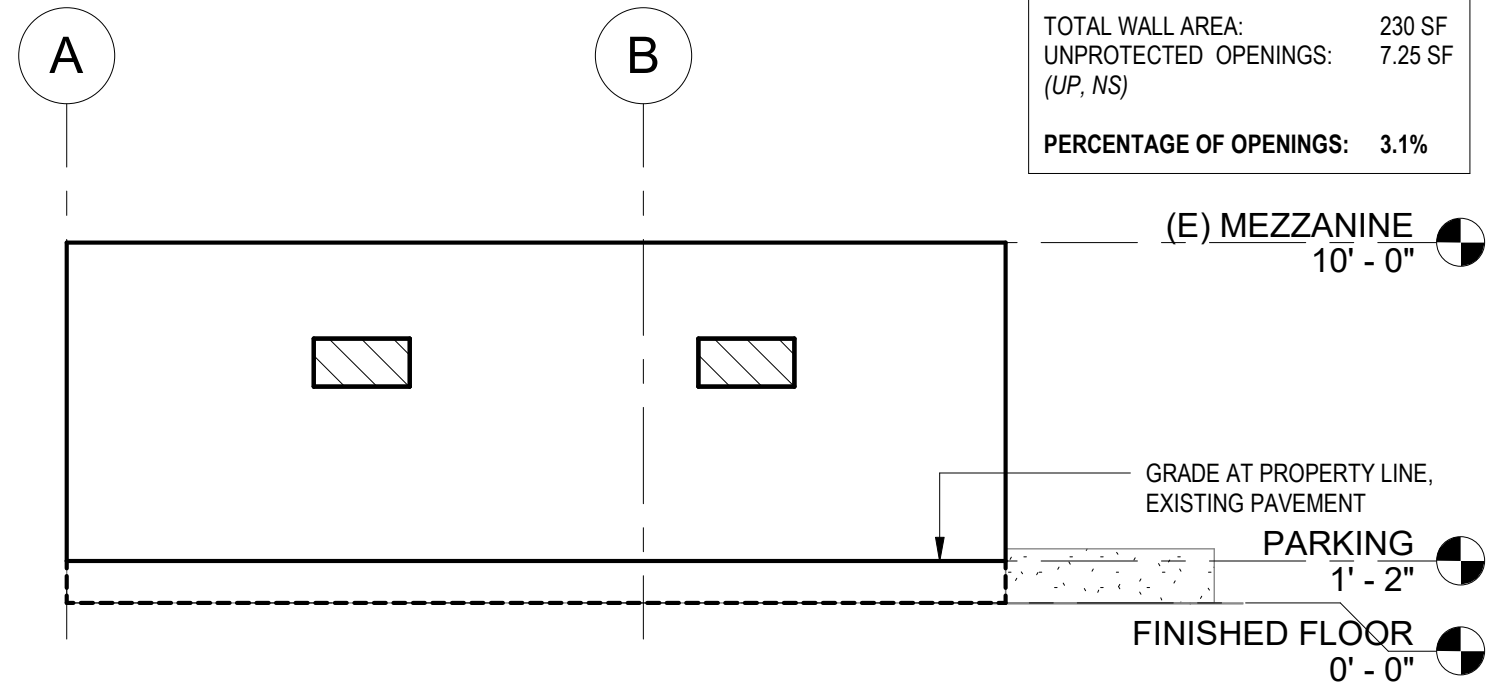
## UNPROTECTED OPENINGS @ SUITE 4800

3/16" = 1'-0"

1

(E) WALL @ SUITE 4800

(E) INFILL OF PREVIOUS OPENINGS.  
CAST-IN-PLACE CONCRETE.



## UNPROTECTED OPENINGS @ SUITE 4818

3/16" = 1'-0"

1

EXISTING CONDITIONS OF SUITE 4818 TO ADJACENT LOT





(E) STAIRWAY - ADJACENT TO SUITE 4818



(E) STAIRWAY - ADJACENT TO SUITE 4800

