

# Development Services

## From Concept to Construction

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



### APPEAL SUMMARY

**Status:** Decision Rendered

<b>Appeal ID:</b> 16070	<b>Project Address:</b> 826 SE 3RD Ave
<b>Hearing Date:</b> 11/1/17	<b>Appellant Name:</b> Ben Carr
<b>Case No.:</b> B-015	<b>Appellant Phone:</b> 9173997101
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Natalie Davis
<b>Project Type:</b> commercial	<b>Stories:</b> 6 <b>Occupancy:</b> F-2, M <b>Construction Type:</b> I-A, III-A
<b>Building/Business Name:</b> THE TREE FARM	<b>Fire Sprinklers:</b> Yes - THROUGHOUT
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 17-196429-CO
<b>Plan Submitted Option:</b> pdf [File 1] [File 2] [File 3]	<b>Proposed use:</b> F-2, M

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** 1406.2.1.2

**Requires** Combustible Exterior Wall Coverings shall comply with this section. On buildings of Type III construction, exterior wall coverings shall be permitted to be constructed of combustible materials, complying with the following limitations:

Combustible exterior wall coverings shall be limited to 40 feet in height above the grade plane.

**Proposed Design** The Tree Farm is designed as a 6 story "5-over-1" building, with level 1 to be Type IA construction and levels 2-6 to be Type IIIA construction. On the exterior of the building there are tree planters, with 54 on levels 2-6 and 6 on the ground floor. The planters are constructed of steel plate, rolled into a tapered cylinder form that is then welded to plate steel which is in turn bolted to a cantilevered knife plate that is welded to a steel post within the exterior building wall. The closest edge of the planter is set 1'-0" away from the exterior face of the exterior wall. The exterior wall is constructed of 2x6 fire-retardant-treated wood studs, with fire-retardant-treated plywood sheathing, and a 5/8" layer of Type X GWB on the interior side. On the exterior face of the plywood sheathing will be a rain screen system, with metal panels forming the outermost layer.

The exterior wall assembly is independent of the tree planter, and it is the appellant's position that the tree planter should not be considered a part of the Exterior Wall Covering, and therefore not subject to the limitations of 1406.2.1. Per the OSSC Definitions chapter, an Exterior Wall Covering is "a material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a weather-resisting barrier, insulation or for aesthetics, including but not limited to veneers, siding, exterior insulation and finish systems, architectural trim and embellishments such as cornices, soffits, facias, gutters and leaders." Because these tree planters are cantilevered from the exterior face of the building, and are not applied to the exterior face of the wall as a covering, the appellant believes that the tree planters should not be considered an exterior wall covering.

The exterior wall has its own exterior wall covering via metal panels, and the cantilevered tree planters are a separate, independent element.

For clarification on the proposed design, the appellant would like to state that the project team for The Tree Farm includes an arborist as well as an irrigation specialist, who are working closely with the Architect, structural engineer, plumbing engineer and builder to ensure that the trees will thrive in their unconventional location. Each tree will have a plumbed irrigation line to provide water during the dry months. The irrigation will be drained each winter so that the pipes will not freeze. This will help keep dry foliage to a minimum. The proposed tree species is *Prunus Lusitanica*, the Portuguese Laurel. This tree is an evergreen with glossy leaves, and will not shed its leaves each fall.

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**Reason for alternative** Per communication with the fire marshal's office, the plans examiner has requested this appeal as part of plan check. The appellant proposes that the requirements of 1406.2.1.2 do not apply, because the tree planters are not an exterior wall covering. It is the design team's intention to keep the trees alive and healthy with scheduled irrigation and pruning, as well as to prevent there being a fire risk from dry or dead foliage touching the exterior face of the wall.

In the event that the trees are to be considered an exterior wall covering, Section 1406.2.1.2 allows for combustible materials to be used in the exterior wall coverings of Type I and Type III construction up to a height of 40 feet above the grade plane. This would preclude the current checkerboard design of trees, in which there are trees up to a height of approximately 80'. However, the appellant believes that the trees should not be considered an exterior wall covering, and therefore not subject to the 40' height limit, because the exterior wall has its own complete assembly with metal panels as the exterior face.

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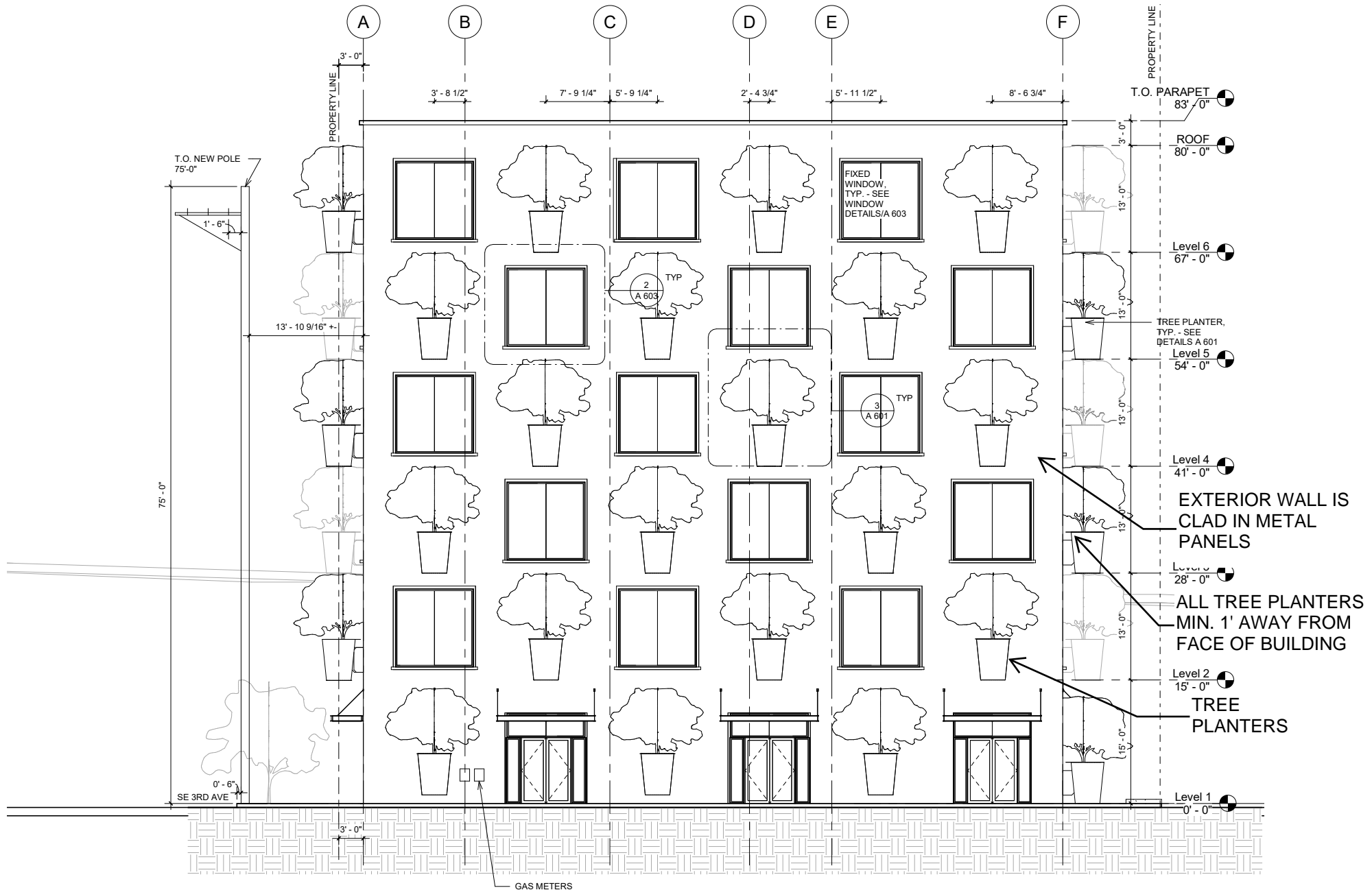
## APPEAL DECISION

**Combustible exterior wall coverings above 40 feet in Type III construction: Denied. Proposal does not provide equivalent Life Safety protection.**

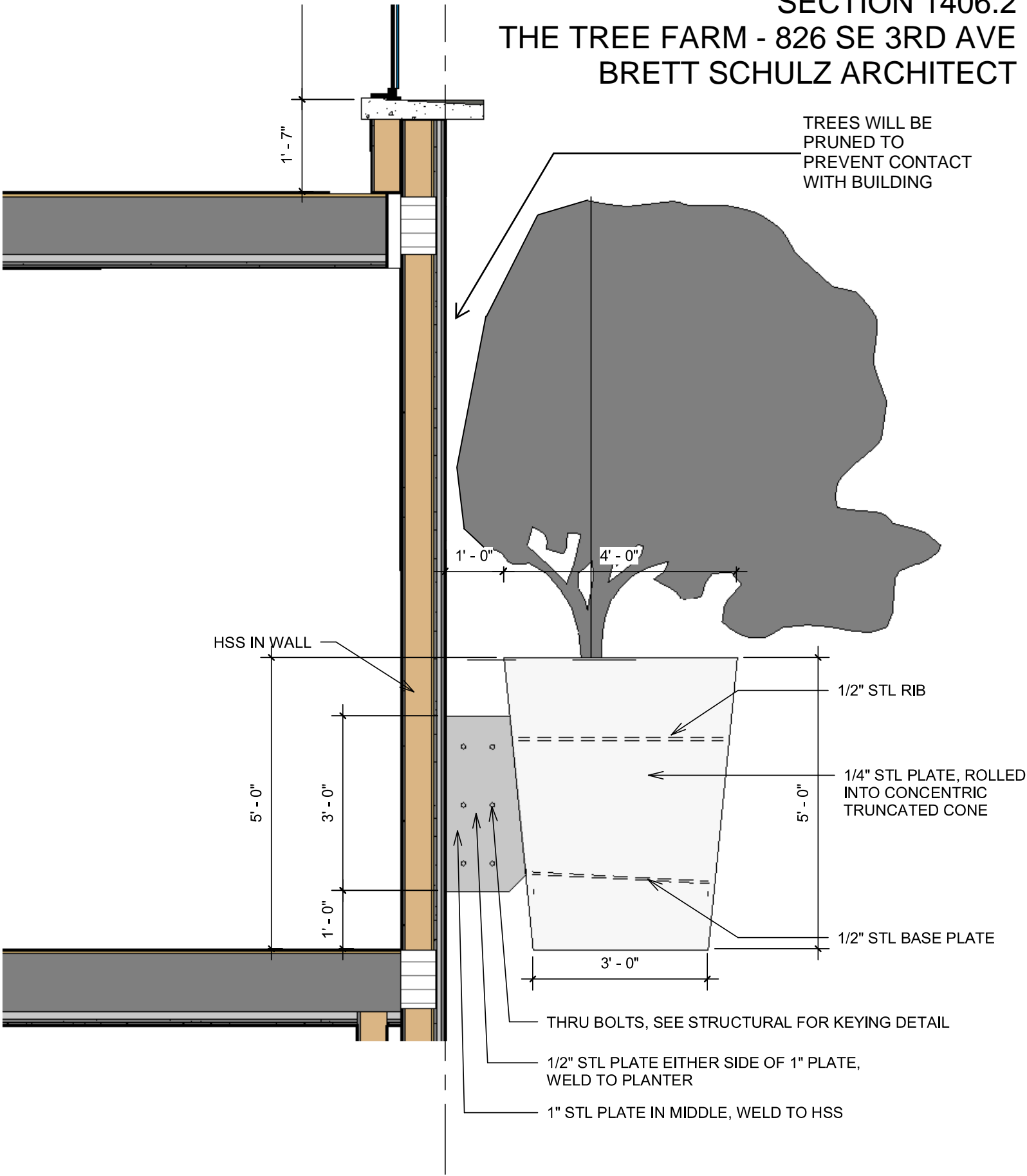
**Appellant may contact John Butler (503 823-7339) with questions.**

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](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

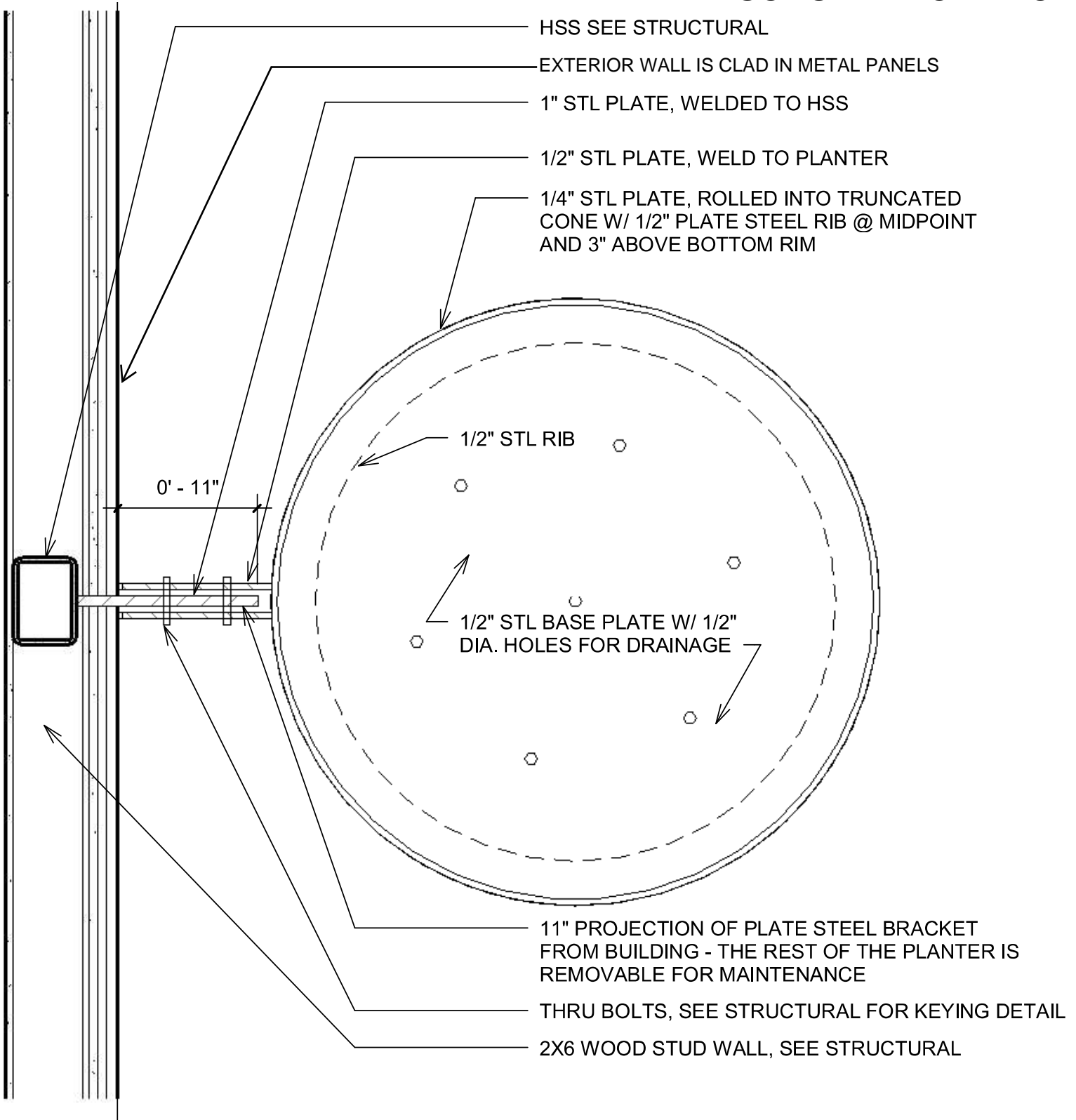
BUILDING CODE APPEAL  
SECTION 1406.2  
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② Plan @ Tree Planter  
1" = 1'-0"