

# 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 - Reconsideration of IDs 15888 and 16003

<b>Appeal ID:</b> 16173	<b>Project Address:</b> 404 NW 23rd Ave
<b>Hearing Date:</b> 11/22/17	<b>Appellant Name:</b> Edward Cronin
<b>Case No.:</b> B-019	<b>Appellant Phone:</b> 5032342945
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Brian McCall
<b>Project Type:</b> lur	<b>Stories:</b> 4 <b>Occupancy:</b> R-2 <b>Construction Type:</b> V-A, I-A
<b>Building/Business Name:</b>	<b>Fire Sprinklers:</b> Yes - Through-out
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 16-282390-LU
<b>Plan Submitted Option:</b> pdf [File 1] [File 2]	<b>Proposed use:</b> Residential

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** 705.8.1 – Allowable area of openings

#### Requires

Excerpt from Table 705.8, Maximum Area of Exterior Wall Openings Based On Fire Separation Distance And Degree Of Opening Protection

Fire Separation Distance: 0ft to less than 3ft  
 Degree of Opening Protection: Unprotected, Sprinklered  
 Allowable Area: Not Permitted.

Fire Separation Distance: 3ft to less than 5ft  
 Degree of Opening Protection: Unprotected, Sprinklered  
 Allowable Area: 15%

Fire Separation Distance: 5ft to less than 10ft  
 Degree of Opening Protection: Unprotected, Sprinklered  
 Allowable Area: 25%

Fire Separation Distance: 10ft to less than 15ft  
 Degree of Opening Protection: Unprotected, Sprinklered  
 Allowable Area: 45%

Fire Separation Distance: 15ft to less than 20ft  
 Degree of Opening Protection: Unprotected, Sprinklered  
 Allowable Area: 75%

Fire Separation Distance: 20ft to less than 25ft  
 Degree of Opening Protection: Unprotected, Sprinklered  
 Allowable Area: No Limit

**Proposed Design**

The site is located on the corner of NW 23rd Ave and Flanders St. The site is currently comprised of two properties under the same ownership. The west property is a three story mixed use building that has sprinkler protection throughout (retail ground floor and residential upper floor) and the east lot is a surface parking lot. A property line adjustment to the center lot line with an easement is proposed to allow for a new four story residential development on the east half of the lot which will include new below grade parking and surface parking for the existing building; 17-131744 PR/17-131751 PR. The property line adjustment and associated easement is intended to allow for window openings in each building, clear construction boundary for the new development and required surface parking for the west building as mandated by a historical zoning code change.

The no build easement is proposed to maintain building code compliance of the exterior wall openings for both buildings on the site. An imaginary property line as allowed for buildings on the same lot (OSSC 705.3) located in the easement between the existing and proposed buildings demonstrates compliance with the provisions of OSSC 705.8 for allowed openings in each building based on fire separation distance. The imaginary property line follows the steps with the exterior wall plane of the existing building to demonstrate compliance for each building's required separation at each story as follows:

On the first and second floor of the existing building, the fire separation distance to the west wall of the proposed building is >20ft. At that distance Table 705.8 allows unlimited unprotected openings in the exterior wall of a sprinklered building. The existing building has 90% openings adjacent.

On the third and fourth floors of the existing building, the fire separation distance to the west wall of the proposed building is 10ft to less than 15ft. At that distance Table 705.8 allows unlimited unprotected openings in the exterior wall of a sprinklered building. The existing building has 44% openings adjacent.

The western wall of the proposed development responds to the imaginary property line per OSSC 705.3. On the second through to fourth floor, each floor has been designed with 25% openings. At that distance Table 705.8 allows for a fire separation distance of 5ft to less than 10ft unprotected openings in the exterior wall of a sprinklered building

**Reason for alternative** The existing site is two separate properties. Currently the property to the east services the existing building with parking. Apart of the proposed re-development of the property to the east is to maintain parking provisions for the existing building and its tenants. In order to locate this parking where is can be accessible by the existing tenants, it has been placed along the western property line at grade. The surface parking area is further used to locate a no build easement which allows for openings in the exterior wall of each of the buildings.

The physical separation distance maintained by the legal no-build easement and imaginary property line provides for the required fire separation distance and an equivalent level of protection for the unprotected openings

**APPEAL DECISION**

**Unprotected openings with no-build easement: 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.



# City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue • Portland, Oregon 97201 • 503-823-7526 • www.portlandoregon.gov/bds



## Property Line Adjustment Application

File Number: \_\_\_\_\_

### FOR INTAKE, STAFF USE ONLY

Date Received \_\_\_\_\_ [Y] [N] Unincorporated MC

Received By \_\_\_\_\_

Qtr Sec Map(s) \_\_\_\_\_ Zoning \_\_\_\_\_

Neighborhood \_\_\_\_\_

Plan District \_\_\_\_\_

Bill # \_\_\_\_\_ IVR \_\_\_\_\_

Building Permit # \_\_\_\_\_ Related File# \_\_\_\_\_

### APPLICANT: Complete all sections below that apply to the proposal. Please print legibly.

#### Property Line Adjustment

##### Parcel 1

Site Address or Location 404 NW 23rd Portland 97210

Cross Street NW Flanders Sq. ft./Acreage 12,500 sq.ft.

#### Property Line Adjustment

##### Parcel 2

Site Address or Location 404 WI / NW 23rd Portland 97210

Cross Street NW Flanders Sq. ft./Acreage 8,000 sq.ft.

#### Site Tax Account Numbers and Legal Descriptions

	Property ID #	State ID #	Tax lot/LotBlock Addition/Section #
Existing Parcel 1	R 216385	1N1E33CB 500	Meads Add, Block 2, W 1/2 of S 100' of Lot 12 S 50' of Lot 12, s50' of Lot 13, Lot 14
Existing Parcel 2	R 216384	1N1E33CA 2400	Meads Add, Block 2, W 5' of Lot 8, Lot 11, E 1/2 of S100' of Lot 12

Description of Proposal Relocate western PL of 404 WI/NW 23rd 29' west creating (2) lots sizes 109 X 100 and 96 X 100

Parcel Information	Lot Area minimum	Lot Area maximum	Lot Width minimum	Lot Depth minimum	Front Lot Line minimum
Code Requirement	N/A sq. ft.	N/A sq. ft.	N/A ft.	N/A ft.	10 ft.
Existing Parcel 1	N/A sq. ft.	N/A sq. ft.	125 ft.	100 ft.	10 ft.
Proposed Parcel 1	N/A sq. ft.	N/A sq. ft.	96 ft.	100 ft.	10 ft.
Existing Parcel 2	N/A sq. ft.	N/A sq. ft.	80 ft.	100 ft.	10 ft.
Proposed Parcel2	N/A sq. ft.	N/A sq. ft.	109 ft.	100 ft.	10 ft.

#### Bureau of Development Services Approval

Approved by \_\_\_\_\_ Date \_\_\_\_\_

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## Property Line Adjustment Application

### Applicant Information

Identify the applicant, contact person, all property owners, and any contract purchasers below. Please include any person that has an interest in your property or anyone that you want to be notified. **Original signatures for all property owners must be provided on one of four (4) required copies of this form.**

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Check all that apply  Applicant  Owner  Other \_\_\_\_\_

Signature D. E. Cress Name D. Eric Cress

Street Address 116 NE 6th Ave Suite 400

City Portland State OR Zip Code 97232

Day Phone 503-946-3265 FAX \_\_\_\_\_ email \_\_\_\_\_

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Check all that apply  Applicant  Owner  Other \_\_\_\_\_

Signature \_\_\_\_\_ Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Day Phone \_\_\_\_\_ FAX \_\_\_\_\_ email \_\_\_\_\_

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Check all that apply  Applicant  Owner  Other \_\_\_\_\_

Signature \_\_\_\_\_ Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Day Phone \_\_\_\_\_ FAX \_\_\_\_\_ email \_\_\_\_\_

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Check all that apply  Applicant  Owner  Other \_\_\_\_\_

Signature \_\_\_\_\_ Name \_\_\_\_\_

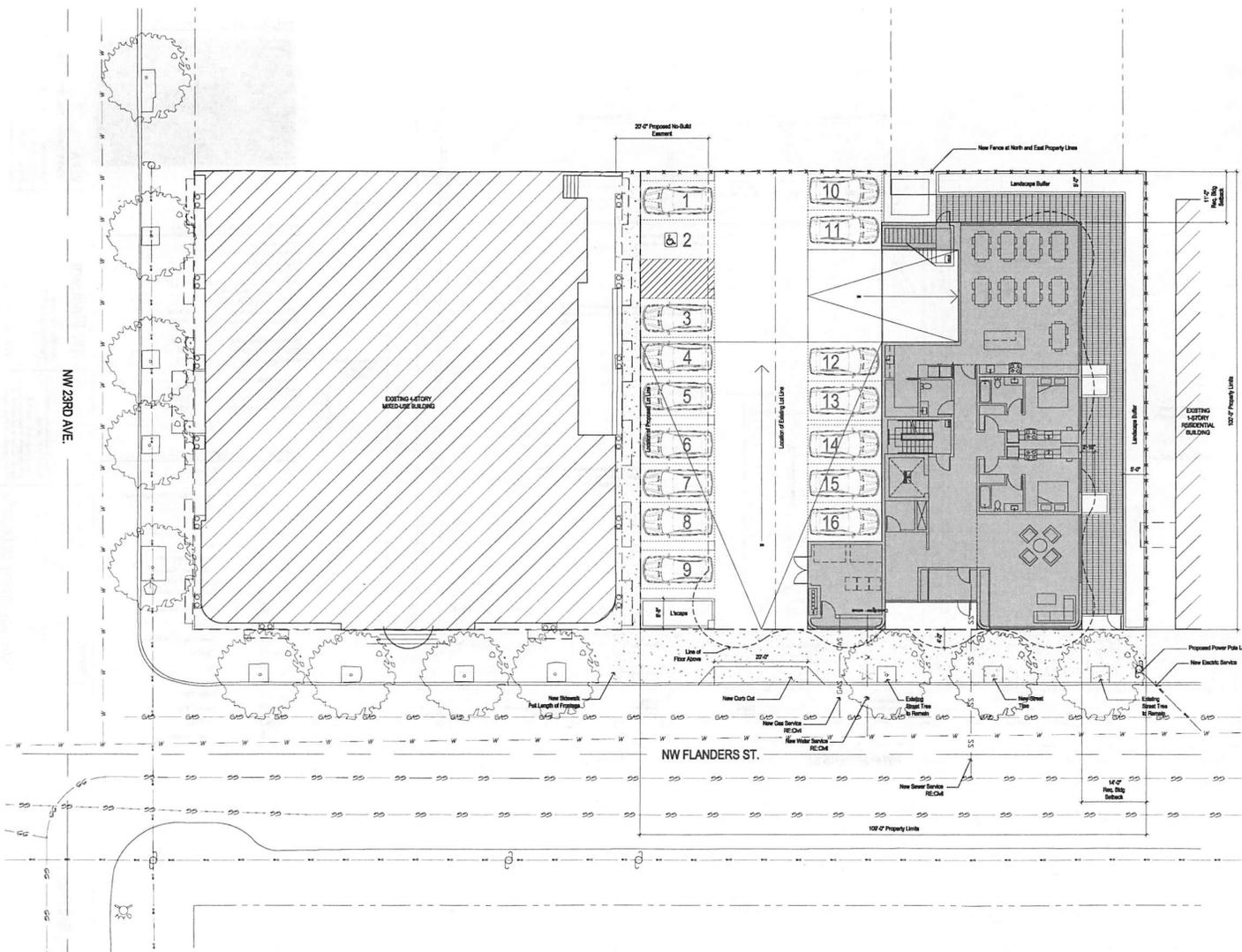
Street Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Day Phone \_\_\_\_\_ FAX \_\_\_\_\_ email \_\_\_\_\_

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1 Proposed Site Plan  
g0.11 1"=10'-0"

- NOTES:**
- General:**  
 4 Story Residential Building (21 Units) with Ground Floor Common Space and Below Grade Parking, 3 Floors of Metal Framing with Plywood Shear Walls Over 2 Floors Post Tensioned Concrete with Concrete Shear Walls. Fully Sprinklered.
- Total:** 39,293 GSF  
**Total Conditioned SF:** 27,944 GSF  
**Total Parking & Support (Unconditioned):** 11,349 GSF
- Mechanical**  
 Common Spaces: Ducted Mini Split Systems with Rooftop Condensing Units. Service Areas are Heat Only. Ducted Ventilation for WCs and Parking. Ducted exhaust hood for Common Area Kitchens.  
 Units: Ducted Mini Splits with Rooftop Condensing Units. Ducted exhaust fro WCs and kitchen hoods.
- Electrical**  
 A 1200A Underground Service, (1) 200A feeder at ground floor, (7) individual feeders on floors 2-4 (one feeder per unit).
- Plumbing**  
 A Central HWH's run to WC and Kitchens throughout.  
 B Plumbing Risers (Per Plans) Consisting of Soil, Vent, and Cold Water Lines.
- Floor/Ceiling Assemblies:**  
 FC-1 10" Post Tensioned Concrete Slab, w/ Sealed Floor Surface  
 FC-2 12" Post Tensioned Concrete Slab, w/ Sealed Floor Surface  
 FC-3 A. 2" Concrete Topping with Fiber Reinforced Concrete Over 3" Metal Deck (18 ga), Sound Isolation Clips and GWB Ceiling.  
 B. 1 1/2" Concrete Topping with Fiber Reinforced Concrete Over 1 1/2" Metal Deck (22 ga), Light Gauge Steel Joists with Sound Isolation Clips and GWB Ceiling.
- Fire Protection:**  
 A Booster with Sprinklers Throughout. Risers in Each Stair Per Plans.
- Wall & Glazing Assemblies:**  
 Typical: Metal Stud Framing Throughout.  
 IW-1 Rated Gypsum Board Wall, 2Hr over Metal Stud Framing, 1Hr Over Metal Stud Framing  
 IW-2 Un-rated Gypsum Board Wall; over Metal Stud Framing.  
 EW-1 Cedar Shingle Rainscreen over Rigid Insulation, WRB, Exterior Gypsum, and Metal Studs.  
 EW-2 Painted Sheet Metal Panel over Furring, WRB, Exterior Gypsum, and Metal Studs. 1/8" Aluminum on Ground Floor.  
 EW-3 Painted Fiber Cement Lap Siding, Boral Tri/Exterior or Equiv.  
 GL-1 Aluminum Clad Wood Windows, Clear Glazing  
 GL-2 Aluminum Storefront with Silicone Capture Vertical Mullions, Clear Glazing, Kawneer or Equiv.
- SITE PLAN SYMBOLS LEGEND:**
- Property Line
  - - - - - Fence
  - - - - - Building / Wall to Be Demolished
  - Curb Line
  - Water Line
  - Combined Storm/Sewer
  - Storm Line
  - Sanitary Sewer Line
  - Underground Gas Line
  - Overhead Power Line
  - Underground Power Line
  - Storm Catch Basin
  - ⊕ Manhole
  - ⊕ Power Pole / Light Pole
  - ⊕ Light Pole
  - ⊕ Sign
  - ⊕ Fire Hydrant
  - ⊕ Water Meter
  - ⊕ Electric Meter
  - ⊕ Gas Meter
  - ⊕ Property Corner

**W.P.A.**  
 works partnership architecture llc  
 524 e burnside street suite 300 portland, or 97214  
 503.224.4693  
 www.worksarchitecture.net

**NW Flanders**  
 404 NW 23rd Ave  
 Portland, OR 97210  
 NW P.A. job number: 1182

**REVISIONS:**

**Schematic Pricing: 09.06.2016**

**Sheet Title: Proposed Site Plan**  
 Sheet Number:

**g0.11**

# SITE CONSTRAINTS

## FIRE SEPERATION WITH NEW PROPERTY LINE

Per Brian's comments, 1st and 2nd floor wall opening area appear to be calculated together.

The 3rd and 4th floor wall opening area is calculated together.

No section provided to show deck projection distances.

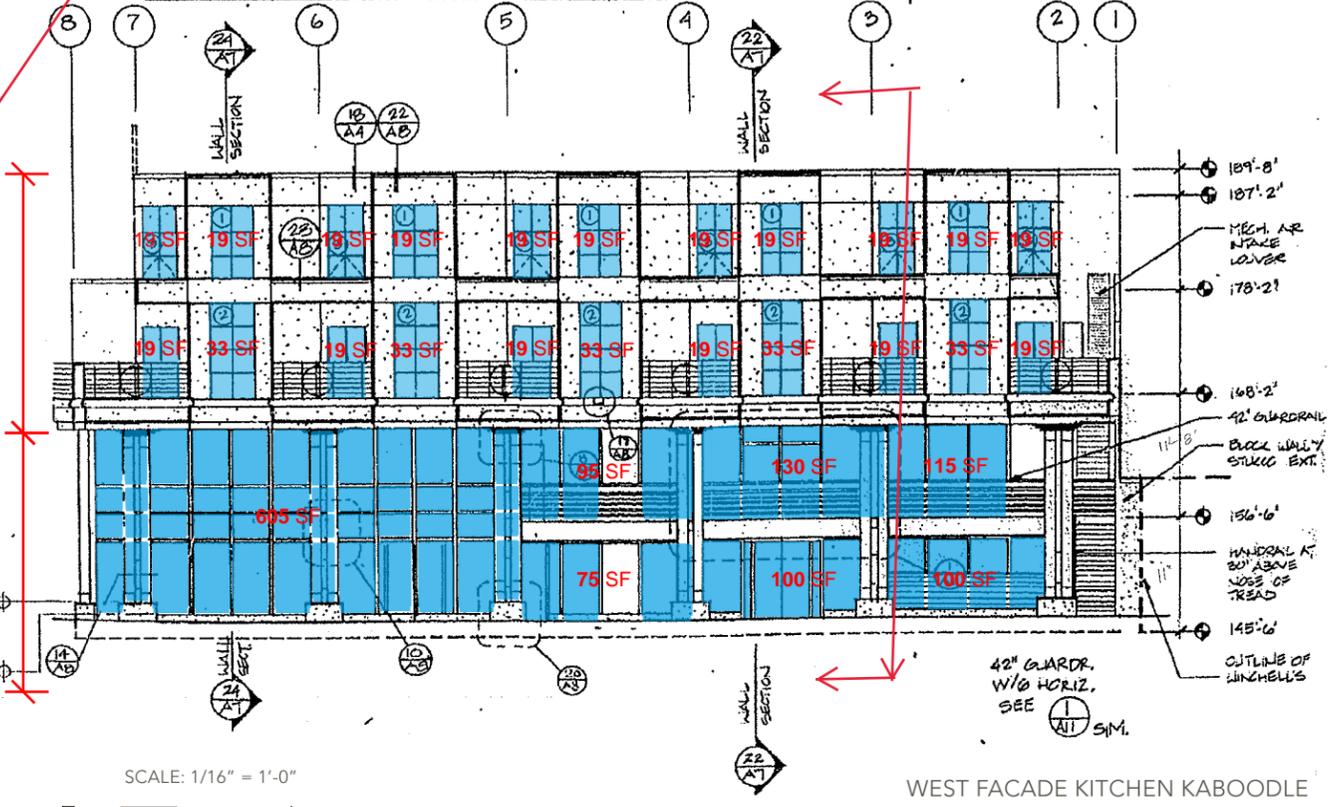
Some deck projections not accounted for.

REFER TO ENLARGED SECTION ATTACHED.

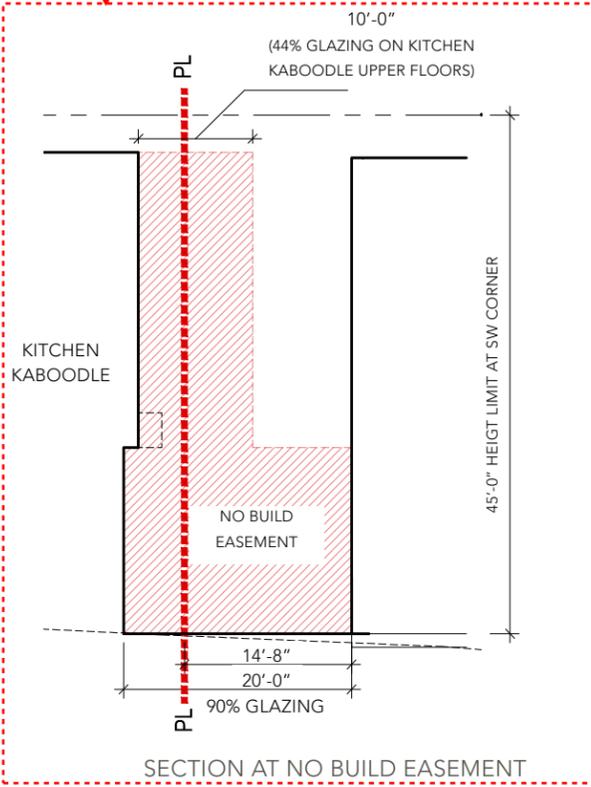
20'-0" FROM FACE OF GLAZING OF EXISTING BUILDING ON GROUND FLOOR AS SHOWN HATCHED.

EXTERIOR EAST WALL:  
2200SF  
TOTAL OPENINGS:  
488 SF

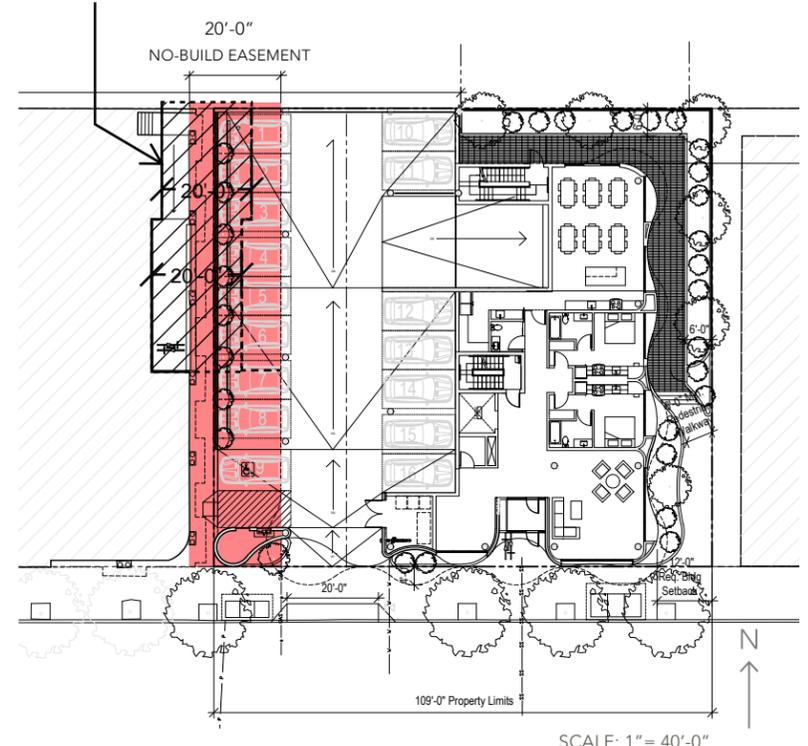
EXTERIOR EAST WALL:  
1655SF  
TOTAL OPENINGS:  
1220 SF



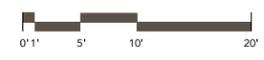
WEST FACADE KITCHEN KABOODLE



SECTION AT NO BUILD EASEMENT

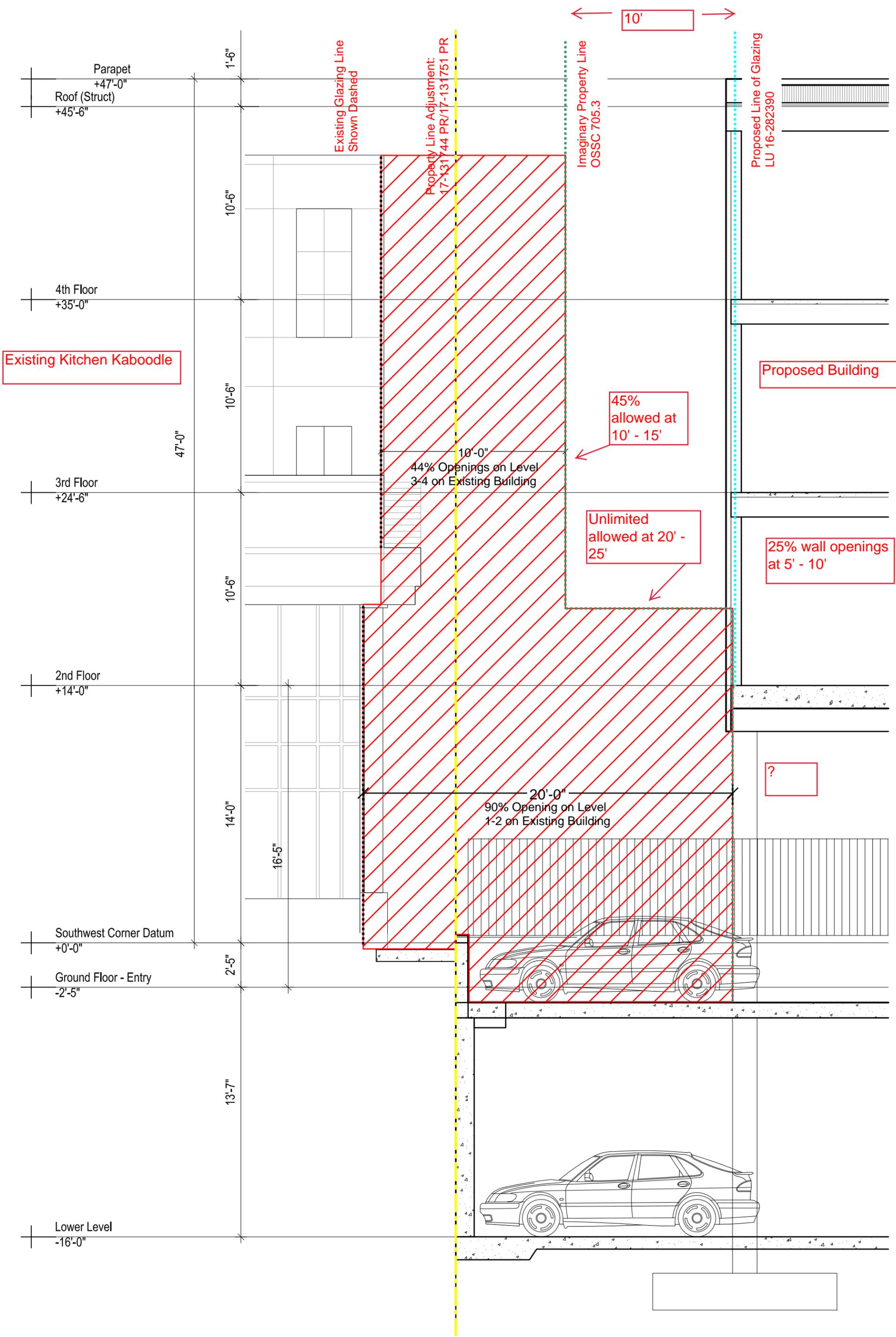


SCALE: 1" = 40'-0"



Total Facade Area .....	3,550 sf	Upper Floors (3rd & 4th) 44% Glazing	<span style="display:inline-block; width:15px; height:10px; background-color:lightblue;"></span>
Glazing Surface Area .....	2,101 sf	Lower Floors (1st & 2nd) 90% Glazing	<span style="display:inline-block; width:15px; height:10px; background-color:darkblue;"></span>
Percentage Glazing .....	59%		
Required Setback from Neighboring Building	20 ft		

**NARRATIVE** These diagrams demonstrate that the proposed building does not force the existing Kitchen Kaboodle building into noncompliance per the OSSC table 705.8, in regards to the maximum area of exterior wall openings based on fire separation distance and degree of opening protection.



Existing Kitchen Kaboodle

Proposed Building

10' allowed at 10' - 15'

Unlimited allowed at 20' - 25'

25% wall openings at 5' - 10'

?

SECTION A-A