

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 19045	Project Address: 815 W Burnside
Hearing Date: 2/20/19	Appellant Name: Tom Jaleski
Case No.: B-014	Appellant Phone: 9712385266
Appeal Type: Building	Plans Examiner/Inspector: Steven Mortensen
Project Type: commercial	Stories: 6 Occupancy: R-2, S-2, M, B Construction Type: I-A, III-A
Building/Business Name:	Fire Sprinklers: Yes - throughout
Appeal Involves: Erection of a new structure	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1] [File 2] [File 3]	Proposed use: Residential, parking, retail

APPEAL INFORMATION SHEET

Appeal item 1

Code Section 2018 IBC 503.1.4

Requires 2018 IBC 503.1.4 and 503.1.4.1

A roof level or portion thereof shall be permitted to be used as an occupied roof provided the occupancy of the roof is an occupancy that is permitted by Table 504.4 for the story immediately below the roof. The area of the occupied roofs shall not be included in the building area as regulated by Section 506.

Exceptions

The occupancy located on an occupied roof shall not be limited to the occupancies allowed on the story immediately below the roof where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1 or 903.1.2 and occupant notification in accordance with Section 907.5 is provided in the area of the occupied roof.

Assembly occupancies shall be permitted on roofs of open parking garages of Type I or Type II construction, in accordance with the exception to Section 903.2.1.6.

503.1.4.1

Elements or structures enclosing the occupied roof areas shall not extend more than 48 inches above the surface of the occupied roof.

Exception: Penthouses constructed in accordance with Section 1510.2 and towers, domes, spires and cupolas constructed in accordance with Section 1510.5.

Proposed Design The 815 Burnside Apartments is a fully sprinklered residential building with 5 floors of Type IIIB construction over 2 floors of Type IA construction podium. All floors except the roof deck will be lower than 75 feet above lowest level of firefighter access. The roof area was approved per Appeal #18479.

The proposed design is to meet the requirements of 2018 IBC, 503.1.4 and 503.1.4.1, and approved for the 2019 OSSC, except the roof deck has a single wall that exceeds 48". The roof deck has additional walls that exceed 48" but they are penthouses for stairs and elevator and meet the exception of 503.1.4.1.

The proposed design will provide the following:

Roof deck will be no more than 750 s.f. in size and maximum occupant load will be 49.

Walls, except as allowed per 503.1.4.1, exception, will be 72" max above the roof deck level, only along one side of the deck and will not have any horizontal elements.

Access to roof area and deck from elevator/stair lobby that will not restrict access or sight of any element on the roof. A second stair to roof is also provided beyond end of wall.

Reason for alternative The intent of 503.1.4 and 503.1.4.1 is to allow roof decks if there are not structures which can provide shelter for non-weather resistant elements, trap any smoke or toxic gases, require elements that might interfere with egress, hinders access or sight of any roof element, or provides a path for fire to travel laterally above people's heads.

The roof deck is an unenclosed, defined area. The roof deck is less than 750 square feet in size, and will have less than 49 occupants and considered a B occupancy. Only one wall along one edge of the roof deck will exceed 48", but will not be tall enough to support any structure that might shelter occupants. The single wall that will be no more than 72" tall meets the intent of 503.1.4.1. The 72" wall will be covered in a weather tight material that is non-combustible, will be separated by occupant areas by a counter, and will not have any horizontal elements. There will be a small horizontal element on the penthouse that provides weather protection only at the door. The wall will not be high enough to support any future horizontal structure inhibit egress or fire fighter access to the roof as it is only on a small portion of the roof and a second stair penthouse is provided beyond the end of the 72" tall wall. There is a door directly from the elevator/stair lobby to the deck side and to the roof side to ensure fire fighter access to the roof is provided from a protected environment without accessing the roof deck area.

The building has a roof deck that meets all the requirements of 2018 IBC and 2019 OSSC 503.1.4 and 503.1.4.1 except one wall exceeds 48" on one side. The wall meets the intent of 503.1.4.1 by being no more than 72" tall, not capable of providing a horizontal element in the deck area, does not hinder egress or fire fighter access to all parts of the roof and request approval of the appeal.

Appeal item 2

Code Section 705.8.6.2

Requires OSSC 705.8.6.2 Vertical exposure for buildings on separate lots. When a new building is to be erected adjacent to an existing building, all openings in the exterior wall of the new building are required to be not less than 3/4-hour when these openings are less than 15 feet vertically above the roof of the existing building or structure. The opening protections are only required where the horizontal distance between the buildings or structures is less than 15 feet.

Proposed Design The proposed new building is an apartment building, 5 stories of Type IIIA construction over 2 stories of Type IA Podium and 1 story of below-grade parking garage. The entire building will be equipped with an approved automatic sprinkler system per 903.3.1.1.

At each of levels 3 – 7, there is one 2'-0" wide non-operable window located at the end of a 5'-2" wide corridor. Each of the five windows are within 15 feet horizontally of the adjacent structure, and two of the five windows are within 15 feet vertically above the adjacent structure's roof. These two windows are located at level 3 and level 4. OSSC 705.8.6.2 requires these two windows to be 3/4-hour rated. The proposal is for these two non-operable windows to be non-rated with a fire

sprinkler head above each window opening. Providing an adjacent fire sprinkler on the inside of the building at each of these windows will provide equivalent protection to the required 3/4-hour rating. There are no proposed mechanical openings in the wall.

Reason for alternative The current window system cannot provide the 3/4-hour fire resistance rating. An alternate design is requested in order to preserve the aesthetics of the exterior elevations relative to maintaining the profiles of the window systems across the building elevation. The current windows with nailing flanges also allow for superior watertight flashing detailing as opposed to metal fire-rated window profiles.

The allowed maximum opening percentage for the building along the South elevation is 25%, per story, for unprotected openings with a fully sprinklered building (in accordance with Section 903.3.1.) based on our separation distance from the property lines. The proposed window area is under the allowable percentage of the base code requirements.

We believe that having small window openings, having non-operable windows, and providing adjacent fire sprinkler heads to protect the window openings will provide equivalent fire protection as 3/4-hour fire rated windows.

Similar appeals have been previously approved previously.

APPEAL DECISION

1. Roof deck located above maximum number of stories: Granted as proposed per ICC approved 2018 IBC model code change lifting restriction on location of roof decks in a fully sprinkled building and with occupant notification in the area of the occupied roof. Elements or structures enclosing the occupied roof areas shall not extend more than 48" inches above the surface of the occupied roof (except as identified within this appeal). Fire Marshal's office may revoke if found to be in violation of this appeal.

2. Type 13 water curtain sprinkler protection at non-fire rated openings in buildings with vertical exposure on separate lots: Granted provided windows are non-operable and sprinklers are spaced not more than 6 feet apart and placed a minimum of 6 inches and a maximum of 12 inches from the opening (s) and a maximum of 12 inches below the ceiling. Sprinklers are to be installed on the occupied side of the openings. A separate permit from the Fire Marshal's Office is required.

Note: This decision doesn't grant any mechanical openings.

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

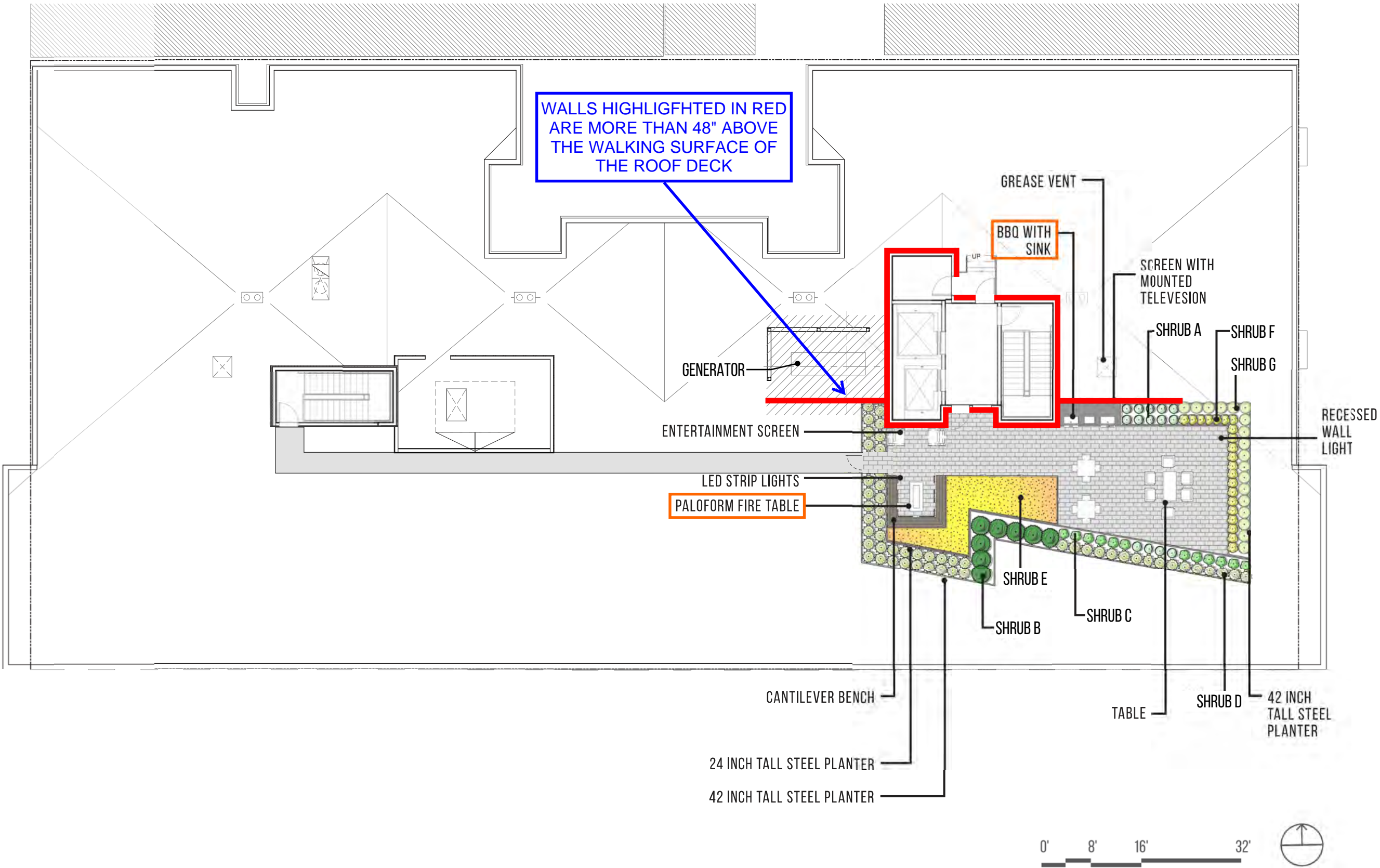
The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements;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

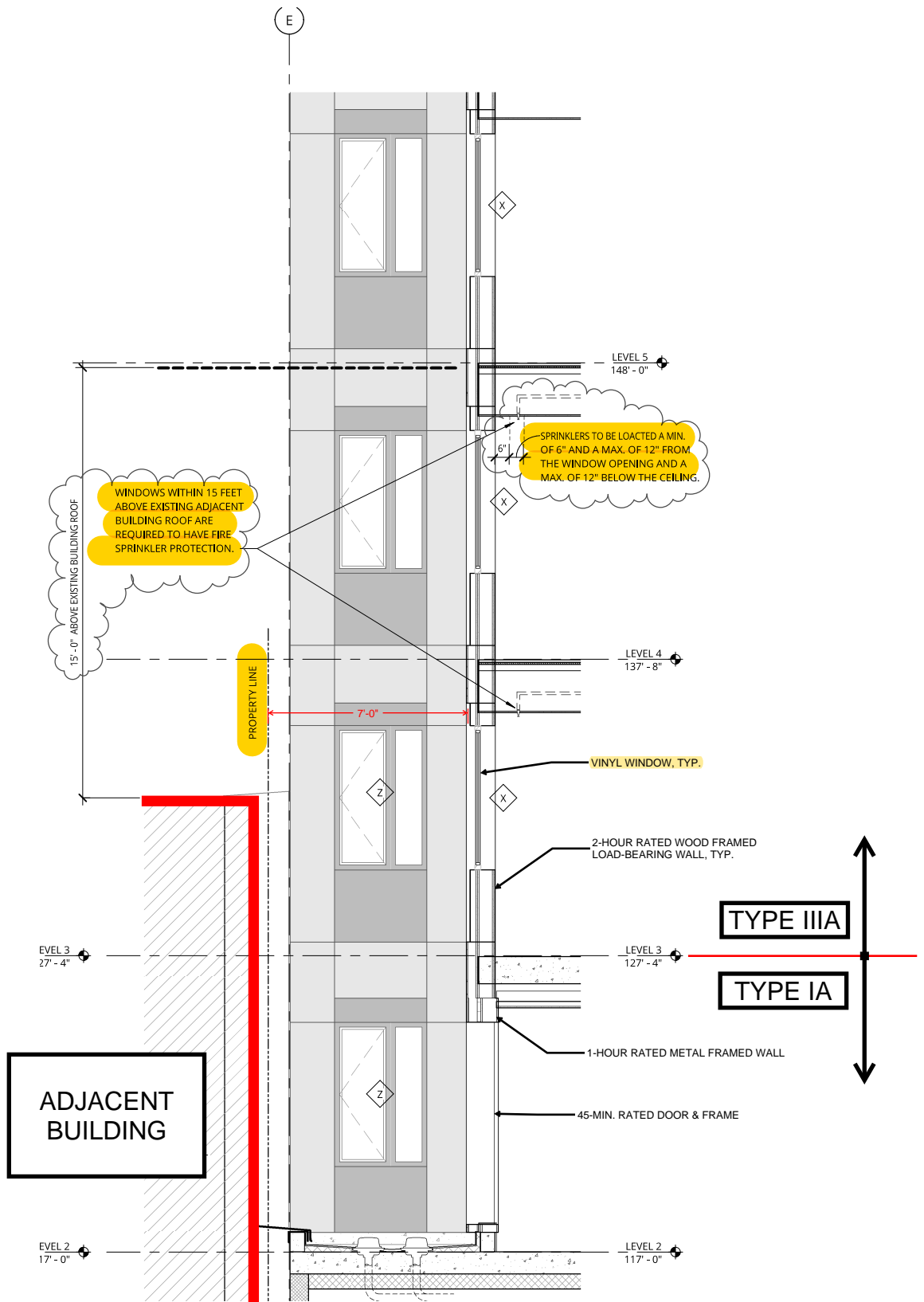
Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 180 calendar days of the date this decision is published. For information on the appeals process and costs, including forms, appeal fee, payment methods and fee waivers, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.





LANDSCAPE - ROOF PLAN





WALL SECTION AT WINDOWS FACING PROPERTY LINE