

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered - Held over from ID 22269 (12/24/19) for additional information

Appeal ID: 23405	Project Address: 2135 N/NW 29th Ave, Lot 3
Hearing Date: 1/29/20	Appellant Name: Judson Moore
Case No.: B-019	Appellant Phone: 503.894.9480
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 - throughout
Appeal Involves: Reconsideration of appeal	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1]	Proposed use: Multi Family Residential

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	Table 602
Requires	Table 602 Construction Type III-B, Occupancy Group R, Fire Separation Distance and required ratings: Equal to or greater than 10' but less than 30' requires 1 hour wall rating
Code Modification or Alternate Requested	The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings, and proposed life safety systems, 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 for Lot 3 is a type III-B, 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 Jones Architects, and its site is under single ownership with the adjacent lots to the North and South. The lots to the North (Lot 2) and South (Lot 4) are to be developed simultaneously under the aforementioned collaborative Site Plan (see Exhibits for reference). The proposed building has exterior walls that are designed to abut the north, east, and south property lines. The building is separated from the east lot line with an open courtyard. At each inside corner between neighboring buildings along the North and South property lines, the first 4'-0" of wall at each building shall have a 1-Hour (nonbearing), or 2-Hour (bearing) wall rating with 3?4- hour protection where opening protection is required by Section 705.8. The design implements permanent no-build easements, created through the collaborative Site Plan and guaranteed by future covenants, that burden the lots to the west and south. The no-build easements will extend 15'-4" into the north lot, and 30'-0" into the south courtyard. The result is that the proposed building will have portions of its North and South wall faces that are adjacent to associative no-build easements. These conditions ensure a perpetually maintained fire separation distance of 15'-4" from the east property line and 30'-0" from the south property line respectively; therefore:

There is no required rating for that portion of the exterior wall;

The allowable area of openings will be limited by fire separation distance (per Table 705.8). The South portion of the wall designated shall have no limit ($x > 30'$), and the North wall of the building will be limited to 75% for an Unprotected Sprinklered condition as proposed. The actual separation distance is 15'-4" for the north building wall.

Parapets are not required where adjacent to the easement. The building is proposing parapets for all building walls, and would incorporate a 1hr rating at abutted property lines per Table 602 ($x < 5'$)

Within the open courtyard to the West, one of the building's (2) required exits and access to Public Way is located along the West property line, an interior property line (see Exhibits for reference). Lot 4 (from aforementioned collaborative Site Plan) will use a shared egress court in conjunction with the Lot 3 building as a portion of the exit discharge for both buildings. The path will be sized accordingly to accommodate minimum required widths and occupant loads for both buildings.

RECONSIDERATION:

No Additional text. Providing Site plan (attached) as requested.

Reason for alternative 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. While the building abuts property lines to the North, East, and South, the no-build easements guarantee that the fire separation distance between exterior walls and related, allowed openings shall be perpetually maintained from the east and south lot lines. The easement also ensures that a shared egress court 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 Site plan (attached) as requested.

Appeal item 2

Code Section	Table 705.8
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Requires	Table 705.8 Maximum Area of Exterior Wall Openings Based on Fire Separation Distance and Degree of Opening Protection: 15' to less than 20' Unprotected, Sprinklered, 75%; and 25' to less than 30', Unprotected, Sprinklered, No Limit
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Code Modification or Alternate Requested	The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings, and proposed life safety systems, allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires.
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Proposed Design	The proposed design for Lot 3 is a type III-B, 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 Jones Architects, and its site is under single ownership with the adjacent lots to the North and South. The lots to the North (Lot 2) and South (Lot 4) are to be developed simultaneously under the aforementioned collaborative Site Plan (see Exhibits for reference). The proposed building has exterior walls that are designed to abut the north, east, and south property lines. The building is separated from the east lot line with an open courtyard. At each inside corner between neighboring buildings along the North and South property lines, the first 4'-0" of wall at each building shall have a 1-Hour (nonbearing), or 2-Hour (bearing) wall rating with 3?4- hour protection where opening protection is required by Section 705.8. The design implements permanent no-build easements, created
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through the collaborative Site Plan and guaranteed by future covenants, that burden the lots to the west and south. The no-build easements will extend 15'-4" into the north lot, and 30'-0" into the south courtyard. The result is that the proposed building will have portions of its North and South wall faces that are adjacent to associative no-build easements. These conditions ensure a perpetually maintained fire separation distance of 15'-4" from the east property line and 30'-0" from the south property line respectively; therefore:

There is no required rating for that portion of the exterior wall;

The allowable area of openings will be limited by fire separation distance (per Table 705.8). The South portion of the wall designated shall have no limit ($x > 30'$), and the North wall of the building will be limited to 75% for an Unprotected Sprinklered condition as proposed. The actual separation distance is 15'-4" for the north building wall.

Parapets are not required where adjacent to the easement. The building is proposing parapets for all building walls, and would incorporate a 1hr rating at abutted property lines per Table 602 ($x < 5'$)

Within the open courtyard to the West, one of the building's (2) required exits and access to Public Way is located along the West property line, an interior property line (see Exhibits for reference). Lot 4 (from aforementioned collaborative Site Plan) will use a shared egress court in conjunction with the Lot 3 building as a portion of the exit discharge for both buildings. The path will be sized accordingly to accommodate minimum required widths and occupant loads for both buildings.

RECONSIDERATION:

No Additional text. Providing Site plan (attached) as requested.

Reason for alternative 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. While the building abuts property lines to the North, East, and South, the no-build easements guarantee that the fire separation distance between exterior walls and related, allowed openings shall be perpetually maintained from the east and south lot lines. The easement also ensures that a shared egress court 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 Site plan (attached) as requested.

Appeal item 3

Code Section	Table 705.11 Parapets
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Requires	Table 705.11 Parapets: Parapets Shall be provided on exterior walls of buildings. Exception 1. The wall is not required to be fire-resistance rated in accordance with Table 602 because of fire separation distance
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Code Modification or Alternate Requested	The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings, and proposed life safety systems, allow the proposed design solution to provide the equivalent level of life safety and fire protection to what the code requires.
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Proposed Design	The proposed design for Lot 3 is a type III-B, 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 Jones Architects, and its site is under single ownership with the adjacent lots to the North and South. The lots to the North
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(Lot 2) and South (Lot 4) are to be developed simultaneously under the aforementioned collaborative Site Plan (see Exhibits for reference). The proposed building has exterior walls that are designed to abut the north, east, and south property lines. The building is separated from the east lot line with an open courtyard. At each inside corner between neighboring buildings along the North and South property lines, the first 4'-0" of wall at each building shall have a 1-Hour (nonbearing), or 2-Hour (bearing) wall rating with 3?4- hour protection where opening protection is required by Section 705.8. The design implements permanent no-build easements, created through the collaborative Site Plan and guaranteed by future covenants, that burden the lots to the west and south. The no-build easements will extend 15'-4" into the north lot, and 30'-0" into the south courtyard. The result is that the proposed building will have portions of its North and South wall faces that are adjacent to associative no-build easements. These conditions ensure a perpetually maintained fire separation distance of 15'-4" from the east property line and 30'-0" from the south property line respectively; therefore:

There is no required rating for that portion of the exterior wall;

The allowable area of openings will be limited by fire separation distance (per Table 705.8). The South portion of the wall designated shall have no limit ($x > 30'$), and the North wall of the building will be limited to 75% for an Unprotected Sprinklered condition as proposed. The actual separation distance is 15'-4" for the north building wall.

Parapets are not required where adjacent to the easement. The building is proposing parapets for all building walls, and would incorporate a 1hr rating at abutted property lines per Table 602 ($x < 5'$)

Within the open courtyard to the West, one of the building's (2) required exits and access to Public Way is located along the West property line, an interior property line (see Exhibits for reference). Lot 4 (from aforementioned collaborative Site Plan) will use a shared egress court in conjunction with the Lot 3 building as a portion of the exit discharge for both buildings. The path will be sized accordingly to accommodate minimum required widths and occupant loads for both buildings.

RECONSIDERATION:

No Additional text. Providing Site plan (attached) as requested.

Reason for alternative 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. While the building abuts property lines to the North, East, and South, the no-build easements guarantee that the fire separation distance between exterior walls and related, allowed openings shall be perpetually maintained from the east and south lot lines. The easement also ensures that a shared egress court 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 Site plan (attached) as requested.

Appeal item 4

Code Section	1027 Exit Discharge
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Requires	1027.5 Access to a Public Way : The exit discharge shall provide a direct and unobstructed access to a public way.
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**Code Modification or
Alternate Requested**

The no-build easements in conjunction with a minimum 1-Hour wall rating at all inside corners between buildings, and proposed life safety systems, 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 for Lot 3 is a type III-B, 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 Jones Architects, and its site is under single ownership with the adjacent lots to the North and South. The lots to the North (Lot 2) and South (Lot 4) are to be developed simultaneously under the aforementioned collaborative Site Plan (see Exhibits for reference). The proposed building has exterior walls that are designed to abut the north, east, and south property lines. The building is separated from the east lot line with an open courtyard. At each inside corner between neighboring buildings along the North and South property lines, the first 4'-0" of wall at each building shall have a 1-Hour (nonbearing), or 2-Hour (bearing) wall rating with 3?4- hour protection where opening protection is required by Section 705.8. The design implements permanent no-build easements, created through the collaborative Site Plan and guaranteed by future covenants, that burden the lots to the west and south. The no-build easements will extend 15'-4" into the north lot, and 30'-0" into the south courtyard. The result is that the proposed building will have portions of its North and South wall faces that are adjacent to associative no-build easements. These conditions ensure a perpetually maintained fire separation distance of 15'-4" from the east property line and 30'-0" from the south property line respectively; therefore:

There is no required rating for that portion of the exterior wall;

The allowable area of openings will be limited by fire separation distance (per Table 705.8). The South portion of the wall designated shall have no limit ($x > 30'$), and the North wall of the building will be limited to 75% for an Unprotected Sprinklered condition as proposed. The actual separation distance is 15'-4" for the north building wall.

Parapets are not required where adjacent to the easement. The building is proposing parapets for all building walls, and would incorporate a 1hr rating at abutted property lines per Table 602 ($x < 5'$)

Within the open courtyard to the West, one of the building's (2) required exits and access to Public Way is located along the West property line, an interior property line (see Exhibits for reference). Lot 4 (from aforementioned collaborative Site Plan) will use a shared egress court in conjunction with the Lot 3 building as a portion of the exit discharge for both buildings. The path will be sized accordingly to accommodate minimum required widths and occupant loads for both buildings.

RECONSIDERATION:

No Additional text. Providing Site plan (attached) as requested.

Reason for alternative

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. While the building abuts property lines to the North, East, and South, the no-build easements guarantee that the fire separation distance between exterior walls and related, allowed openings shall be perpetually maintained from the east and south lot lines. The easement also ensures that a shared egress court 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 Site plan (attached) as requested

APPEAL DECISION

1a. Minimum of 1 hour required fire rating of North exterior wall based on fire separation distance with no build easement on Lot 1: Granted provided the easement is a minimum of 15 feet, 4 inches from the South lot line of Lot 1, and the full width of Lot 1.

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. Omission of required fire rating of South exterior wall adjacent to easement based on fire separation distance with no build easement on Lot 4: Granted provided the easement is a minimum of 30 feet from the North lot line of Lot 4, and 40 feet, 2 inches from the East lot line of Lot 4.

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. Increase in maximum allowable area of openings adjacent to easement to 75 percent in North exterior wall with no build easement on Lot1: Granted provided the easement is a minimum of 15 feet, 4 inches from the South lot line of Lot 1, and the full width of Lot 1.

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. Increase in maximum allowable area of openings adjacent to easement to unlimited in South exterior wall with no build easement on Lot 4: Granted provided the easement is a minimum of 30 feet from the North lot line of Lot 4, and 40 feet, 2 inches from the East lot line of Lot 4.

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.

3a. Omission of parapet construction adjacent to easement on North exterior wall with no build easement on Lot 1: Granted provided the easement is a minimum of 15 feet, 4 inches from the South lot line of Lot 1, and the full width of Lot 1.

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.

3b. Omission of parapet construction adjacent to easement on South exterior wall with no build easement on Lot 4: Granted provided the easement is a minimum of 30 feet from the North lot line of Lot 4, and 40 feet, 2 inches from the East lot line of Lot 4.

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

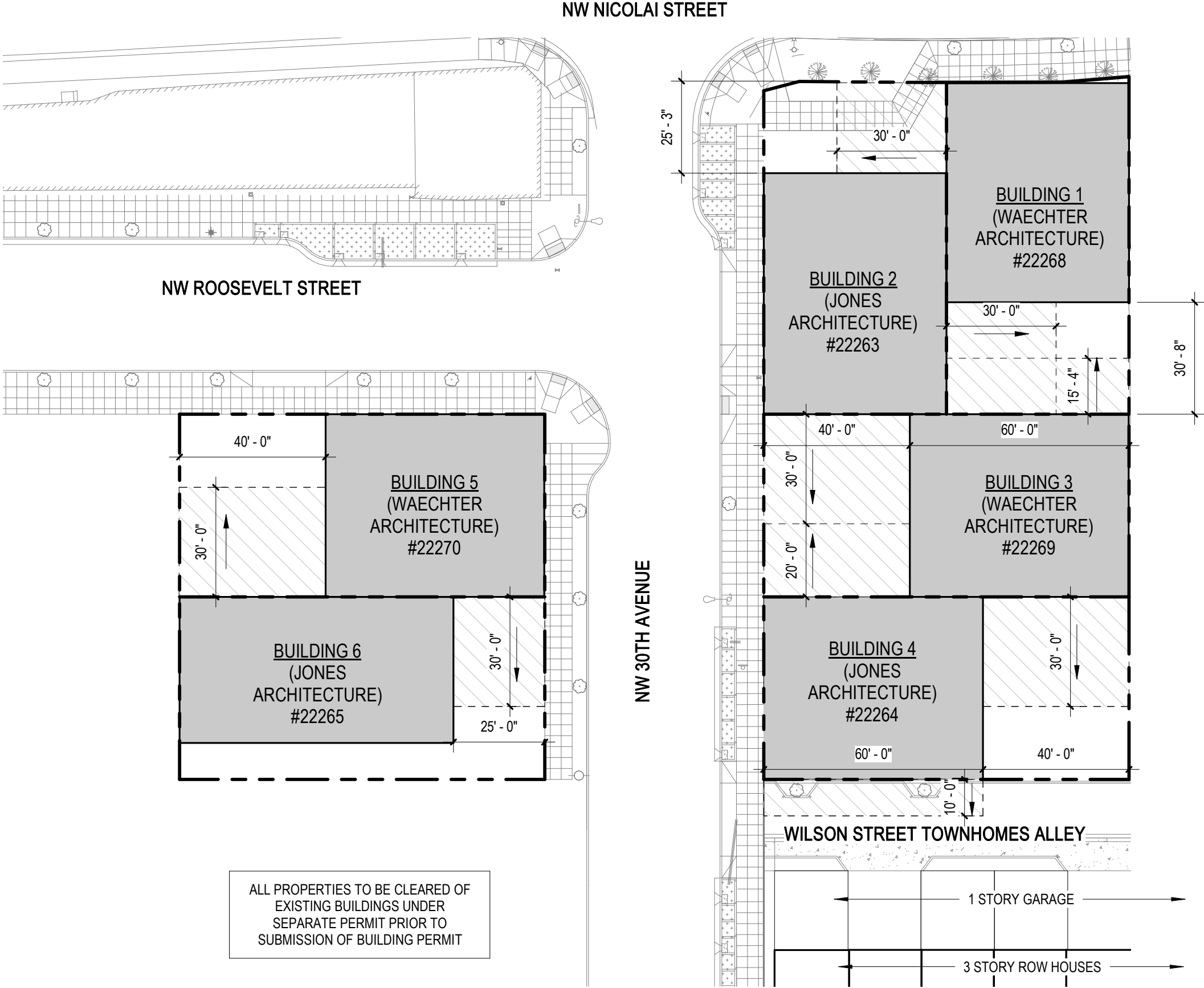
The easement must include language that establishes the edge of the easement on the adjacent lot as the implied property line for the purpose of determining fire separation distance for future development on the adjacent lot.

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.

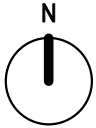
4. Access to Public Way with egress at West exterior wall across property line with No Build egress access easement on Lot 3: Appeal not required. Egress from Building 3 does not cross a property line prior to reaching the public way.

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.



NB-30 PROJECT SITE PLAN



1" = 30'

WAECHTER ARCHITECTURE

- BUILDING 1
- BUILDING 3
- BUILDING 5

JONES ARCHITECTURE

- BUILDING 2
- BUILDING 4
- BUILDING 6