

# 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

<b>Appeal ID:</b> 27930	<b>Project Address:</b> 1740 NW 20th Ave
<b>Hearing Date:</b> 8/3/22	<b>Appellant Name:</b> Stephanie Amend
<b>Case No.:</b> B-001	<b>Appellant Phone:</b> 5034457372
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> David Bartley
<b>Project Type:</b> commercial	<b>Stories:</b> 5 <b>Occupancy:</b> R-2 <b>Construction Type:</b> V-A, 1-A
<b>Building/Business Name:</b> XPO Slabtown	<b>Fire Sprinklers:</b> Yes - Throughout
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 22-130625-CO
<b>Plan Submitted Option:</b> pdf [File 1]	<b>Proposed use:</b> Multi-family residential

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** 1028.4.2

**Requires** Where an egress court serving a building or portion thereof is less than 10 feet in width, the egress court walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet above the floor of the egress court. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than 3/4 hour.

**Code Modification or Alternate Requested** In lieu of the 3/4-hour opening protectives, the design proposes the installation of additional quick response sprinkler heads above the opening in the egress court wall in this area.

**Proposed Design** The proposed project is an L-shaped apartment building on an irregular shaped lot. The west and south facades face the public right of way while the north and east adjoin the property line of the neighboring property. Two pathways to the public ROW are provided from the interior courtyard portion of the site. One exits along the north property line until it reaches the west property line and the second exits along the east portion of the property line until it reaches the southern property line.

One portion of the building in the southeast corner, is less than 10' from the interior property line for a distance of less than 12'. This area features a 1-hour rated wall with a fixed opening. The quick response sprinklers would be installed a minimum of 4 inches and a maximum of 24 inches from the openings and spaced no greater than 6 feet on center. The sprinklers will be installed on the occupied side of the openings and will be capable of wetting the entire surface. The second-floor openings along the egress court are greater than 10' above the court grade and thereby exempt from opening protectives due to decreased egress court width.

**Reason for alternative** The window at issue is in a bedroom. It serves to bring in natural light and view to the unit which are critical to the livability. The second window in the bedroom on the adjacent wall overlooks a dog park. Because of this, the bedroom does not have privacy on that side and a tenant may

choose to keep the blinds drawn for privacy on the window facing the dog park. This leaves the north window as the only source of both natural light and a somewhat more private view.

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## APPEAL DECISION

**Type 13 water curtain sprinkler protection at non-fire rated openings in exterior wall of egress court less than 10' in width: 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: Fire damper protection of mechanical vent openings may be prescriptively used but no dryer vents or PTAC units may be located within appeal area.**

**Appellant may contact John Butler (503 865-6427) or e-mail at [John.Butler@portlandoregon.gov](mailto:John.Butler@portlandoregon.gov) 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 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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**READY**

**Required Exhibits: 3.1 Plans site plan**

**Appeal 3 – Protection of openings at egress courts**

**Code Section being appealed:**

OSSC 1028.4.2

**Regulation Requirement:**

Where an egress court serving a building or portion thereof is less than 10 feet in width, the egress court walls shall have not less than 1-hour fire-resistance-rated construction for a distance of 10 feet above the floor of the egress court. Openings within such walls shall be protected by opening protectives having a fire protection rating of not less than 3/4 hour.

**Proposed Design:**

In lieu of the 3/4-hour opening protectives, the design proposes the installation of additional quick response sprinkler heads above the opening in the egress court wall in this area.

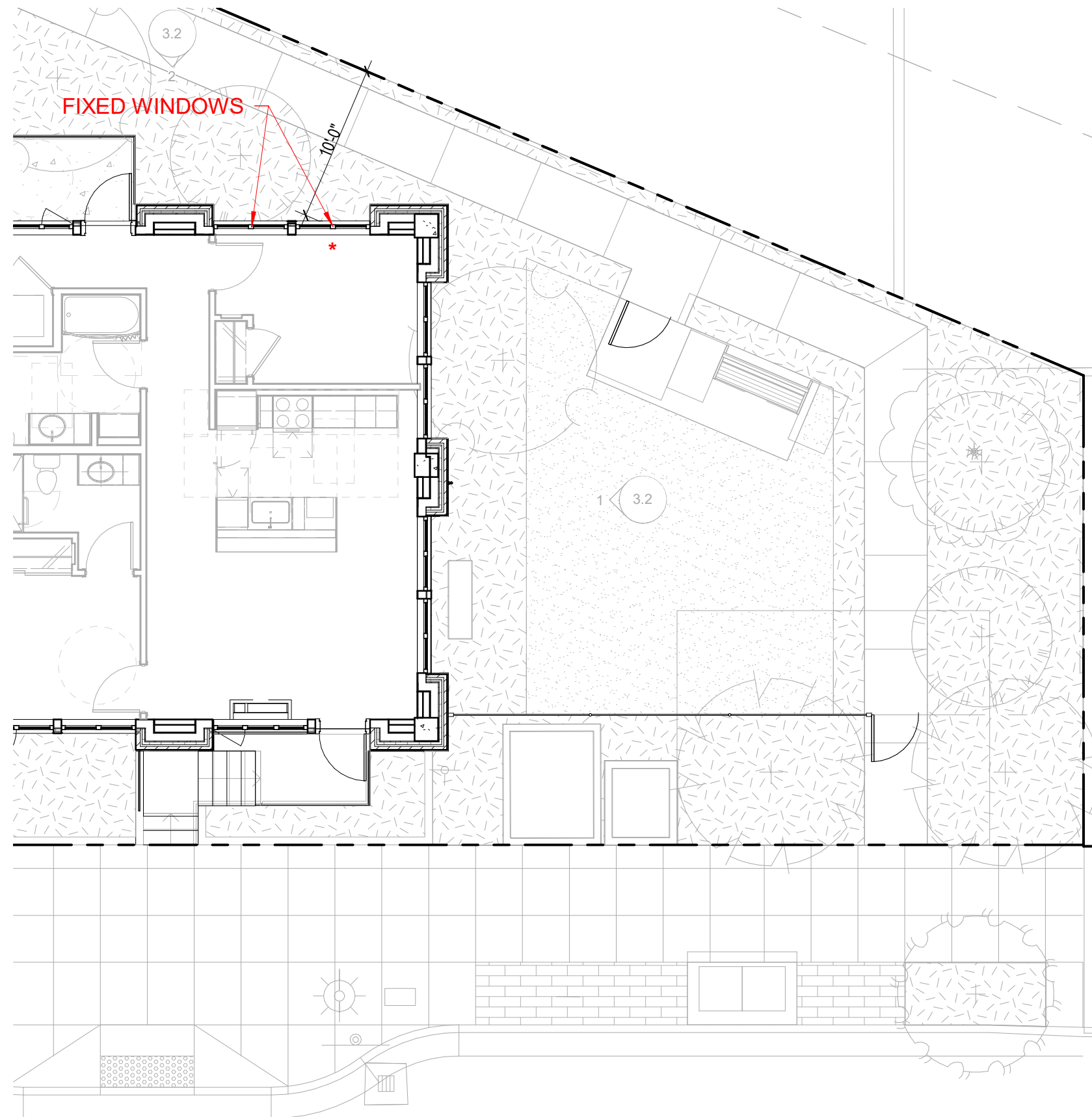
**Reason for Alternate:**

The proposed project is an L-shaped apartment building on an irregular shaped lot. The west and south facades face the public right of way while the north and east adjoin the property line of the neighboring property. Two pathways to the public ROW are provided from the interior courtyard portion of the site. One exits along the north property line until it reaches the west property line and the second exits along the east portion of the property line until it reaches the southern property line.

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Please see granted precedent appeals 12971.

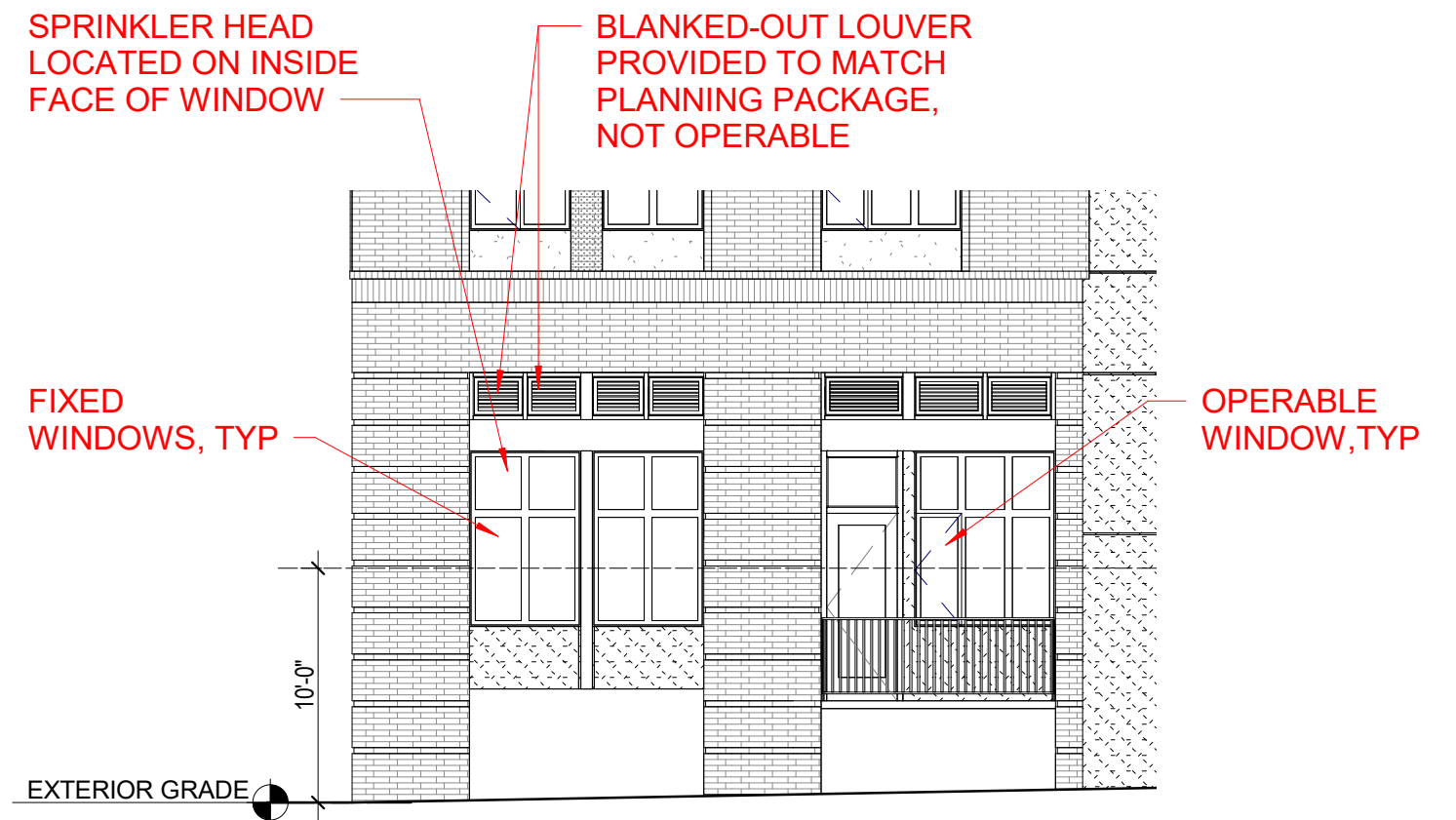


\* SPRINKLER HEAD LOCATION

① FLOOR PLAN - LEVEL 01  
1/8" = 1'-0"



1 EAST ELEVATION  
1/8" = 1'-0"



2 NORTH ELEVATION  
1/8" = 1'-0"