

Development Services

From Concept to Construction

Phone: 503-823-7300 Email: 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 ID 26203, item #2

Appeal ID: 28034	Project Address: 1201 SW 12th Ave
Hearing Date: 9/21/22	Appellant Name: Samir Mokashi
Case No.: B-005	Appellant Phone: 9712385264
Appeal Type: Building	Plans Examiner/Inspector: John Cooley, Joe Thornton, Nancy Thorington
Project Type: commercial	Stories: 6 Occupancy: A-3, B, S-2, E Construction Type: I-B
Building/Business Name: Northwest Academy – Tower Building	Fire Sprinklers: Yes - Throughout First Floor Only
Appeal Involves: Reconsideration of appeal, occ Change from B to E	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1] [File 2]	Proposed use: Middle & high School and Business

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	Table 602 & 705.8 Openings.
Requires	<p>Table 602 - Fire-resistance rating requirements for exterior walls based on Fire Separation Distance.</p> <p>705.8 Openings. Openings in exterior walls shall comply with Sections 705.8.1 through 705.8.6.</p>
Code Modification or Alternate Requested	Reconsideration of Appeal ID 26203 Item #2 to remove the reference to “fire lane” between the Plaza and the Tower buildings and to reaffirm the approval of non-rated exterior wall and 75% unprotected openings at the Tower building based on a dedicated no build easement between these two buildings.
Proposed Design	<p>Reconsideration Text:</p> <p>The original appeal 26203 - item #2 refers to the space between the Plaza and Tower Building as a fire lane. Recent analysis by KPFF engineers determined that the road between the two buildings is not capable of carrying the weight of a fire truck. Hence, fire apparatus access is being provided at a different approved location, and the no-build easement document refers to this as an open area.</p> <p>The Plaza building (Type IIB const) was built in 1960 and the Tower building (Type IB const) was built in 1966. The two buildings are technically located on two separate lots though they encroach across the lot line. The Plaza building encroaches above grade and the Tower building encroaches below grade. These buildings are physically separated above grade but connected across the lot line at the basement parking garage. When the Plaza building was completed the basement</p>

parking garage was limited to the building footprint above, it was extended when the Tower building was added. When the Tower building was added the basement below that building was extended up to the exterior wall of the Plaza building basement.

The lot line is located approximately 5 feet from the exterior wall of the Plaza building and 25 feet from the Tower building. Together they provide a fire separation distance of 30 feet, which both building benefit from.

We propose that the exterior walls of these two buildings facing each other above grade be permitted to be non-rated and that unprotected openings be permitted to be 75% of the wall area at each floor.

Thirty (30) feet dedicated open space will be maintained between the two walls facing each other by establishing a no-build easement. Canopies supported entirely off the building without any supporting structure in the no-build easement will be permitted to project into this space. Existing planter boxes will remain, no new structures will be added.

A draft copy of the no-build easement and associated exhibits will be provided to Nancy Thorington at the City of Portland for review and comment. A copy of the recorded easement will be provided to BDS.

The Plaza building is fully sprinklered and a new 8-inch sprinkler main has been added to serve the Tower building. This has the capacity to sprinkler the entire Tower building. Currently, sprinklers are only planned on the first floor which has the E occupancy. This work is in progress and is awaiting final inspection by the fire department.

Reason for alternative The Northwest Academy (NWA) is an independent arts-focused non-profit school for middle and high school students that recently relocated to his location in downtown Portland. Previously the school was spread across multiple buildings; moving here has resulted in more efficient use of space and better learning experience for the students. NWA attracts students come from all over Portland and its suburbs due to its excellent academic reputation. Many of the teachers include former college instructors and professional artists, directors, dancers, musicians, and writers, which is the reason for its stellar reputation. The proximity to performing art centers downtown allows these professionals to split their time between teaching and practice. Without this relocation & consolidation the school will not be able to attract all these talented professionals to teach at NWA.

The physical separation provided will remain in perpetuity once the no-build easement is executed and the open area established between buildings. The 30 feet dedicated open space is consistent with the code requirement for non-rated wall and unlimited unprotected openings in all occupancies and construction types. The presumption in measuring the Fire Separation Distance to the lot line is that there is no control of what will happen on the other side of the lot line. The proposed no-build easement will eliminate that uncertainty and provides assurance that 30 feet separation is provided between each building's exterior wall in perpetuity. We are asking for openings to be maximum 75% of the wall area while 30 feet separation allows non-rated exterior wall and 100% unprotected openings in all occupancies and construction types.

This proposal will correct a non-complaint condition that has existing for far too long. The no-build easement provides an ironclad legal means to ensure that 30 feet physical separation is maintained between the two buildings for the life of the buildings no matter who is the owner or which code edition is being enforced, which is a significant improvement on the existing condition. Therefore, we urge you to approve it.

APPEAL DECISION

Increase in maximum allowable area of unprotected exterior South elevation Tower Building wall openings to 75 percent with no build access easement and maintenance agreement: Granted provided

the no build easement is located from the North West corner of the Plaza building along the North elevation and extends fully to the East property line and also extends from the North elevation of the Plaza building Northward to the South most elevation of the Tower building.

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.

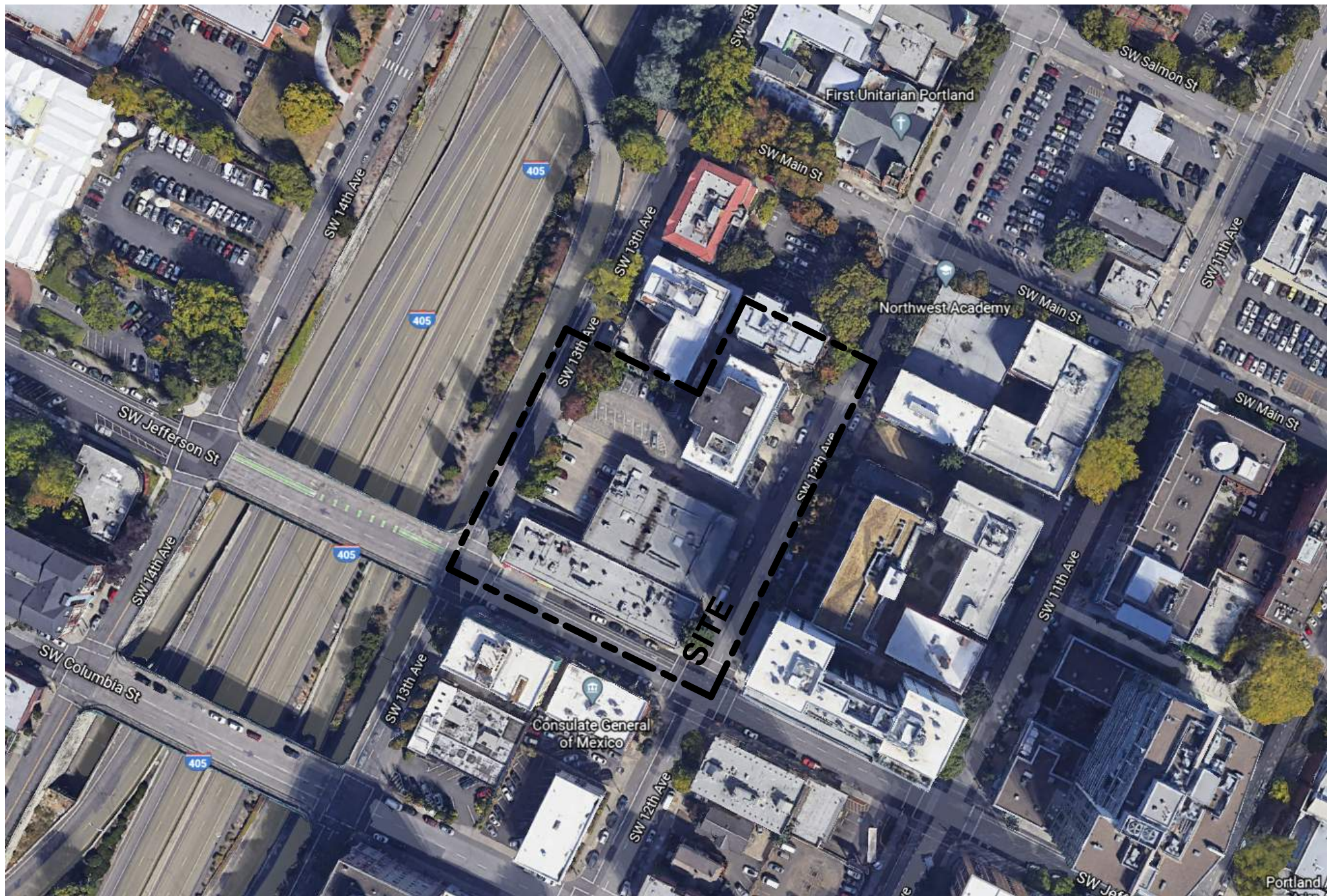
Appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov with questions.

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.

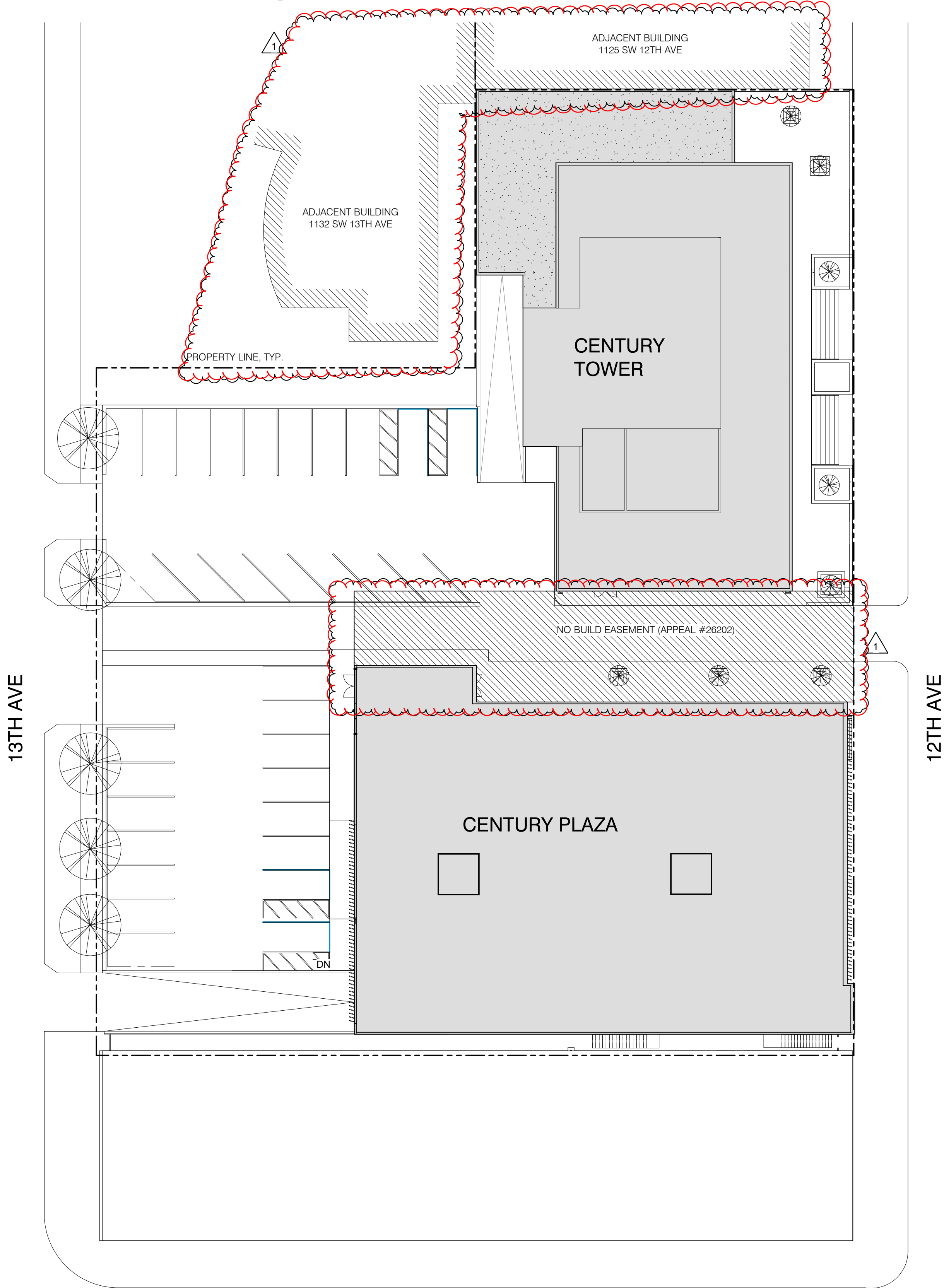
Pursuant to City Code Chapter 24.10, you may appeal this decision to the Building Code Board of Appeal within 90 calendar days of the date this decision is published. For information on the appeals process, go to www.portlandoregon.gov/bds/appealsinfo, call (503) 823-7300 or come in to the Development Services Center.

CENTURY TOWER & PLAZA

VICINITY MAP



CAMPUS MAP



SHEET INDEX

AG00	GENERAL NOTES
G01	FLS CODE PLANS - PLAZA
G02	FLS CODE PLAN - TOWER
G03	FLS CODE PLAN - PARKING GARAGE
G04	CENTURY TOWER DEVELOPMENT CODE PLAN
G05	APPEALS
G06	APPEALS
G07	APPEALS
A201	FLOOR PLAN - PLAZA PARKING
A202	FLOOR PLAN - TOWER PARKING

PROJECT DESCRIPTION

PROPOSED CHANGE OF OCCUPANCY FROM B TO E FOR SELECT AREAS OF THE CENTURY PLAZA AND TOWER AS INDICATED ON THE CODE SHEETS. SCOPE OF WORK TO BE SUBMITTED UNDER A SEPARATE PERMIT WILL BE LIMITED TO PROVIDING FIRE SPRINKLER PROTECTION ON THE FIRST FLOOR OF THE TOWER AND MODIFICATION IN THE PARKING AREA AS SHOWN AND REPLACEMENT OF PARKING LEVEL PLAZA ELEVATOR LOBBY DOOR. NO NEW WALL CONSTRUCTION IS PROPOSED, ALL WALLS SHOWN ARE EXISTING.

GENERAL NOTES

1. INSTALLATION OF REDUCED PRESSURE BACKFLOW PREVENTION DEVICE FOR DOMESTIC WATER SERVICE AND FIRE SPRINKLER WATER SERVICE WILL BE UNDER SEPARATE PERMIT.
2. NO CONSTRUCTION PROPOSED UNDER THIS PERMIT, BUILDING WILL REMAIN OCCUPIED.

PERMITS

1. PLAZA BUILDING IS BEING PERMITTED UNDER NVR: 4755097
2. TOWER BUILDING IS BEING PERMITTED UNDER NVR: 4755421
3. TENANT IMPROVEMENTS, ALTERATIONS, AND REMOVAL OF ARCHITECTURAL BARRIER PLANS WILL BE SUBMITTED UNDER SEPARATE PERMITS

APPEALS SUMMARY

(REFER TO SHEETS G05, G06, AND G07 FOR COMPLETE INFORMATION)

APPEAL ID: 24159 TYPE OF CONSTRUCTION

APPEAL ITEM #2 ESTABLISHES THE DESIGNATION OF THE PLAZA BUILDING AS TYPE IIB CONSTRUCTION. APPEAL ITEMS #1, #3, AND #4 SUBSEQUENTLY ADDRESSED IN APPEAL 26202 AND APPEAL 24641 ABOVE.

APPEAL ID: 24161 CHANGE OF OCCUPANCY FOR TOWER BUILDING
USING OCCUPANCY LOAD FACTOR OF 1:100 FOR OFFICE OCCUPANCY FOR CALCULATION OF 2004 BASELINE OCCUPANT CALCULATION GRANTED AS MODIFICATION DOES NOT LESSEN HEALTH, SAFETY, ACCESSIBILITY, LIFE, FIRE SAFETY, OR STRUCTURAL REQUIREMENTS.

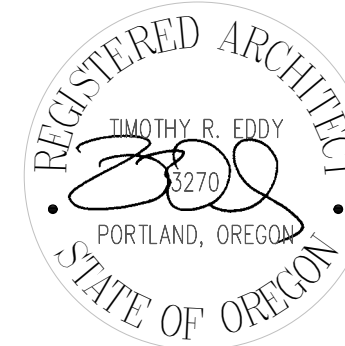
APPEAL ID: 24641 CHANGE OF OCCUPANCY FOR PLAZA BUILDING
USING OCCUPANCY LOAD FACTOR OF 1:100 FOR OFFICE OCCUPANCY FOR CALCULATION OF 2004 BASELINE OCCUPANT CALCULATION GRANTED AS MODIFICATION DOES NOT LESSEN HEALTH, SAFETY, ACCESSIBILITY, LIFE, FIRE SAFETY OR STRUCTURAL REQUIREMENTS.

APPEAL ID: 26202 BUILDING SEPARATION AND OPENINGS
PROVIDING TYPE 13 WATER CURTAIN SPRINKLER PROTECTION AT TWO NON-RATED PARKING GARAGE OPENINGS IN THREE HOUR FIRE WALL GRANTED ESTABLISHMENT FOR SEPARATING TWO BUILDINGS ON SEPARATE LOTS. INCREASE IN MAXIMUM ALLOWABLE AREA IN PLAZA NORTH ELEVATION GRANTED PROVIDED NO BUILD EASEMENT IS ESTABLISHED FOR SPECIFIED AREA.

DISCLAIMER:

INFORMATION PROVIDED BY CONSULTANTS CONTRACTUALLY ENGAGED BY OTHERS IS INCLUDED FOR CONVENIENCE ONLY. DOES NOT RELIEVE SAID CONSULTANTS FROM FULL RESPONSIBILITY AND LIABILITY FOR DEVIATIONS, ERRORS, OR OMISSIONS IN THE INFORMATION PROVIDED, AND DOES NOT GIVE RISE TO ANY CLAIMS BY OTHER PARTIES AGAINST, OR TRANSFER LIABILITY TO, HENNEBERY EDDY ARCHITECTS, INC.

HENNEBERY EDDY ARCHITECTS, INC. HAS REVIEWED SAID INFORMATION FOR GENERAL CONFORMANCE WITH THE ARCHITECTURAL DESIGN INTENT SOLEY TO SATISFY THE ARCHITECT'S OBLIGATIONS AS THE REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.



Hennebery Eddy Architects Inc.

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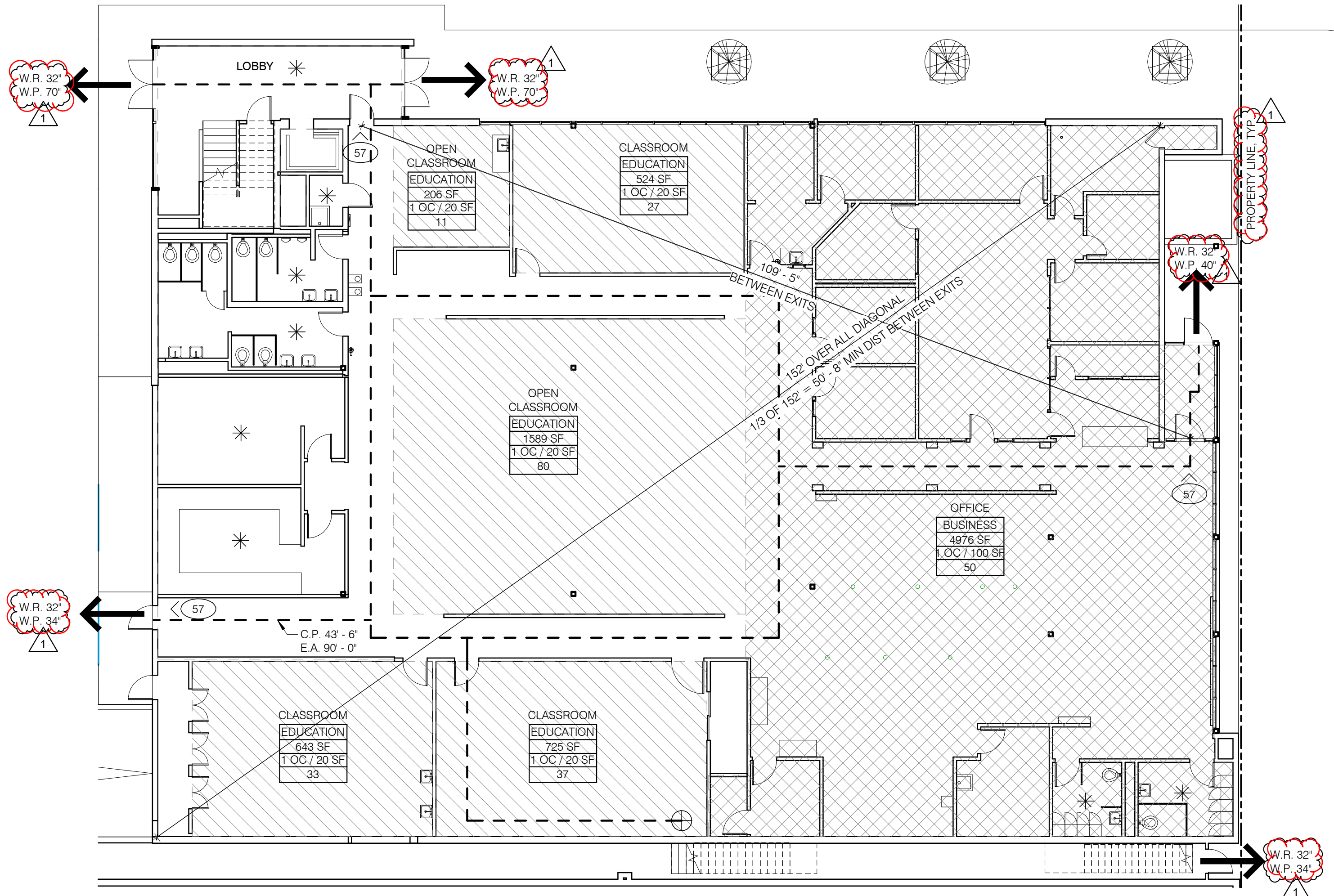
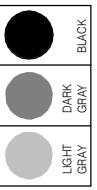
CENTURY TOWER & PLAZA
1221 SW 12th Ave
Portland, OR

HEA Project no. 14108
Date: APRIL 1, 2022
CHANGE OF OCCUPANCY SET

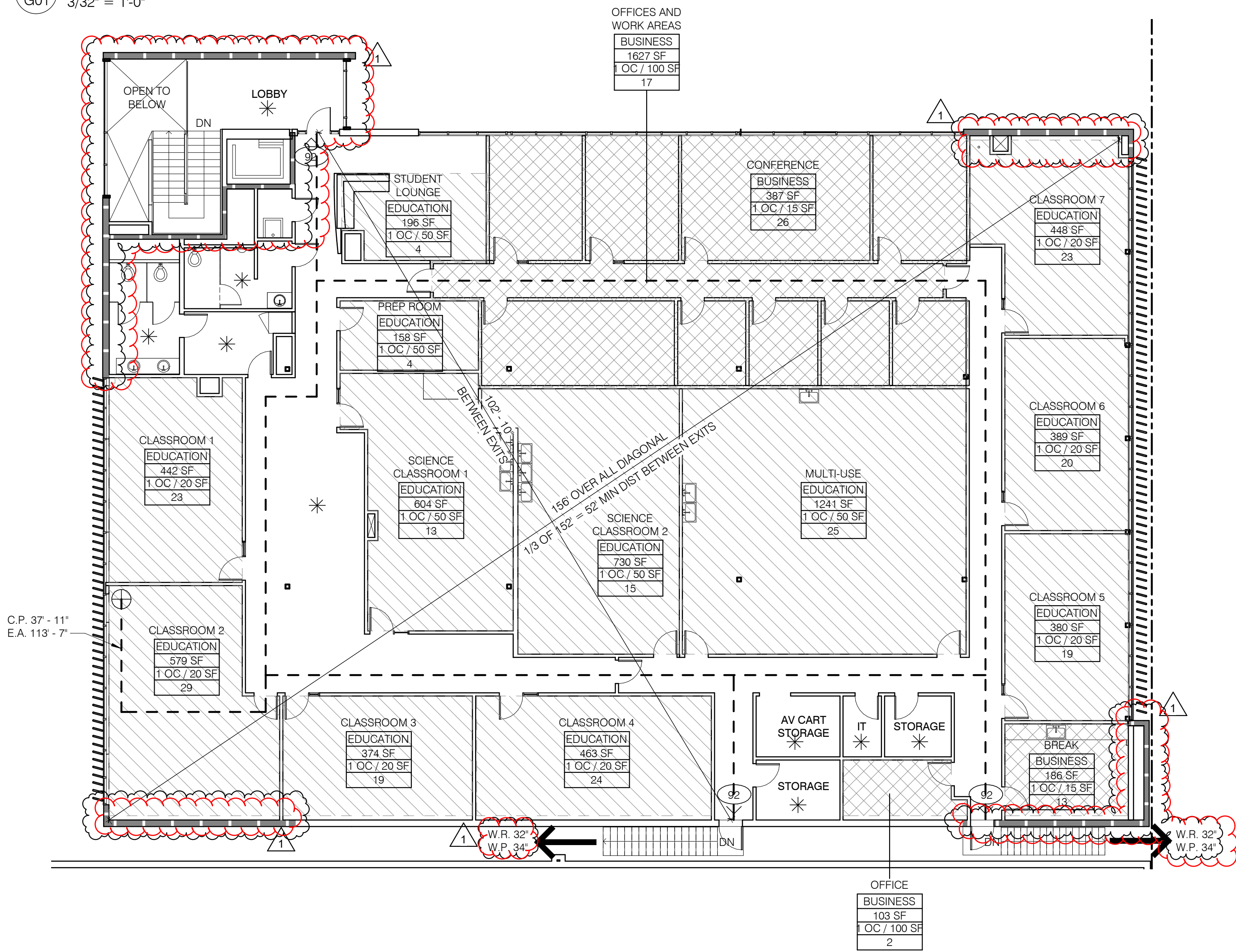
Drawn by: AO
Checked by: JB
Sheet:

COVER
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SUBMITTED 4/19/2022

THE ADJACENT SAMPLES SHOW THREE LEVELS OF SHADING.
SETTINGS FOR VIEWING AND PRINTING CONTENT ARE OPTIMIZED WHEN ALL THREE DOTS ARE VISIBLE.
THIS GUIDANCE IS FOR REFERENCE ONLY.



1 PLAZA - FLOOR 1
3/32" = 1'-0"



2 PLAZA - FLOOR 2
3/32" = 1'-0"

Century Plaza Building (Per 2004 Baseline Occupancy)

Area	Area Change of Use	Per 2004 Base No. of Occupants (re: Appeal #24641)	Proposed	B Occupancy	E Occupancy
Parking	19,000 SF	No Change	88	No Change	No Change
First Floor	11,882 SF	3,687 SF to E Occupancy	304	238	50
Second Floor	11,104 SF	6,004 SF to E Occupancy	145	274	56
Total Area	41,986 SF	Total Area	537	600	218

1/3 Total Area is 13,995 SF 9,691 SF Change of Use Increase of 63

The Change of Use for the Century Plaza Building from previous B occupancy to E occupancy is less than 1/3 area and less than 149 occupancy increase.

PROJECT DESCRIPTION

SEE DESCRIPTION ON COVER SHEET.

GENERAL PROJECT INFORMATION

BUILDING OWNER: NORTHWEST ACADEMY
PROJECT ADDRESS: 1221 SW 12TH AVE, PORTLAND, OR 97205
LEGAL DESCRIPTION: PORTLAND, BLOCK N 1/2 D, LOT 2&3, LOT 6&7
RISK CATEGORY: II (EXISTING STRUCTURE MEETS LEGACY CODE, NO CHANGE TO EXISTING) TYPE IIB (RE: APPEAL #24159)
CONSTRUCTION TYPE: NON-SEPARATED USE FOR GROUPS B/E/S2 OCCUPANCY
USE/OCCUPANCY: E = 43,500 SF
MAXIMUM ALLOWABLE FLOOR AREA: E = 87,000 SF
MAXIMUM ALLOWABLE AREA BUILDING: B/E/S = 75'
MAXIMUM BUILDING HEIGHT: E = 3 STORIES (WITH SPRINKLERS)
MAXIMUM STORIES: E = 3 STORIES (WITH SPRINKLERS)

APPLICABLE CODES

2019 OREGON STRUCTURAL SPECIALTY CODE (OSSC)
2019 OREGON FIRE CODE (OFC)
2019 OREGON MECHANICAL SPECIALTY CODE (OMSC)
2017 OREGON PLUMBING SPECIALTY CODE (OPSC)
2017 OREGON ELECTRICAL SPECIALTY CODE (OESC)
2019 OREGON COMMERCIAL ENERGY CODE (OCEC)
2019 OREGON ZERO ENERGY READY COMMERCIAL CODE
2009 ICC A117.1
ASHRAE STANDARD 90.1-2019
CODE OF THE CITY OF PORTLAND, OREGON TITLE 33, PLANNING AND ZONING

SITE AND ZONING

TAX MAP/PARCEL #: 1S1E04AA -04500
ZONING: RXd CENTRAL RESIDENTIAL, DESIGN (c) OVERLAY
PROPERTY AREA/LOT SIZE: 0.46 ACRES (20,000 SQ FT)

TYPES OF CONSTRUCTION

CHAPTER 6

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (TABLE 601)		
BUILDING ELEMENT	REQUIRED	PROPOSED
CONSTRUCTION TYPE	TYPE IIB	NO CHANGE
STRUCTURAL FRAME	0	NO CHANGE
BEARING WALLS - EXTERIOR	0	NO CHANGE
INTERIOR	0	NO CHANGE
NONBEARING WALLS AND PARTITIONS - INTERIOR	0	NO CHANGE
FLOOR CONSTRUCTION	0	NO CHANGE
ROOF CONSTRUCTION	0	NO CHANGE

** REFERENCE CODE PLANS FOR CONTINUITY OF LOAD PATH RATING

APPEALS

- PLAZA BUILDING CONSTRUCTION TYPE IIB PER APPEAL ID #24159
- FOR PLAZA BUILDING 2004 OCCUPANT LOAD BASELINE REFERENCE APPEAL ID #24641

FIRE ALARMS & SPRINKLERS

- MANUAL ALARMS AND EMERGENCY VOICE/ALARM COMMUNICATION SYSTEM IS REQUIRED BY SECTION 907.2.3 FOR E OCCUPANCY. THIS IS A DEFERRED SUBMITTAL.
- A MANUAL FIRE ALARM SYSTEM THAT INITIATES THE OCCUPANT NOTIFICATION SIGNAL UTILIZING AN EMERGENCY VOICE/ALARM COMMUNICATION SYSTEM MEETING THE REQUIREMENTS OF SECTION 907.5.2.2 AND INSTALLED IN ACCORDANCE WITH SECTION 907.6 SHALL BE INSTALLED IN GROUP E OCCUPANCIES. WHERE AUTOMATIC SPRINKLER SYSTEMS OR SMOKE DETECTORS ARE INSTALLED, SUCH SYSTEMS OR DETECTORS SHALL BE CONNECTED TO THE BUILDING FIRE ALARM SYSTEM.
- AN AUTOMATIC SPRINKLER SYSTEM SHALL BE PROVIDED FOR GROUP E OCCUPANCIES AS FOLLOWS:
 - THROUGHOUT ALL GROUP E FIRE AREAS GREATER THAN 12,000 SQUARE FEET IN AREA.
 - THE GROUP E FIRE AREA HAS AN OCCUPANT LOAD OF 300 OR MORE.
- PLAZA BUILDING HAS AN EXISTING AUTOMATIC FIRE SPRINKLER SYSTEM.

CODE PLAN NOTES

- AREAS SHOWN ON CODE SHEETS G01, G02, AND G03 ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE USED AS THE BASIS OF MATERIAL CALCULATIONS OR QUANTITIES.
- WHERE RATED WALLS ARE SHORTER THAN COMPLETE RATING DEPICTION, RATE WALL THE SAME AS ADJOINING WALL.

CODE LEGEND

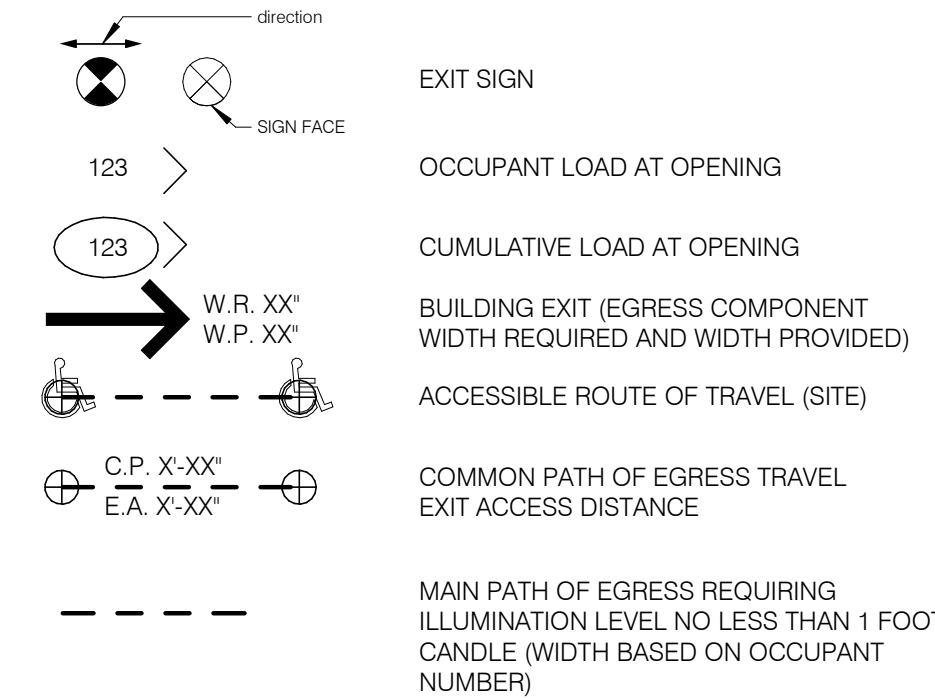
FIRE SEPARATION



1 HOUR FIRE RESISTANCE RATED CONSTRUCTION
2 HOUR FIRE RESISTANCE RATED CONSTRUCTION

1 HOUR FIRE RATED CEILING/FLOOR ABOVE

EXIT



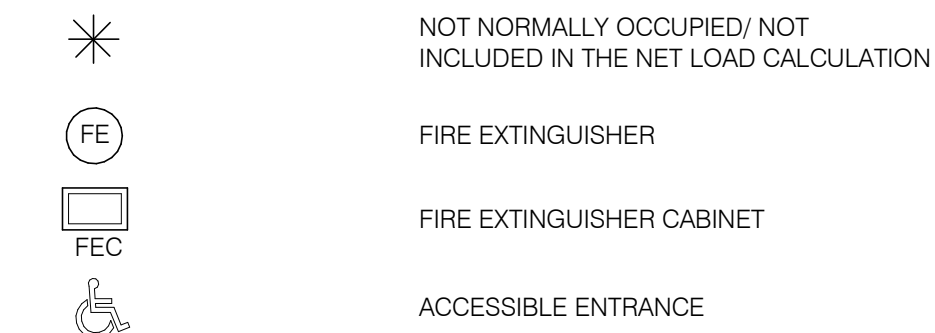
OPENINGS

20	20 MINUTE DOOR/OPENING
45	45 MINUTE DOOR/OPENING
60	60 MINUTE DOOR/OPENING
90	90 MINUTE DOOR/OPENING

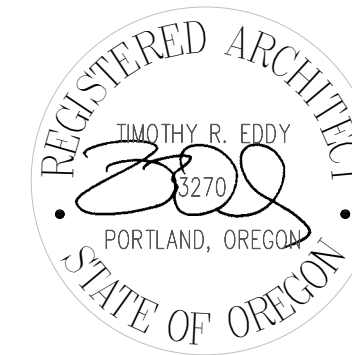
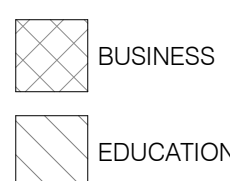
ROOM/OCCUPANCY LABEL

ROOM TYPE	ROOM NAME
(B)	OCCUPANCY CLASSIFICATION
150 SF	SQUARE FOOTAGE
1 OC / 998	OCCUPANCY LOAD FACTOR
Occ Count	NUMBER OF OCCUPANTS

OTHER LABELS



OCCUPANCY LEGEND



Hennebery Eddy Architects Inc.

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NORTHWEST ACADEMY

CENTURY TOWER & PLAZA
1221 SW 12th Ave
Portland, OR

HEA Project no. 14108

Date: APRIL 1, 2022

CHANGE OF OCCUPANCY SET

Revisions:

1	4/1/22	PERMIT RESPONSE #1
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Drawn by: AO
Checked by: JB
Sheet:

FLS CODE PLANS - PLAZA

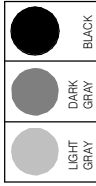
G01

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SUBMITTED 4/19/2022

CHANGE OF OCCUPANCY SET

THE ADJACENT SAMPLES SHOW THREE LEVELS OF SHADING.
SETTINGS FOR VIEWING AND PRINTING CONTENT ARE OPTIMIZED WHEN ALL THREE DOTS ARE VISIBLE.
THIS GUIDANCE IS FOR REFERENCE ONLY.



2
G02 TOWER - TYPICAL REPRESENTATION FOR FLOORS 2-6
3/32" = 1'-0"

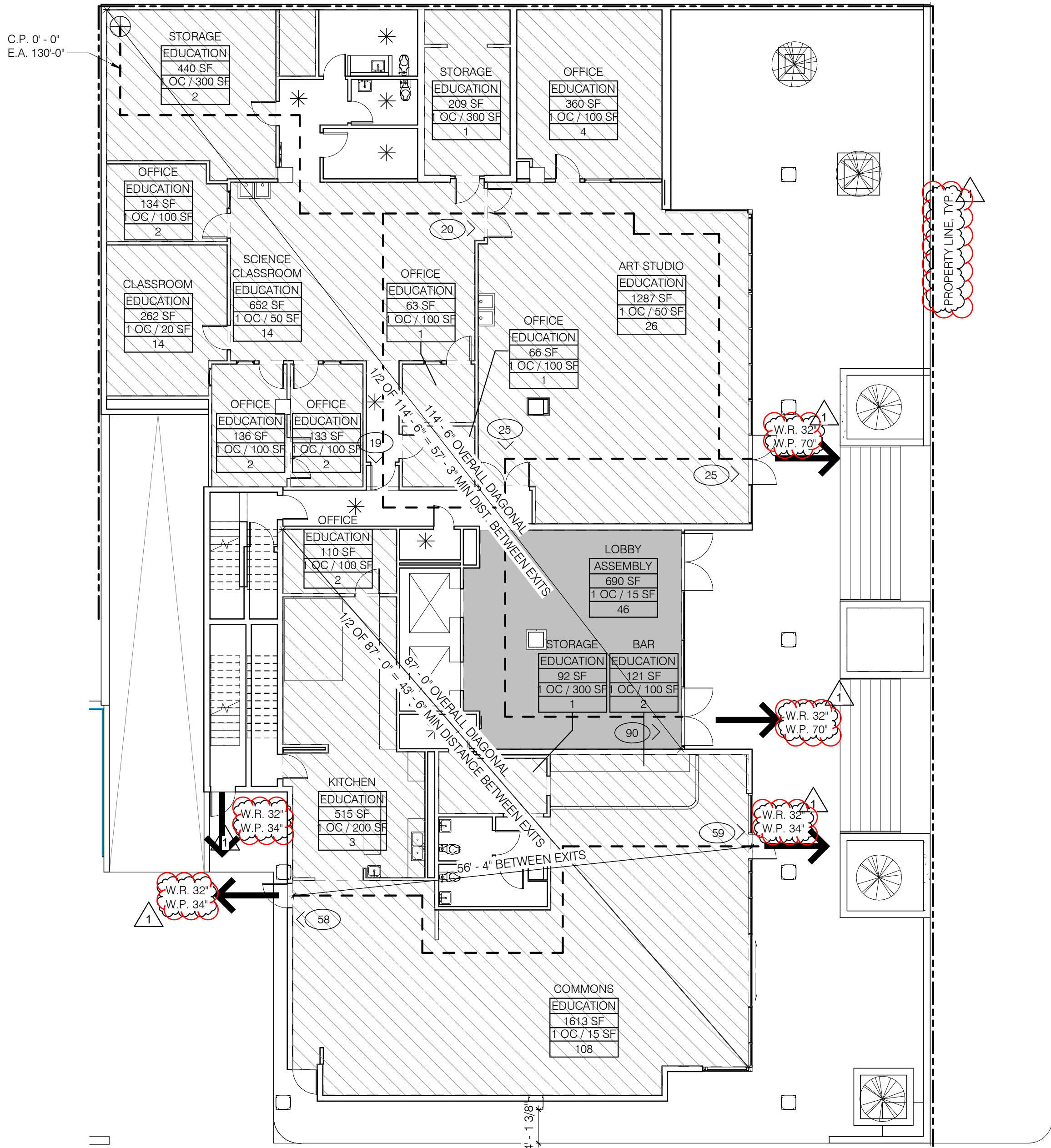
Century Tower Building (Per 2004 Baseline Occupancy)

	Area	Area Change of Use	Per 2004 Base No. of Occupants (re: Appeal #24161)	Proposed	B Occupancy	E Occupancy	A Occupancy
Parking	19,522 SF	No Change	152	152		No Change	
First Floor	9,064 SF	8,360 SF to E Occupancy	234	231		185	46
Second Floor	6,767 SF	No Change	107	107		No Change	
Third Floor	6,767 SF	No Change	107	107		No Change	
Fourth Floor	6,767 SF	No Change	107	107		No Change	
Fifth Floor	6,767 SF	No Change	107	107		No Change	
Sixth Floor	6,767 SF	No Change	107	107		No Change	
Total Area	62,421 SF	Total Area	922	919			

1/3 Total Area is 20,807 SF 8,360 SF Change of Use Decrease of 3

The Change of Use for the Century Tower Building from previous B and A occupancy to E occupancy is less than 1/3 area and less than 149 occupancy increase.

1
G02 FLOOR 1
3/32" = 1'-0"



PROJECT DESCRIPTION

SEE DESCRIPTION ON COVER SHEET.

GENERAL PROJECT INFORMATION

BUILDING OWNER:	NORTHWEST ACADEMY
PROJECT ADDRESS:	1201 SW 12TH AVE PORTLAND, OR 97205
LEGAL DESCRIPTION:	PORTLAND, BLOCK E & N 1/2 D TL 4400
RISK CATEGORY:	II
CONSTRUCTION TYPE:	TYPE IB (RE: APPEAL #24161)
USE/OCCUPANCY:	NON SEPARATED USE FOR GROUPS A/B/E/S1/S2 OCCUPANCY
MAXIMUM ALLOWABLE FLOOR AREA:	S1 = 144,000 SF
MAXIMUM ALLOWABLE AREA BUILDING:	E = 432,000 SF
MAXIMUM BUILDING HEIGHT:	A/B/E/S = 18'
MAXIMUM STORIES:	E = 6 STORIES (WITH SPRINKLERS) A/B/S1/S2 = 12 STORIES (WITH SPRINKLERS)

APPLICABLE CODES

2019 OREGON STRUCTURAL SPECIALTY CODE (OSSC)
2019 OREGON FIRE CODE (OFC)
2019 OREGON MECHANICAL SPECIALTY CODE (OMSC)
2017 OREGON PLUMBING SPECIALTY CODE (OPSC)
2017 OREGON ELECTRICAL SPECIALTY CODE (OESC)
2019 OREGON COMMERCIAL ENERGY CODE (OCEC)
2019 OREGON ZERO ENERGY READY COMMERCIAL CODE
2009 ICC A117.1
ASHRAE STANDARD 90.1-2019
CODE OF THE CITY OF PORTLAND, OREGON TITLE 33, PLANNING AND ZONING

SITE AND ZONING

TAX MAP/PARCEL #:	1S1E04AA -04400
ZONING:	Rxd CENTRAL RESIDENTIAL, DESIGN (d) OVERLAY
PROPERTY AREA/LOT SIZE:	0.55 ACRES (24,000 SQ FT)

CODE PLAN NOTES

- AREAS SHOWN ON CODE SHEETS G01, G02, AND G03 ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE USED AS THE BASIS OF MATERIAL CALCULATIONS OR QUANTITIES.
- WHERE RATED WALLS ARE SHORTER THAN COMPLETE RATING DEPICTION, RATE WALL THE SAME AS ADJOINING WALL.

CODE LEGEND

FIRE SEPARATION

	SMOKE PARTITION
	1 HOUR FIRE BARRIER
	2 HOUR FIRE BARRIER
	3 HOUR FIRE BARRIER
	1 HOUR FIRE PARTITION

1 HOUR FIRE RESISTANCE RATED CONSTRUCTION

2 HOUR FIRE RESISTANCE RATED CONSTRUCTION

1 HOUR FIRE RATED CEILING/FLOOR ABOVE

EXIT

	EXIT SIGN
	OCCUPANT LOAD AT OPENING
	CUMULATIVE LOAD AT OPENING
	BUILDING EXIT (EGRESS COMPONENT) WIDTH REQUIRED AND WIDTH PROVIDED)
	ACCESSIBLE ROUTE OF TRAVEL (SITE)
	COMMON PATH OF EGRESS TRAVEL EXIT ACCESS DISTANCE
	MAIN PATH OF EGRESS REQUIRING ILLUMINATION LEVEL NO LESS THAN 1 FOOT CANDLE (WIDTH BASED ON OCCUPANT NUMBER)

OPENINGS

	20 MINUTE DOOR/OPENING
	45 MINUTE DOOR/OPENING
	60 MINUTE DOOR/OPENING
	90 MINUTE DOOR/OPENING

ROOM/OCCUPANCY LABEL

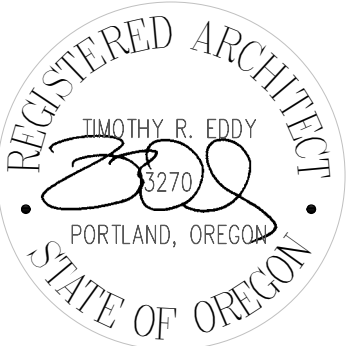
	ROOM NAME
	OCCUPANCY CLASSIFICATION
	SQUARE FOOTAGE
	OCCUPANCY LOAD FACTOR
	NUMBER OF OCCUPANTS

OTHER LABELS

	NOT NORMALLY OCCUPIED/ NOT INCLUDED IN THE NET LOAD CALCULATION
	FIRE EXTINGUISHER
	FIRE EXTINGUISHER CABINET
	ACCESSIBLE ENTRANCE

OCCUPANCY KEY

	ASSEMBLY
	BUSINESS
	EDUCATION



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NORTHWEST ACADEMY

CENTURY TOWER & PLAZA

1221 SW 12th Ave
Portland, OR

HEA Project no. 14108

Date: APRIL 1, 2022

CHANGE OF OCCUPANCY SET

Revisions:

1	4/1/22	PERMIT RESPONSE #1
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Drawn by: AO
Checked by: JB
Sheet:

FLS CODE PLAN -
TOWER

G02

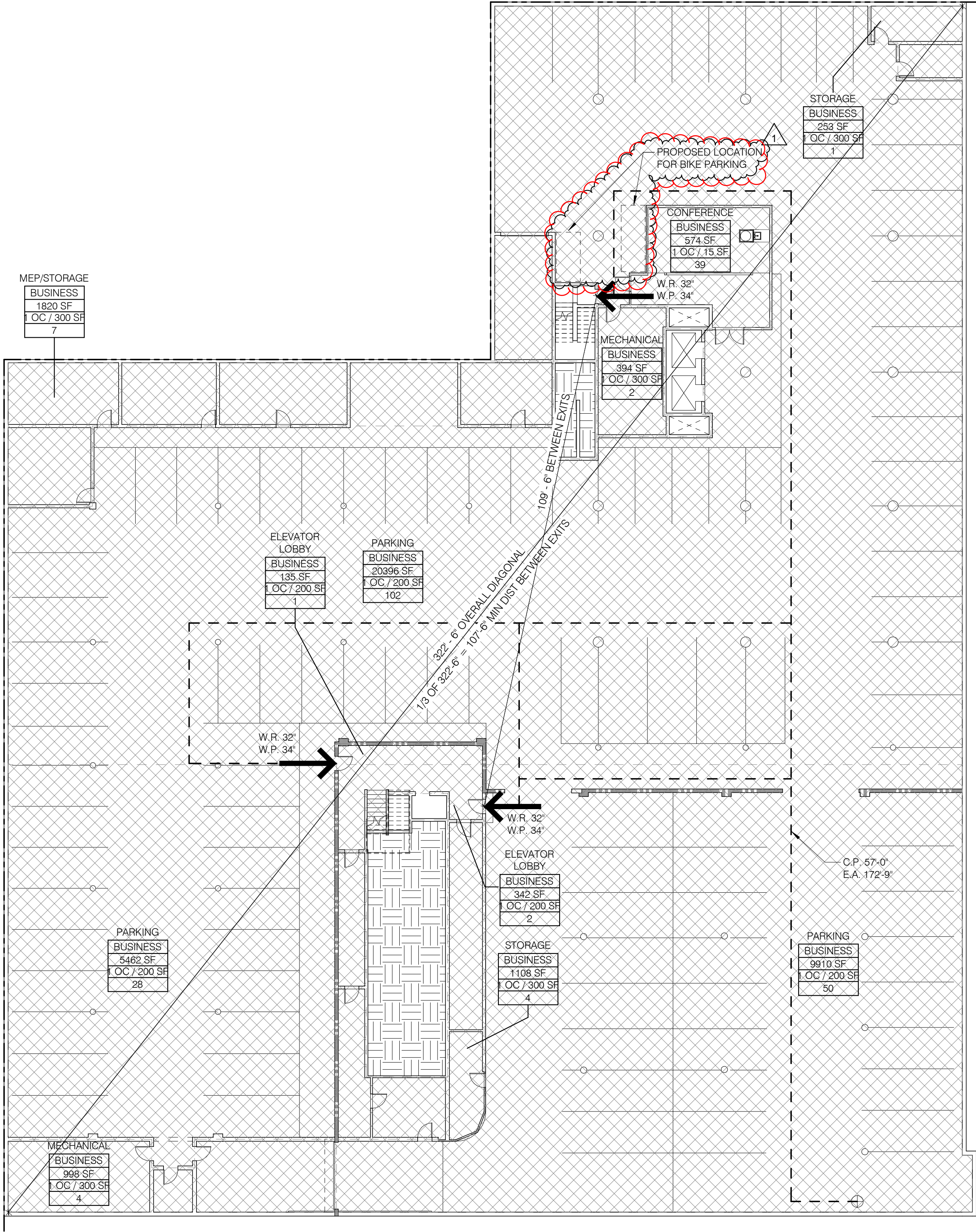
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SUBMITTED 4/19/2022

CHANGE OF OCCUPANCY SET

THE ADJACENT SAMPLES SHOW THREE LEVELS OF SHADING.
THIS GUIDANCE IS FOR REFERENCE ONLY.



1
G03
PARKING GARAGE
1/16" = 1'-0"



PROJECT DESCRIPTION

SEE DESCRIPTION ON COVER SHEET.

GENERAL PROJECT INFORMATION

BUILDING OWNER: NORTHWEST ACADEMY
PROJECT ADDRESS: 1201 & 1221 SW 12TH AVE
PORTLAND, OR 97205
LEGAL DESCRIPTION: PORTLAND, BLOCK E & N 1/2 D TL 4400;
& BLOCK N 1/2 D, LOT 2&3, LOT 6&7
II
RISK CATEGORY: II
CONSTRUCTION TYPE: TYPE IB & IIB
USE/OCCUPANCY: NON-SEPARATED USE FOR
GROUPS B/E/S2 OCCUPANCY
**MAXIMUM ALLOWABLE
FLOOR AREA:** E = 43,500 SF
**MAXIMUM ALLOWABLE
AREA BUILDING:** E = 87,000 SF
MAXIMUM BUILDING HEIGHT: B/E/S = 75'
MAXIMUM STORIES: E = 3 STORIES (WITH SPRINKLERS)

APPLICABLE CODES

2019 OREGON STRUCTURAL SPECIALTY CODE (OSSC)
2019 OREGON FIRE CODE (OFC)
2019 OREGON MECHANICAL SPECIALTY CODE (OMSC)
2017 OREGON PLUMBING SPECIALTY CODE (OPSC)
2017 OREGON ELECTRICAL SPECIALTY CODE (OESC)
2019 OREGON COMMERCIAL ENERGY CODE (OCEC)
2019 OREGON ZERO ENERGY READY COMMERCIAL CODE
2009 ICC A117.1
ASHRAE STANDARD 90.1-2019
CODE OF THE CITY OF PORTLAND, OREGON TITLE 33,
PLANNING AND ZONING

SITE AND ZONING

TAX MAP/PARCEL #: 1S1E04AA -04500 & 1S1E04AA -04400
ZONING: RXd CENTRAL RESIDENTIAL,
DESIGN (d) OVERLAY
PROPERTY AREA/LOT SIZE: 0.46 ACRES (20,000 SQ FT) &
0.55 ACRES (24,000 SQ FT)

TYPES OF CONSTRUCTION

CHAPTER 6

FIRE RESISTANCE RATING REQUIREMENTS FOR BUILDING ELEMENTS (TABLE 601)		
BUILDING ELEMENT	REQUIRED	PROPOSED
CONSTRUCTION TYPE	TYPE IB & IIB	NO CHANGE
STRUCTURAL FRAME	0	NO CHANGE
BEARING WALLS - EXTERIOR INTERIOR	0 0	NO CHANGE NO CHANGE
NONBEARING WALLS AND PARTITIONS - INTERIOR	0	NO CHANGE
FLOOR CONSTRUCTION	0	NO CHANGE
ROOF CONSTRUCTION	0	NO CHANGE

** REFERENCE CODE PLANS FOR CONTINUITY OF LOAD PATH RATING

APPEALS

- PLAZA BUILDING CONSTRUCTION TYPE IIB PER APPEAL ID #24159
- FOR PLAZA BUILDING 2004 OCCUPANT LOAD BASELINE REFERENCE
APPEAL ID #24641

FIRE ALARMS & SPRINKLERS

- MANUAL ALARMS AND EMERGENCY VOICE/ALARM COMMUNICATION
SYSTEM IS REQUIRED BY SECTION 907.2.3 FOR E OCCUPANCY. THIS IS
A DEFERRED SUBMITTAL.
- A MANUAL FIRE ALARM SYSTEM THAT INITIATES THE OCCUPANT
NOTIFICATION SIGNAL UTILIZING AN EMERGENCY VOICE/ALARM
COMMUNICATION SYSTEM MEETING THE REQUIREMENTS OF SECTION
907.5.2.2 AND INSTALLED IN ACCORDANCE WITH SECTION 907.6 SHALL
BE INSTALLED IN GROUP E OCCUPANCIES, WHERE AUTOMATIC
SPRINKLER SYSTEMS OR SMOKE DETECTORS ARE INSTALLED, SUCH
SYSTEMS OR DETECTORS SHALL BE CONNECTED TO THE
BUILDING FIRE ALARM SYSTEM.
- AN AUTOMATIC SPRINKLER SYSTEM SHALL BE PROVIDED FOR GROUP E
OCCUPANCIES AS FOLLOWS:
 - THROUGHOUT ALL GROUP E FIRE AREAS GREATER THAN 12,000
SQUARE FEET IN AREA
 - THE GROUP E FIRE AREA HAS AN OCCUPANT LOAD OF 300 OR
MORE.
- PLAZA BUILDING HAS AN EXISTING AUTOMATIC FIRE SPRINKLER
SYSTEM.
- NEW SPRINKLERS 6' ON CENTER AT OPENINGS IN GARAGE

CODE PLAN NOTES

- AREAS SHOWN ON CODE SHEETS G01, G02, AND G03 ARE
DIAGRAMMATIC ONLY AND SHOULD NOT BE USED AS THE BASIS OF
MATERIAL CALCULATIONS OR QUANTITIES.
- WHERE RATED WALLS ARE SHORTER THAN COMPLETE RATING
DEPICTION, RATE WALL THE SAME AS ADJOINING WALL.

CODE LEGEND

FIRE SEPARATION

	SMOKE PARTITION
	1 HOUR FIRE BARRIER
	2 HOUR FIRE BARRIER
	3 HOUR FIRE BARRIER
	1 HOUR FIRE PARTITION

--X--X--X--

1 HOUR FIRE RESISTANCE RATED
CONSTRUCTION

--XX--XX--XX--

2 HOUR FIRE RESISTANCE RATED
CONSTRUCTION

1 HOUR FIRE RATED CEILING/
FLOOR ABOVE

EXIT

	direction	EXIT SIGN
	SIGN FACE	OCCUPANT LOAD AT OPENING
	SIGN FACE	CUMULATIVE LOAD AT OPENING
	SIGN FACE	BUILDING EXIT (EGRESS COMPONENT WIDTH REQUIRED AND WIDTH PROVIDED)
	SIGN FACE	ACCESSIBLE ROUTE OF TRAVEL (SITE)
	SIGN FACE	COMMON PATH OF EGRESS TRAVEL EXIT ACCESS DISTANCE
	SIGN FACE	MAIN PATH OF EGRESS REQUIRING ILLUMINATION LEVEL NO LESS THAN 1 FOOT CANDLE (WIDTH BASED ON OCCUPANT NUMBER)

OPENINGS

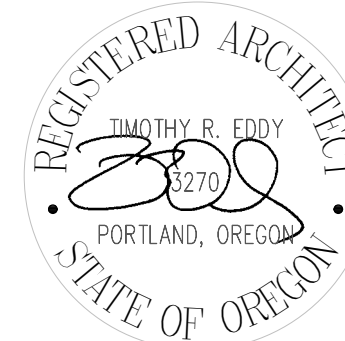
	20	20 MINUTE DOOR/OPENING
	45	45 MINUTE DOOR/OPENING
	60	60 MINUTE DOOR/OPENING
	90	90 MINUTE DOOR/OPENING

ROOM/OCCUPANCY LABEL

ROOM TYPE	ROOM NAME
(B)	OCCUPANCY CLASSIFICATION
150 SF	SQUARE FOOTAGE
1 OC / 998	OCCUPANCY LOAD FACTOR
Occ Count	NUMBER OF OCCUPANTS

OTHER LABELS

	NOT NORMALLY OCCUPIED/ NOT INCLUDED IN THE NET LOAD CALCULATION
	FIRE EXTINGUISHER
	FIRE EXTINGUISHER CABINET
	ACCESSIBLE ENTRANCE



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NORTHWEST ACADEMY

CENTURY TOWER &
PLAZA
1221 SW 12th Ave
Portland, OR

HEA Project no. 14108

Date: APRIL 1, 2022

CHANGE OF OCCUPANCY SET

Revisions:

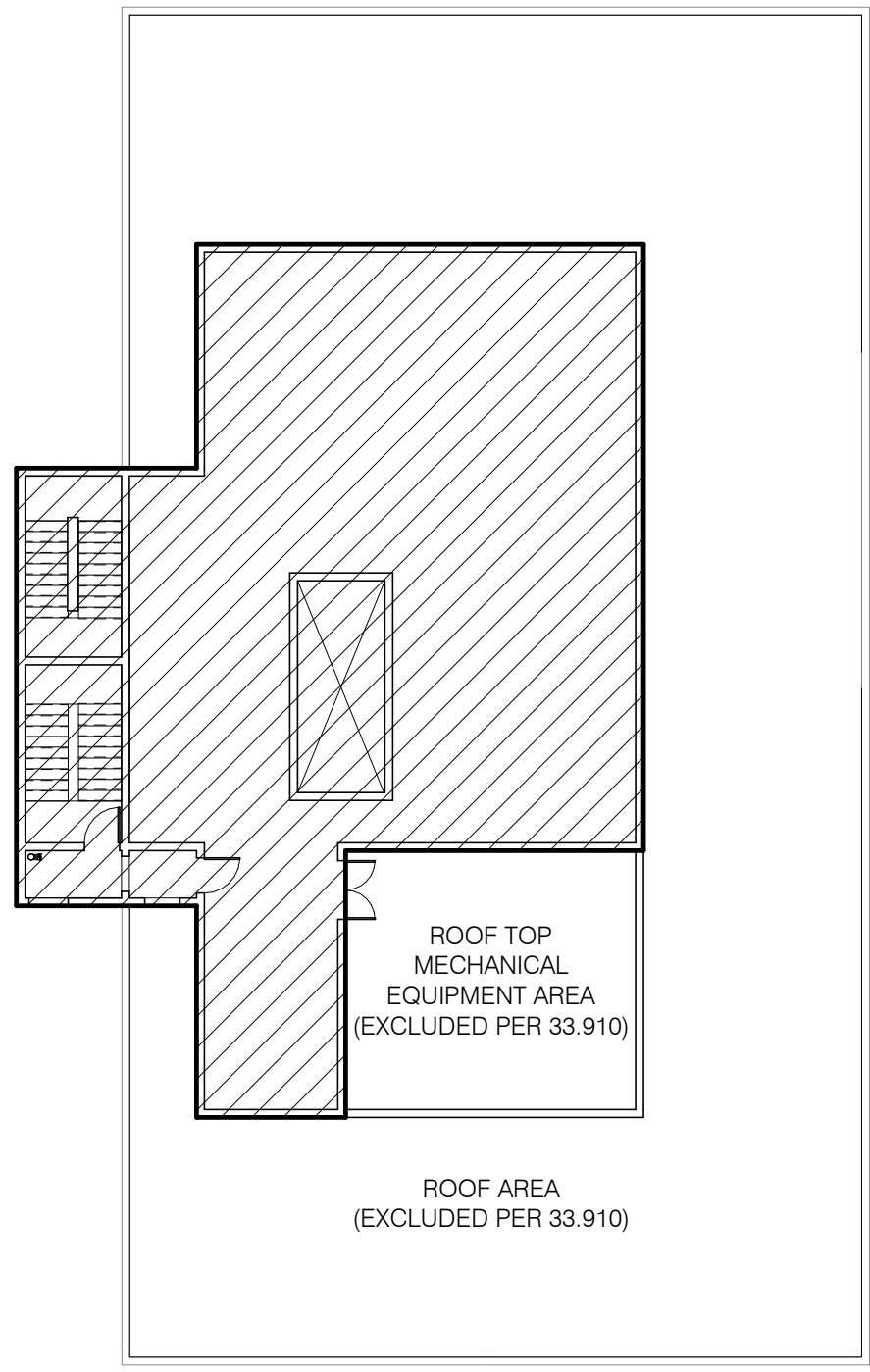
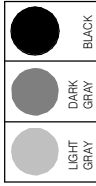
1	4/1/22	PERMIT RESPONSE #1
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CHANGE OF OCCUPANCY SET

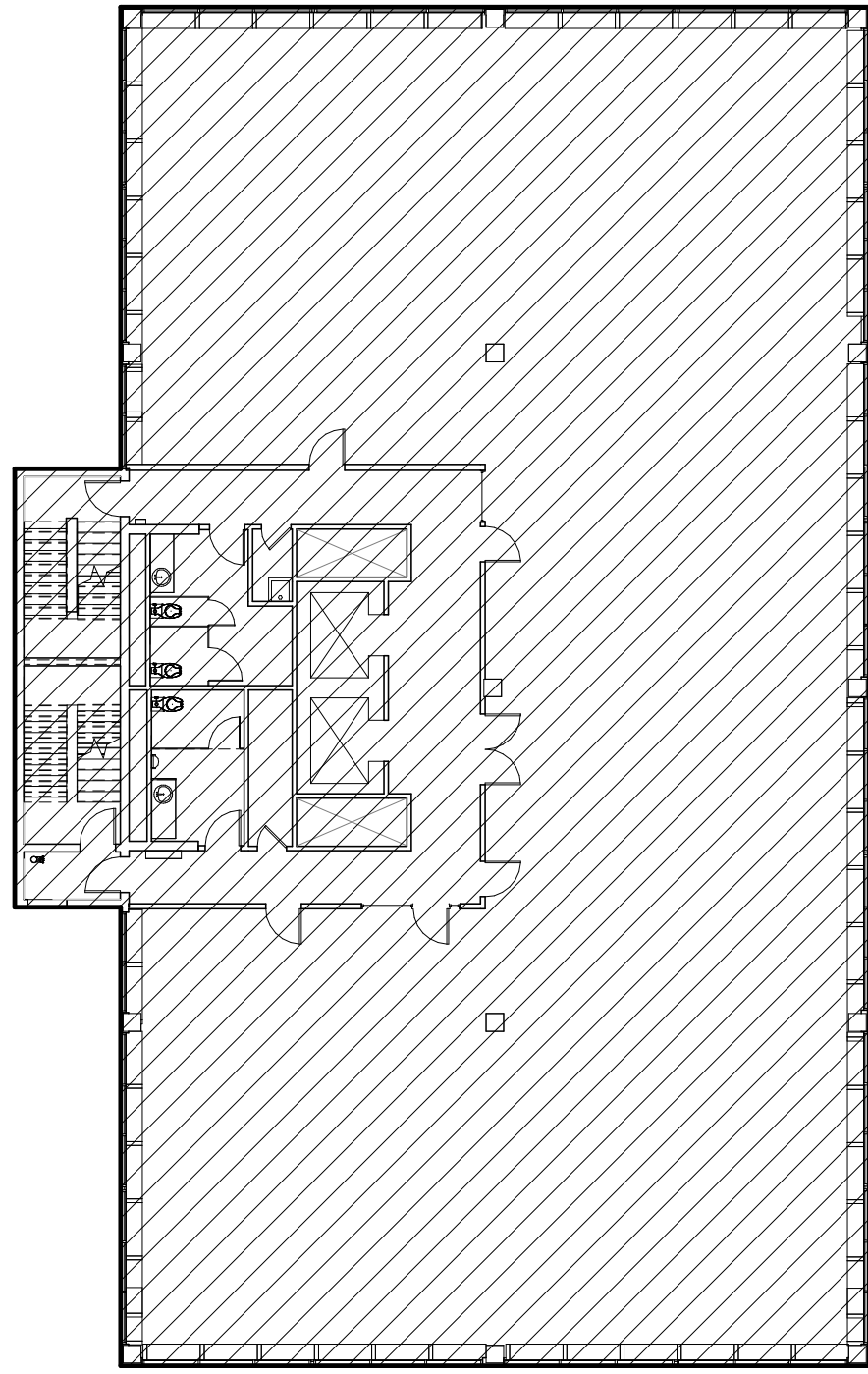
Drawn by: AO
Checked by: JB
Sheet:
FLS CODE PLAN -
PARKING GARAGE



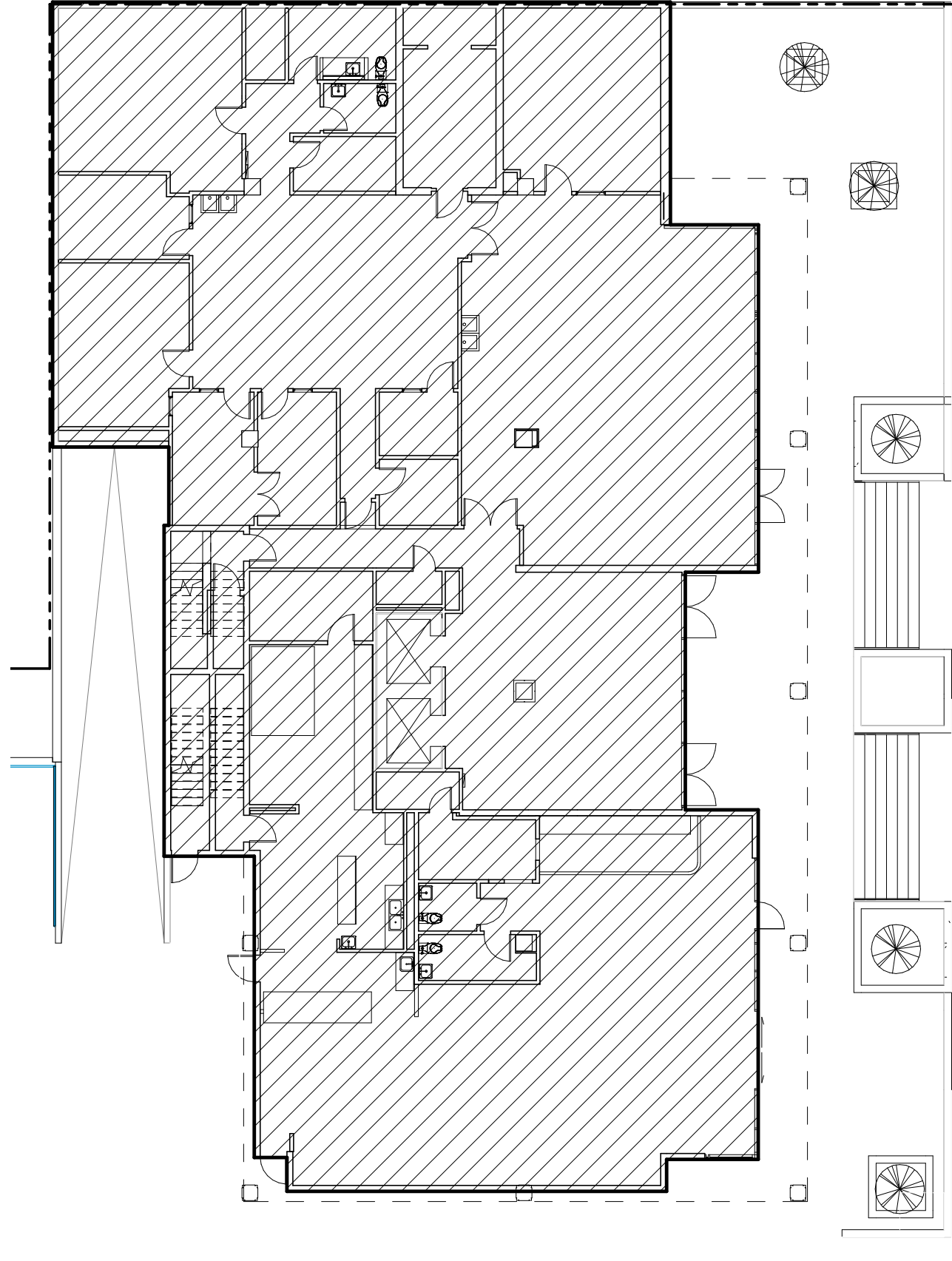
THE ADJACENT SAMPLES SHOW THREE LEVELS OF SHADING.
SETTINGS FOR VIEWING AND PRINTING CONTENT ARE OPTIMIZED WHEN ALL THREE DOTS ARE VISIBLE.
THIS GUIDANCE IS FOR REFERENCE ONLY.



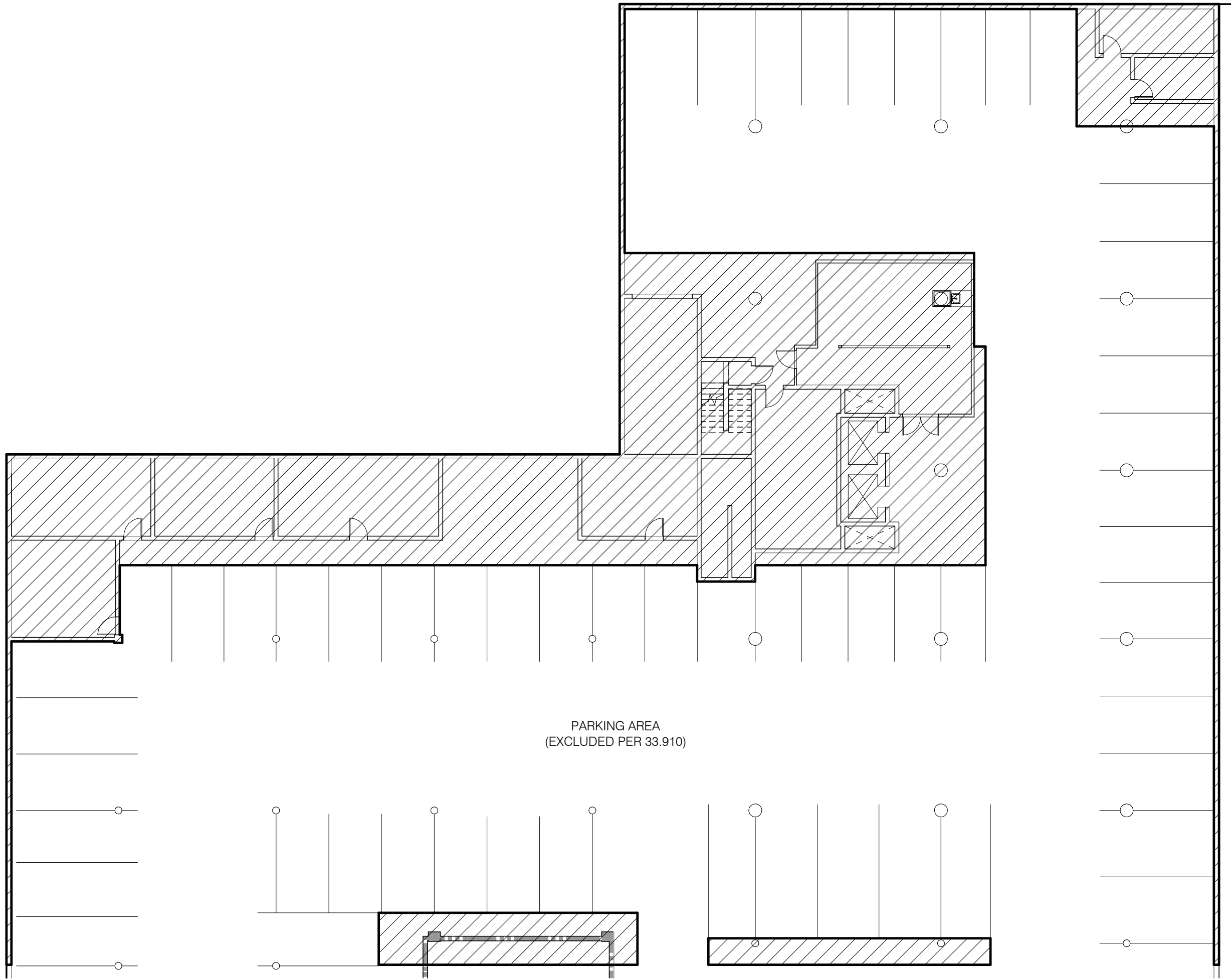
4
G04 LEVEL 7
1/16" = 1'-0"



3
G04 TYPICAL REPRESENTATION OF LEVELS 2-6
1/16" = 1'-0"



2
G04 LEVEL 1
1/16" = 1'-0"



1
G04 TOWER - BASEMENT - NET BUILDING AREA
1/16" = 1'-0"

NET BUILDING AREAS (PER TITLE 33.910)

IN RESPONSE TO ZONING PLAN EXAMINATION CHECK SHEET APPLICATION
NUMBER 21-113211 AND APPLICATION NUMBER 21-113521, ITEM NO. 1

LEVEL	NET BUILDING AREA (SF)
BASEMENT- PARKING	18,001.26 (EXCLUDED PER 33.910)
BASEMENT: OTHER	6,598.37
LEVEL 1	8,704.66 (PROPOSED AREA OF USE)
LEVEL 2	7,665.94
LEVEL 3	7,665.94
LEVEL 4	7,665.94
LEVEL 5	7,665.94
LEVEL 6	7,665.94
LEVEL 7 MECHANICAL ROOM	2,817.19
TOTAL:	56,449.92
AREA ALLOWED:	11,289.98 (20%)
AREA PROPOSED (LEVEL 1):	8,704.66 (15.42%)

INCLUDED IN NET BUILDING AREA PER TITLE 33.910
(CITY OF PORTLAND TITLE 33 PLANNING AND ZONING)



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HEA Project no. 14108

Date: APRIL 1, 2022

CHANGE OF OCCUPANCY SET

Revisions:

1	4/1/22	PERMIT RESPONSE #1
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Drawn by: AO
Checked by: JB

CENTURY TOWER
DEVELOPMENT
CODE PLAN

CHANGE OF OCCUPANCY SET



THE ADJACENT SAMPLES SHOW THREE LEVELS OF SHADING.
SETTINGS FOR VIEWING AND PRINTING CONTENT ARE OPTIMIZED WHEN ALL THREE DOTS ARE VISIBLE.
THIS GUIDANCE IS FOR REFERENCE ONLY.



APPEAL SUMMARY	
Status: Mixed Decision. Items 1a, 1b, 3, 4: Hold for Additional Information. Item 2: Decision Rendered.	
Appeal ID: 24159	Project Address: 1221 SW 12th Ave
Hearing Date: 11/11/20	Appellant Name: Samir Mokashi
Case No.: B-014	Appellant Phone: 9712385264
Appeal Type: Building	Plans Examiner/Inspector: John Cooley, Joe Thornton
Project Type: commercial	Stories: 2 Occupancy: B, S-2, E Construction Type: II-B
Building/Business Name: Northwest Academy – Plaza Building	Fire Sprinklers: Yes - Throughout
Appeal Involves: Alteration of an existing structure,occ Change LUR or Permit Application No.: from B to E	
Plan Submitted Option: pdf [File 1] [File 2] [File 3] [File 4] Proposed use: Educational [File 5]	

Appeal item 2

Code Section	Types of construction 602.1 General.
Requires	602.1 General. Buildings and structures erected or to be erected, altered or extended in height or area shall be classified in one of the five construction types defined in Sections 602.2 through 602.5. The building elements shall have a fire resistance rating not less than that specified in Table 601 and exterior walls shall have afire-resistance rating not less than that specified in Table 602. Where required to have a fire resistance rating by Table 601, building elements shall comply with the applicable provisions of Section 703.2. The protection of openings, ducts and air transfer openings in building elements shall not be required unless required by other provisions of this code.
Code Modification or Alternate Requested	The Plaza building and the Tower building are existing structures on two adjacent lots on a basement level parking garage that straddles both lots; this appeal proposes to establish the Plaza as a Type IIB construction.
Proposed Design	<p>The Plaza building was built in 1960 and the Tower building was built in 1966. The information in the City archives is not definitive and not consistent. This appeal proposes to establish the Plaza building as a type IIB construction, based on visual inspection and original construction documents.</p> <p>When the Plaza building was completed the basement parking garage was limited to the building footprint above, it was extended when the Tower building was added. This plaza building basement has cast in place concrete columns with steel beams protected by sprayed fireproofing, and a reinforced concrete slab above, see Attachment B image 1. Visual inspection of this assembly indicates that it is most likely 1-hour fire resistive assembly. The structure above on the first and second floors, especially the beams and roof trusses are not of fire resistive construction, see Attachment B image 6. Based on this we have concluded that the plaza building is of type IIB construction. The one-hour rating of the basement slab is primarily an occupancy separation as would have been required when constructed and today. See photographs of existing construction attached for reference, Attachment B.</p>
Reason for alternative	<p>The Plaza and the Tower are distinct structures of two different construction types. Another appeal submitted in parallel addresses the construction type of the Tower Building and the construction of the fire wall between the two structures to meet the allowable area and story limitations. It is not uncommon to find discrepancy in the construction type designations and sometimes in other aspects of code compliance. We are addressing this gap for the Plaza building, which establishes the baseline to move forward as the building gets upgraded.</p> <p>The Northwest Academy is an independent arts-focused non-profit school for middle and high students in downtown Portland. It attracts students come from all over Portland and its suburbs due to its excellent academic reputation. Many of the teachers include former college instructors and professional artists, directors, dancers, musicians, and writers, which is essential to the high standards of this school. The proximity to performing art centers downtown allows these professionals to split their time between teaching and practice. Without this the school will not be able to bring these talented professionals to teach the students who excel in academics and the arts. Currently the school is spread across multiple buildings in downtown Portland, this opportunity to consolidate them in one location brings efficiency of space use and enriches the learning experience for the students.</p> <p>This and other appeals submitted here is critical to the continued success of this unique educational program. Therefore we urge you to approve it.</p>

APPEAL DECISION	
1a. Omission of fire wall construction to separate buildings of different construction types: Hold for additional information.	
1b. Alternate protection of non fire rated openings between buildings on separate lots: Hold for additional information.	
2. Determination of Plaza Building as Type IIB construction: Granted as proposed.	
3. Determination of Plaza Building occupancy as of October 1, 2004: Hold for additional information.	
4. Omission of one hour fire rated construction of exterior wall within 5 feet of property line: Hold for additional information.	
Appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov with questions.	
Items 1a, 1b, 3, 4: Additional information is submitted as a no fee reconsideration, following the same submittal process and using the same appeals form as the original appeal. Indicate at the beginning of the appeal form that you are filing a reconsideration and include the original assigned Appeal ID number. The reconsideration will receive a new appeal number. Include the original attachments and appeal language. Provide new text with only that information that is specific to the reconsideration in a separate paragraph(s) clearly identified as "Reconsideration Text" with any new attachments also referenced. No additional fee is required.	
For item 2: The Administrative Appeal Board finds 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.	

APPEAL SUMMARY	
Status: Decision Rendered	
Appeal ID: 24161	Project Address: 1201 SW 12th Ave
Hearing Date: 11/11/20	Appellant Name: Samir Mokashi
Case No.: B-018	Appellant Phone: 9712385264
Appeal Type: Building	Plans Examiner/Inspector: John Cooley, Joe Thornton
Project Type: commercial	Stories: 6 Occupancy: A-2, B, S-1, S-2, E Construction Type: I-B
Building/Business Name: Northwest Academy – Tower Building	Fire Sprinklers: Yes - Basement, First Floor, and Second Floor proposed
Appeal Involves: Alteration of an existing structure,occ Change LUR or Permit Application No.: from B to E	
Plan Submitted Option: pdf [File 1] [File 2] [File 3] Proposed use: Educational	

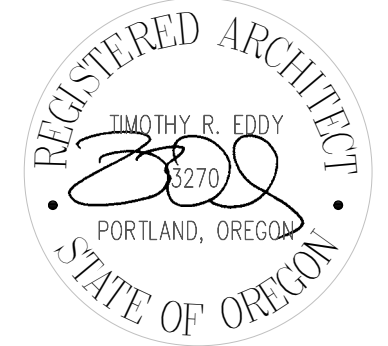
APPEAL INFORMATION SHEET

Appeal item 1

Code Section	602.1 General.
Requires	602.1 General. Buildings and structures erected or to be erected, altered or extended in height or area shall be classified in one of the five construction types defined in Sections 602.2 through 602.5. The building elements shall have a fire resistance rating not less than that specified in Table 601 and exterior walls shall have afire-resistance rating not less than that specified in Table 602. Where required to have a fire resistance rating by Table 601, building elements shall comply with the applicable provisions of Section 703.2. The protection of openings, ducts and air transfer openings in building elements shall not be required unless required by other provisions of this code.
Code Modification or Alternate Requested	The Plaza building and the Tower building are existing structures on two adjacent lots on a basement level parking garage that straddles both lots; this appeal proposes an establish the Tower as a type IA construction.
Proposed Design	<p>The Plaza building was built in 1960 and the Tower building was built in 1966. The information in the City archives is not definitive and not consistent. This appeal proposes to establish the Tower building as type IA construction, based on visual inspection and original construction documents.</p> <p>When the Tower building was added the basement below that building was extended up to the exterior wall of the Plaza building basement. This new building was constructed of cast in place reinforced concrete structure. The columns in the basement are cast in place concrete similar to the Plaza building, and the beams are also cast in place concrete with a concrete floor slab, see Attachment B image 2. The structure above is cast in place concrete for columns, beams and floor slabs, see attachment B image 7. Based on the original structural drawings, see attachment A, the typical floor slab is 6 ½ inches thick, which is 3-hour fire resistive construction per chapter 7 prescriptive fire resistance. The columns and beams have 2-inch concrete cover which is 4-hour fire resistive construction. Fire resistance required for a type IA construction is 2-hour floor, 1.5 hour roof, and 3 hour primary structure (columns/beams). Permit in 2003 listed this building as type 1FR, which is equivalent to type IA under the 2019 OSSC. Therefore, based on original documents and the 2003 permit application note, this building is of type IA construction.</p>
Reason for alternative	<p>The Plaza and the Tower are distinct structures of two different construction types. Another appeal submitted in parallel addresses the construction of the Plaza building and the fire wall between the two structures to meet the allowable area and story limitations. It is not uncommon to find discrepancy in the construction type designations and sometimes in other aspects of code compliance. We are addressing this gap for these two buildings, which establishes the baseline to move forward as the building gets upgraded.</p> <p>The Northwest Academy is an independent arts-focused non-profit school for middle and high students in downtown Portland. It attracts students come from all over Portland and its suburbs due to its excellent academic reputation. Many of the teachers include former college instructors and professional artists, directors, dancers, musicians, and writers, which is essential to the high standards of this school. The proximity to performing art centers downtown allows these professionals to split their time between teaching and practice. Without this the school will not be able to bring these talented professionals to teach the students who excel in academics and the arts. Currently the school is spread across multiple buildings in downtown Portland, this opportunity to consolidate them in one location brings efficiency of space use and enriches the learning experience for the students.</p> <p>This and other appeals submitted here is critical to the continued success of this unique educational program. Therefore, we urge you to approve it.</p>

Appeal item 2	
Code Section	24.85.040 (A) & (B) Change of Occupancy or Use.
Requires	<p>A. Occupancy Change to a Higher Relative Hazard Classification. An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the OSSC or ASCE 41 Improvement standard shall be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B.</p> <p>Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.</p> <p>B. Occupancy Change to Same or Lower Relative Hazard Classification. An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 41 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic improvement is required, the entire building shall be improved to conform to the appropriate improvement standard identified in Table 24.85-A.</p> <p>Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.</p>
Code Modification or Alternate Requested	Establish the "legal building occupancy as of October 1, 2004" required by 24.85.040 subsections (A) & (B).
Proposed Design	<p>The Northwest Academy is consolidating its classrooms spread across multiple downtown locations in to one location in the Plaza and the Tower buildings.</p> <ol style="list-style-type: none">The first two floors of the Tower building, where the E occupancy is being proposed it will be fully sprinklered. Existing basement is currently sprinklered.The occupant load increase will not exceed 149 in the building.The change of occupancy will not be more than 1/3rd the building floor area.The attached occupant load is based on research of available documentation and from discussions with those familiar with the uses prior to 2004.The occupant load calculations follow the 2019 OSSC method.The occupant load calculations follow "Office Space Occupant Load Calculation Guide OSSC/10/#10", particularly the use of 100 sf/person for office uses for current space and those prior to 2004. Business uses are shown in adjacent column using 1.150 OLF. This is provided for information only; this appeal requests approval to use 1.100 OLF per the draft city guide. <p>The proposed occupant load for the Tower Building prior to October 1, 2004 is 867 occupants, see attached occupant load summary.</p>
Reason for alternative	<p>The Plaza and the Tower are distinct structures of two different construction types. Another appeal submitted in parallel address the need for a fire wall between the two structures to meet the allowable area and story limitations. These are complicated buildings due to age and their unique construction. These buildings will be expensive to upgrade them to the current seismic requirements. However, the buildings are being upgraded in other ways to improve their safety.</p> <p>Both floors in the Tower building will be upgraded with automatic sprinklers where E occupancy is being proposed. This will provide additional protection that the building did not have, making it safer.</p> <p>Fire rated separations is proposed in the basement to separate the buildings and in the first and second floors of both buildings. This will provide additional protection that these buildings did not have, making them safer.</p> <p>The Northwest Academy is an independent arts-focused non-profit school for middle and high students in downtown Portland. It attracts students come from all over Portland and its suburbs due to its excellent academic reputation. Many of the teachers include former college instructors and professional artists, directors, dancers, musicians, and writers, which is essential to the high standards of this school. The proximity to performing art centers downtown allows these professionals to split their time between teaching and practice. Without this the school will not be able to bring these talented professionals to teach the students who excel in academics and the arts. Currently the school is spread across multiple buildings in downtown Portland, this opportunity to consolidate them in one location brings efficiency of space use and enriches the learning experience for the students.</p> <p>This and other appeals submitted here is critical to the continued success of this unique educational program. Therefore we urge you to approve it.</p>

APPEAL DECISION	
1. Determination of Tower Building as Type IA construction: Denied. Proposal does not provide equivalent Life Safety protection.	
2. Determination of Tower Building occupancy as of October 1, 2004: Granted provided occupancy analysis using 100 s.f. per occupant is verified at time of building plan review. Appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov with questions.	
For item 1: 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.	
For item 2: 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.	



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CENTURY TOWER & PLAZA
1221 SW 12th Ave
Portland, OR
HEA Project no. 14108
Date: APRIL 1, 2022
CHANGE OF OCCUPANCY SET
Revisions:
1 4/1/22 PERMIT RESPONSE #1

Drawn by: Author
Checked by: Checker
Sheet: APPEALS

G05
SUBMITTED 4/14/2022

CHANGE OF OCCUPANCY SET



APPEAL SUMMARY	
Status: Decision Rendered - Held over from ID 24159, item #3 (11/11/20), for additional information	
Appeal ID: 24641	Project Address: 1221 SW 12th Ave
Hearing Date: 2/24/21	Appellant Name: Joshua Klyber
Case No.: B-006	Appellant Phone: 5032091458
Appeal Type: Building	Plans Examiner/Inspector: John Cooley
Project Type: commercial	Stories: 2 Occupancy: B, E, S-2 Construction Type: II-B
Building/Business Name: Northwest Academy - Plaza Building	Fire Sprinklers: Yes - Throughout proposed
Appeal Involves: Alteration of an existing structure, Reconsideration of appeal	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1] [File 2] [File 3]	Proposed use: Education Facility

APPEAL INFORMATION SHEET	
Appeal item 1	
Code Section	24.85.040 (A) & (B) Change of Occupancy or Use.
Requires	<p>A. Occupancy Change to a Higher Relative Hazard Classification. An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the OSSC or ASCE 41 improvement standard shall be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B. Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.</p> <p>B. Occupancy Change to Same or Lower Relative Hazard Classification. An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 41 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic improvement is required, the entire building shall be improved to conform to the appropriate improvement standard identified in Table 24.85-A.</p> <p>Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.</p>
Code Modification or Alternate Requested	Reconsideration: No Change
Proposed Design	Original: Establish the "legal building occupancy as of October 1, 2004" required by 24.85.040 subsections (A) & (B)
Proposed Design	Reconsideration: The original appeal was held for more information because the determination of the 2004 occupant load needed to be reviewed by the plan reviewer. After being reviewed by John Cooley, several changes were agreed upon resulting in a 2004 baseline occupant load of 544 occupants. This is a decrease of 8 occupants from the originally proposed 552 occupants. This increase was due to two changes: dividing the circulation areas between the assembly and classroom uses and also changing the occupant load of of one classroom from a vocational lab to a standard classroom.

Original:
The Northwest Academy is consolidating its classrooms spread across multiple downtown locations in to one location in the Plaza and the Tower buildings. The Plaza structure is classified as a "URM building" due to a portion of its exterior wall being an unreinforced masonry construction.

1. The owners of this building plan to voluntarily replace that wall to eliminate the concerns.
2. Additionally, the owners will be bracing the parapet to the roof of the Plaza building.
3. The building will be fully sprinklered building.
4. The occupant load increase will not exceed 149 in either building.
5. The change of occupancy will not be more than 1/3rd the building floor area.
6. The attached occupant load is based on research of available documentation and from discussions with those familiar with the uses prior to 2004.
7. The occupant load calculations follow the 2019 OSSC method.
8. The occupant load calculations follow "Office Space Occupant Load Calculation Guide OSSC/10/#10", particularly the use of 100 sf/person for office uses for current space and those prior to 2004. Business uses are shown in adjacent column using 1:150 OLF. This is provided for information only, this appeal requests approval to use 1:100 OLF per the draft city guide.
9. During the preliminary life safety meeting, there was a question raised about the occupant load factor for the library prior to 2004. That room does not exist anymore, but we were able to confirm that it was an independent study area where individual students could study in between classes and also had a few computer terminals to access the internet. The occupant load factor used for that room was 1:50.

The proposed occupant load for the Plaza Building prior to October 1, 2004 is 552 occupants, see attached occupant load summary.

Reason for alternative	Reconsideration: No Change
Original:	The Plaza and the Tower are distinct structures of two different construction types. Another appeal submitted in parallel address the need for a fire wall between the two structures to meet the allowable area and story limitations. These are complicated buildings due to age and their unique construction. These buildings will be expensive to upgrade them to the current seismic requirements. However, the buildings are being upgraded in other ways to improve their safety. Both buildings will be upgraded with automatic sprinklers where E occupancy is being proposed. This will provide additional protection that these buildings did not have, making them safer.
Fire rated separations is proposed in the basement to separate the buildings and in the first and second floors of both buildings. This will provide additional protection that these buildings did not have, making them safer.	
Proposed voluntary seismic upgrades will improve the performance of the Plaza building. Although not a full seismic upgrade, it still improves the performance of this building.	
The Northwest Academy is an independent arts-focused non-profit school for middle and high students in downtown Portland. It attracts students come from all over Portland and its suburbs due to its excellent academic reputation. Many of the teachers include former college instructors and professional artists, directors, dancers, musicians, and writers, which is essential to the high standards of this school. The proximity to performing art centers downtown allows these professionals to split their time between teaching and practice. Without this the school will not be able to bring these talented professionals to teach the students who excel in academics and the arts. Currently the school is spread across multiple buildings in downtown Portland, this opportunity to consolidate them in one location brings efficiency of space use and enriches the learning experience for the students.	
This and other appeals submitted here is critical to the continued success of this unique educational program. Therefore we urge you to approve it.	

APPEAL DECISION	
Determination of Plaza Building occupancy as of October 1, 2004: Granted as proposed with occupant load factor of 1:100.	
The Administrative Appeal Board finds 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.	



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CENTURY TOWER & PLAZA
1221 SW 12th Ave
Portland, OR

HEA Project no. 14108
Date: APRIL 1, 2022
CHANGE OF OCCUPANCY SET

Revisions:

1	4/1/22	PERMIT RESPONSE #1
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Drawn by: Author
Checked by: Checker
Sheet: APPEALS



CHANGE OF OCCUPANCY SET

THE ADJACENT SAMPLES SHOW THREE LEVELS OF SHADING.
CHECKED BY: [Signature]
DATE: 4/1/2022
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APPEAL SUMMARY	
Status: Decision Rendered	
Appeal ID: 26202	Project Address: 1221 SW 12th Ave
Hearing Date: 10/6/21	Appellant Name: Samir Mokashi
Case No.: B-013	Appellant Phone: 9712385264
Appeal Type: Building	Plans Examiner/Inspector: John Cooley, Joe Thornton
Project Type: commercial	Stories: 2 Occupancy: B, S-2, E Construction Type: II-B
Building/Business Name: Northwest Academy – Plaza Building	Fire Sprinklers: Yes - Throughout
Appeal Involves: occ Change from B to E	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1] [File 2] [File 3]	Proposed use: Middle & high School and Business

APPEAL INFORMATION SHEET	
Appeal item 1	
Code Section	503.1.2 & 706.1 Building Separation
Requires	<p>503.1.2 Buildings on same lot. Two or more buildings on the same lot shall be regulated as separate buildings or shall be considered as portions of one building where the building height, number of stories of each building and the aggregate building area of the buildings are within the limitations specified in Sections 504 and 506. The provisions of this code applicable to the aggregate building shall be applicable to each building.</p> <p>706.1 General. Fire walls shall be constructed in accordance with Sections 706.2 through 706.11. The extent and location of such fire walls shall provide a complete separation. Where a fire wall separates occupancies that are required to be separated by a fire barrier wall, the most restrictive requirements of each separation shall apply.</p>
Code Modification or Alternate Requested	The Plaza building and the Tower building are existing structures on two adjacent lots with a contiguous, unseparated basement level parking garage that straddles both lots; this appeal proposes an alternate to a fire wall separation in the parking garage to provide the required separation between these buildings.
Proposed Design	<p>The Plaza building (Type IIB const) was built in 1960 and the Tower building (Type IB const) was built in 1966. When the Plaza was completed the extent of the basement parking garage was limited to the exterior wall of the building as it exists above grade today. This exterior wall was set back 60 feet along NW 13th avenue was set back approximately 5 feet from the lot line separating the adjacent lot. When the Tower was built, it also included a basement parking garage, which was extended to merge with the parking garage of the Plaza building across the lot line. A fire wall or an area separation wall as it was called then was not constructed along the property line even though the two structures were very distinct construction types. This appeal proposal addresses this omission in a manner that makes use of the existing fire resistive concrete walls without disturbing the existing tenants, see attached documents and the description below.</p> <ol style="list-style-type: none">1. The building separation for the purposes of allowable area and construction type will be maintained at the existing lot line between the two buildings.2. The L-shaped basement wall below the Plaza building exterior wall will provide the 3-hour fire resistive separation between the two buildings as required by section 706.4. Doors currently located in this wall will be up graded to 3-hour doors.3. At the two large openings in the concrete wall separating the two garages, which serve as the drive aisles through this 3-hour wall, sprinklers will be added at 6 feet on center on either side of the concrete beam. The concrete beam with the addition of the sprinklers will act as a "water curtain" to protect the opening. It is not possible to add a door or a draft curtain extending below the existing beam at these two openings.4. The area above the garage between the Plaza and the Tower buildings will have a no build easement as noted in the attached draft easement and associated exhibits.
Reason for alternative	The Northwest Academy (NWA) is an independent arts-focused non-profit school for middle and high school students that recently relocated to his location in downtown Portland. Previously the school was spread across multiple buildings; moving here has resulted in more efficient use of space and better learning experience for the students. NWA attracts students come from all over Portland and its suburbs due to its excellent academic reputation. Many of the teachers include former college instructors and professional artists, directors, dancers, musicians, and writers, which is the reason for its stellar reputation. The proximity to performing art centers downtown allows these professionals to split their time between teaching and practice. Without this relocation & consolidation the school will not be able to attract all these talented professionals to teach at NWA.

The Plaza and the Tower are distinct structures of two different construction types that need a fire wall between them to meet the allowable area requirements. This should have been addressed when the buildings were constructed and perhaps it was addressed when the buildings were constructed but no records exist documenting the rationale behind the lack of fire wall (called area separation walls then). This proposal addresses the gap in the code compliance for these two buildings and establishes the foundation to move forward as both buildings get upgraded.

The parking garage is fully sprinklered and of non-combustible construction. The portion under the Tower is cast in place concrete of type IB construction. The portion under the Plaza building is 1-hour rated steel framing and cast in place concrete, exceeding the type IIB construction of the Plaza building above. The 3-hour existing wall with door upgrades will prevent the fire from spreading between the two buildings and will remain in place even if one of the structures collapses, as intended by the code for a fire wall. The low hazard S2 occupancy ensures that there is very little chance of a big fire in the garage and if one starts it will be quickly brought under control by the automatic sprinklers. The proposed water curtain in combination with the low hazard use will protect against the spread of fire across this opening.

The no-build easement above the garage between the two buildings will ensure that there is no possibility of fire spreading between the two buildings at the grade level. Again, ensuring that the code intent for a fire wall is satisfied.

This proposal will correct a non-complaint condition that has existing for far too long. The combination of wall upgrades and no-build easement is a significant improvement on the existing condition, which will meet the code intent for fire wall, solving a difficult problem not created by the current owners. Therefore, we urge you to approve it.

Appeal item 2	
Code Section	Table 602 & 705.8 Openings.
Requires	<p>Table 602 - Fire-resistance rating requirements for exterior walls based on Fire Separation Distance.</p> <p>705.8 Openings. Openings in exterior walls shall comply with Sections 705.8.1 through 705.8.6.</p>
Code Modification or Alternate Requested	This appeal requests approval of non-rated exterior wall and 75% unprotected openings at the Plaza and the Tower buildings on adjacent lots based on a dedicated no build easement between these two existing buildings.
Proposed Design	<p>The Plaza building (Type IIB const) was built in 1960 and the Tower building (Type IB const) was built in 1966. The two buildings are technically located on two separate lots though they encroach across the lot line. The Plaza building encroaches above grade and the Tower building encroaches below grade. These buildings are physically separated above grade but connected across the lot line at the basement parking garage. When the Plaza building was completed the basement parking garage was limited to the building footprint above, it was extended when the Tower building was added. When the Tower building was added the basement below that building was extended up to the exterior wall of the Plaza building basement.</p> <p>The lot line is located approximately 5 feet from the exterior wall of the Plaza building and 25 feet from the Tower building. Together they provide a fire separation distance of 30 feet, which both building benefit from.</p> <p>We propose that the exterior walls of these two buildings facing each other above grade be permitted to be non-rated and that unprotected openings be permitted to be 75% of the wall area at each floor.</p> <ol style="list-style-type: none">1. Thirty (30) feet dedicated open space will be maintained between the two walls facing each other by establishing a no-build easement. Canopies supported entirely off the building without any supporting structure in the no-build easement will be permitted. Existing planter boxes will remain, no new structures will be added. A draft copy of the no-build easement and associated exhibits is attached.2. The access road between the two buildings be a permanent fire lane, no parking or other uses be permitted.3. The Plaza building is fully sprinklered4. The first floor of the Tower building will be sprinklered. The main line will be sized so that sprinklers can be extended to all floors eventually.
Reason for alternative	<p>The Northwest Academy (NWA) is an independent arts-focused non-profit school for middle and high school students that recently relocated to his location in downtown Portland. Previously the school was spread across multiple buildings; moving here has resulted in more efficient use of space and better learning experience for the students. NWA attracts students come from all over Portland and its suburbs due to its excellent academic reputation. Many of the teachers include former college instructors and professional artists, directors, dancers, musicians, and writers, which is the reason for its stellar reputation. The proximity to performing art centers downtown allows these professionals to split their time between teaching and practice. Without this relocation & consolidation the school will not be able to attract all these talented professionals to teach at NWA.</p> <p>The physical separation provided will remain in perpetuity once the no-build easement is executed and the fire lane established between buildings. The 30 feet dedicated open space is consistent with the code requirement for non-rated wall and unlimited unprotected openings in all occupancies and construction types. The presumption in measuring the Fire Separation Distance to the lot line is that there is no control of what will happen on the other side of the lot line. The proposed no-build easement will eliminate that uncertainty and provides assurance that 30 feet separation is provided between each building's exterior wall in perpetuity. We are asking for openings to be maximum 75% of the wall area while 30 feet separation allows non-rated exterior wall and 100% unprotected openings in all occupancies and construction types.</p> <p>This proposal will correct a non-complaint condition that has existing for far too long. The no-build easement provides an ironclad legal means to ensure that 30 feet physical separation is maintained between the two buildings for the life of the buildings no matter who is the owner or which code edition is being enforced, which is a significant improvement on the existing condition. Therefore, we urge you to approve it.</p>

APPEAL DECISION	
1. Type 13 water curtain sprinkler protection at two non-fire rated parking garage openings in three hour fire wall separation of two buildings on separate lots; Granted provided 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 both sides of the openings. A separate permit from the Fire Marshal's Office is required. Appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov with questions.	
2. Increase in maximum allowable area of unprotected exterior North elevation wall of the openings to 75 percent with no build easement and access easement and maintenance agreement. Granted provided the no build easement is located from the North West corner of the Plaza building along the North elevation and extends fully to the East property line and also extends from the North elevation of the Plaza building Northward to the South most elevation of the Tower building. 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.	

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.



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1221 SW 12th Ave
Portland, OR
HEA Project no. 14108
Date: APRIL 1, 2022
CHANGE OF OCCUPANCY SET

Revisions:		
1	4/1/22	PERMIT RESPONSE #1

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Sheet: APPEALS



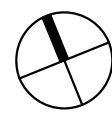
CHANGE OF OCCUPANCY SET

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CHECKED BY: JB
DATE: 4/1/22
SHEET: 1 OF 1
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1
A201
BASEMENT - SOUTH
1/8" = 1'-0"

0' 2' 4' 8' 16'



SHEET KEY NOTE LEGEND

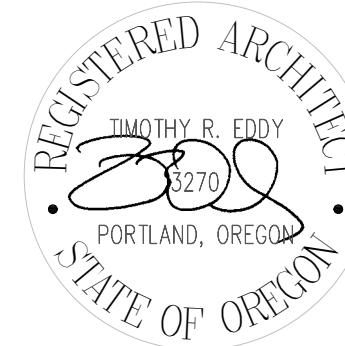
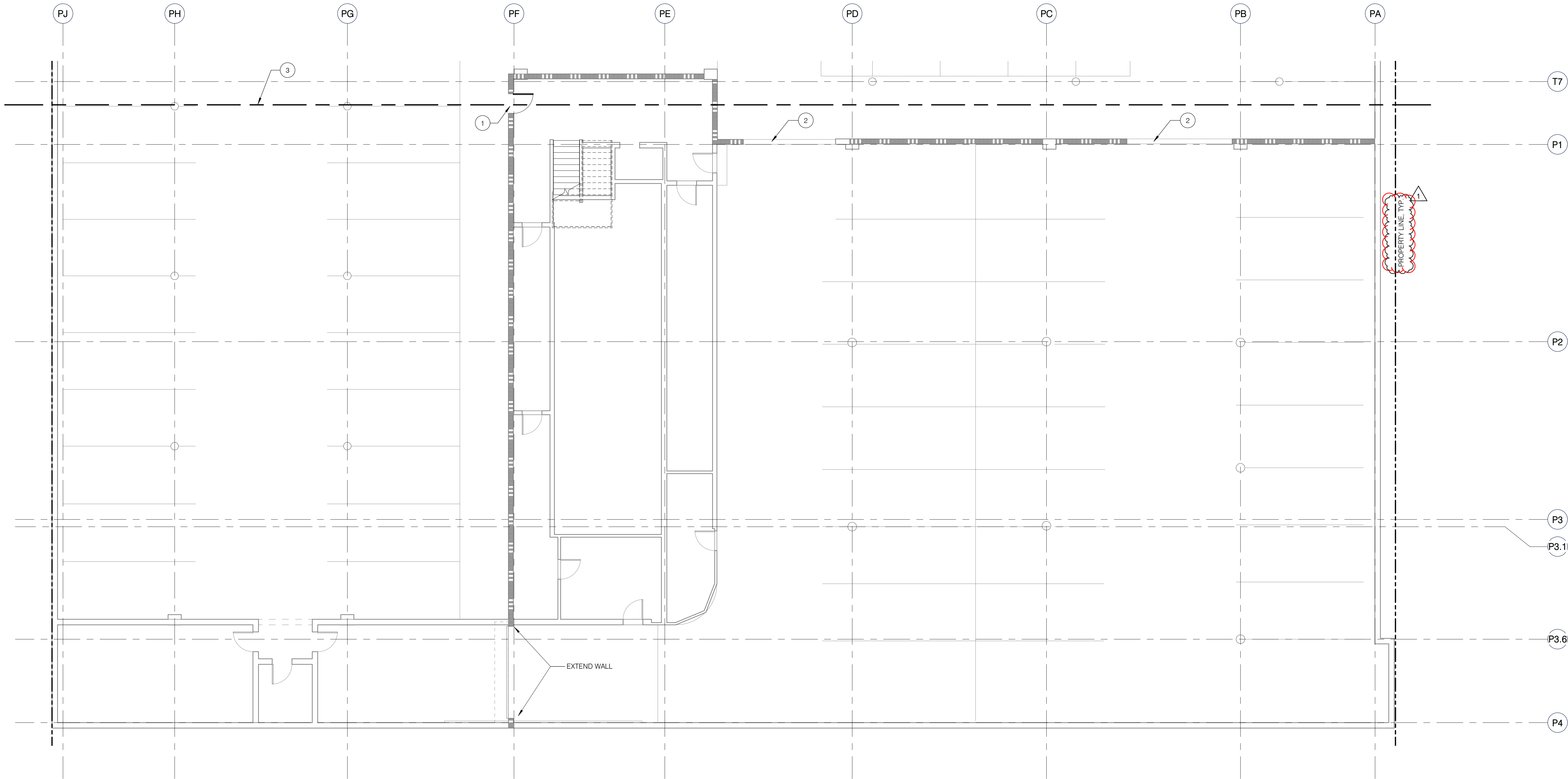
1. NEW 3 HR FIRE RATED HOLLOW METAL DOOR WITH (BASED ON APPEAL #26202)
 - PASSAGE LOCKSET
 - PANIC DEVICE
 - BUTT HINGES
 - SURFACE CLOSER
 - SMOKE GASKETS
 - DOOR SWEEP
 - S-LABEL
 - KICK PLATES
2. NEW SPRINKLERS 6" ON CENTER AT OPENINGS (BASED ON APPEAL #26202)
3. DRAWING MATCH LINE

FLOOR PLAN NOTES

1. SEE SHEET AG00 FOR GENERAL NOTES.
2. SEE SHEET AG01 FOR INTERIOR PARTITION TYPES.
3. DIMENSIONS ARE TO (EDIT PROJECT SPECIFIC):
 - A. FACE OF EXISTING FINISH.
 - B. FACE OF EXTERIOR FINISH.
 - C. FACE OF STUD.
 - D. GRIDLINE.
4. REFER TO CODE SHEETS FOR FIRE RESISTANCE RATING REQUIREMENTS AND EXTENT. ATTACHMENT AND ASSEMBLY OF MATERIALS MUST COMPLY WITH REQUIREMENTS OF U.L. LISTINGS PER "FIRE RESISTANCE DIRECTORY", WHERE LISTED.
5. WHERE RATED WALLS ARE SHORTER THAN COMPLETE RATING DEPICTION, RATE WALL THE SAME AS ADJOINING WALL.
6. INTERIOR PARTITIONS ARE TYPE (C2.3A ^) UNLESS NOTED OTHERWISE.

FLOOR PLAN LEGEND

- FULL HEIGHT WALL
- PARTIAL HEIGHT WALL
- 1 HR FIRE BARRIER WALL
- 2 HR FIRE BARRIER WALL
- 3 HR FIRE BARRIER WALL
- 1 HR FIRE PARTITION WALL
- SMOKE PARTITION
- INTERIOR WINDOW/SIDELIGHT
- INTERIOR WINDOW/SIDELIGHT WITH DOOR
- EXISTING BUILDING ELEMENTS AND FIXTURES SHOWN AS GREY



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1	4/1/22	PERMIT RESPONSE #1
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CHANGE OF OCCUPANCY SET

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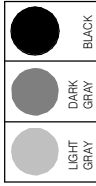
FLOOR PLAN -
PLAZA PARKING

A201

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SUBMITTED 4/19/2022

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1
A202

BASEMENT - NORTH
1/8" = 1'-0"

0 2' 4' 8' 16'

FLOOR PLAN NOTES

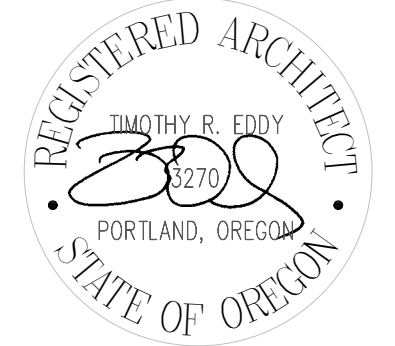
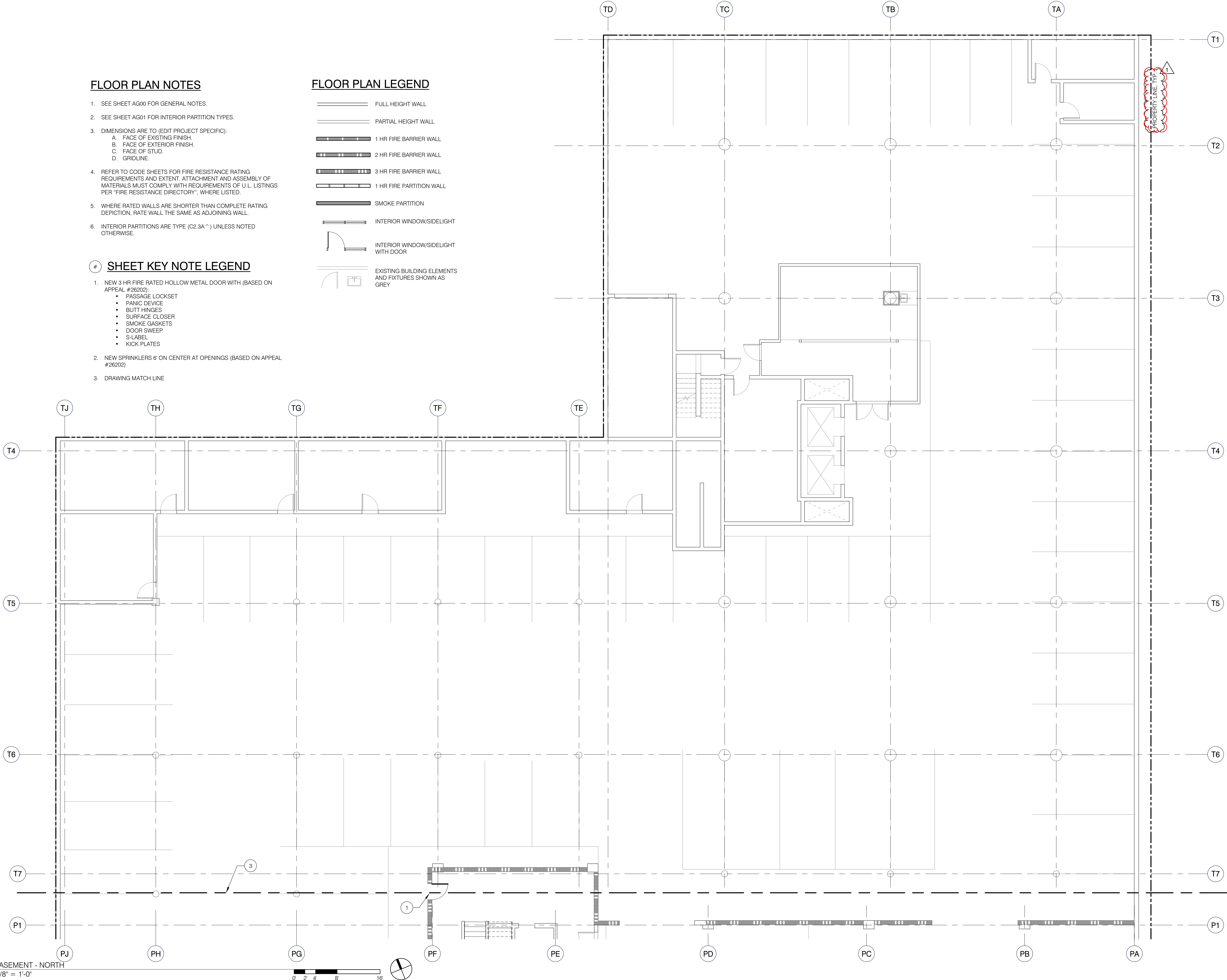
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SHEET KEY NOTE LEGEND

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 - SURFACE CLOSER
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FLOOR PLAN -
TOWER PARKING

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SUBMITTED 4/19/2022

CHANGE OF OCCUPANCY SET

AFTER RECORDING, RETURN TO:

City of Portland
Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201

AGREEMENT FOR FUTURE EASEMENTS

RECITALS

A. Century Tower LLC, an Oregon limited liability company (“**Declarant**”) is the record owner of two parcels of real property located in the City of Portland, Multnomah County, Oregon described in Section 1 below (each a “**Parcel**” and collectively, the “**Parcels**”).

B. Each Parcel is developed with an existing building. The “**Plaza Building**” on the Plaza Property was built in approximately 1960 and the “**Tower Building**” on the Tower Property was built in approximately 1966. The Tower Building and the Plaza Building are collectively referred to in this Agreement for Future Easements (this “**Agreement**”) as the “**Buildings**.”

C. The Buildings are separated by an approximately 30-foot wide (face of wall to face of wall) open area, in the location depicted on Exhibit “B” (the “**Walkway Area**”). The Walkway Area straddles the property line between the Parcels, with approximately 5 feet of width on the Plaza Property and 25 feet of width on the Tower Property.

D. When the Plaza Building was constructed, the basement parking garage was limited to the building footprint above grade, which is set back approximately five (5) feet south from the property line separating the Parcels. When the Tower Building was added, the basement parking garage below that building was constructed to merge with the existing Plaza Building basement parking garage, across the property line separating the Parcels. The location of the Tower Building basement encroachment onto the Plaza Property is depicted on Exhibit “C” (the “**Tower Basement Encroachment**”). The basements of the Buildings are connected with two large openings also depicted on Exhibit “C.”

E. The entry portion of the Plaza Building extends approximately five (5) feet onto the Tower Property across the property line between the Parcels, in the area shown on Exhibit “D” (the “**Plaza Entry Encroachment**”).

F. The Oregon Structural Specialty Code (“**Code**”) Section 602 requires exterior walls of buildings to be fire resistance rated and Section 705.8 limits the area of unprotected

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openings in these exterior walls based on Fire Separation Distance (“**FSD**”). No fire resistance is required for the exterior wall and there is no limit on the area of unprotected openings in that exterior wall when the FSD of 30 feet is provided from the face of the building exterior wall. The 30-foot-wide dedicated open space in the location of the existing Walkway Area will be maintained permanently between the two Buildings as indicated on the site plan Exhibit “B”. The Walkway Area no-build easement has been submitted to the City of Portland (“**City**”) as an alternative to a the 30-foot FSD required by the OSSC from the exterior wall of each Building.

G. As an alternative method of meeting the Building Code requirements of the City described in Recital F above, the Declarant is executing this Agreement.

A. Declarant further desires to (a) burden each of the Parcels with a covenant that will immediately create access, maintenance, and and no-build easements in perpetuity over the Walkway Area, effective upon the date when the Parcels are no longer under common ownership; (b) burden the Tower Property with a covenant that will immediately create an easement for the Plaza Entry Encroachment in perpetuity to benefit the Plaza Property, effective upon the date when the Parcels are no longer under common ownership; and (c) burden the Plaza Property with a covenant that will immediately create an easement for the Tower Basement Encroachment in perpetuity to benefit the Tower Property, effective upon the date when the Parcels are no longer under common ownership.

H. Declarant further desires to record this Agreement in the real property records of Multnomah County, Oregon to provide record notice of the terms of this Agreement, and to bind subsequent owners of the Parcels.

Now therefore, in consideration of terms and conditions of this Agreement, Declarant declares as follows:

AGREEMENT

1. **LEGAL DESCRIPTIONS.** The properties that are subject to this Agreement are as follows:

The “**Plaza Property**” parcel is commonly known as 1221 SW 12th Avenue, Portland, Oregon, tax ID # R246832, as legally described in Exhibit “A” attached hereto.

The “**Tower Property**” parcel is commonly known as 1201 SW 12th Avenue, Portland, Oregon, tax ID # R246844, as legally described in Exhibit “A” attached hereto.

2. **WALKWAY AREA.**

2.1 **Covenant for Future Easements.** Declarant and Declarant’s successors and assigns covenant that, if Declarant or subsequent owners or assigns transfer ownership of one of the Parcels, such that the Parcels are no longer in common ownership, each Parcel shall

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automatically and immediately be burdened by (a) a perpetual, non-exclusive no-build easement over that portion of the Walkway Area located on such Parcel and shall abide by the No-Build Easement Area Restrictions described in Section 2.2 of this Agreement; and (b) a perpetual non-exclusive access and maintenance agreement easement over that portion of the Walkway Area located on such Parcel and shall abide by the Access Agreement described in Section 2.3 of this Agreement and the Maintenance Agreement described in Section 2.4 of this Agreement. The owner of each Parcel, in its use of such easements, shall (w) comply with all laws, regulations, and ordinances and obtain and comply with all necessary permits, licenses, and approvals for any work performed in the Walkway Area; (x) conduct any and all work in the Walkway Area in a safe and workmanlike manner; (y) conduct any and all work in the Walkway Area promptly and in a manner designed to minimize interference with the operation and use of the Parcels and Buildings; and (z) keep the other Parcel free and clear of all liens and encumbrances arising out of work performed by or for the owner of the Parcel using such easement. The owner of each Parcel reserves for itself and its successors and assigns the right to use the portion of the Walkway Area on its Parcel for any lawful use consistent with this Agreement which does not unreasonably and materially interfere with the other Parcel owner's use of the Walkway Area.

2.2 No-Build Easement Area Restrictions. No new or additional above-ground Structure, as defined in this Section 2.1, shall be erected, constructed, placed, or maintained upon any portion of the Walkway Area.

2.2.1 As used in this Agreement, “**Structure**” means a dwelling unit, garage, shed, fence, or any other above-ground building or structure, or eaves or other projections not otherwise allowed by the Code.

2.2.2 Notwithstanding the generality of the forgoing, “**Structure**” does not include (a) right-of-way, paved, or other hardscaped areas; (b) non-combustible walkways, fences, and space dividers; (c) canopies supported entirely off a building without any supporting structure in the Walkway Area; (d) plants, trees, and other landscaping materials; and (e) existing planter boxes in the Walkway Area or equivalent replacements. As used in this Agreement, “**non-combustible**” means materials that have a maximum Flame Spread Index of 25 and Smoke Developed Index of 450 per Class A designation in accordance with either ASTM E84 or UL 723.

2.3 Access Easement and Agreement. If either Parcel comes into separate ownership, each Parcel shall have a non-exclusive perpetual easement over that portion of the Walkway Area located on the other Parcel for vehicular (including, without limitation, emergency and construction vehicles), pedestrian, and bicycle access purposes, for the benefit of and appurtenant to such Parcel. Such easement does not include any right to the ground underneath or the airspace above the Walkway Area, except to the extent necessary for the use of the Walkway Area for access and fire separation purposes. The owner of each Parcel agrees not to (a) store materials or equipment; (b) park any car or other vehicle; or (c) place any obstruction, above-ground structures, barriers, fences, gates, buildings, or other improvements of any kind on any portion of the Walkway Area, without the prior written consent of the owner of the other Parcel, which consent may be granted or denied in such owner's sole and absolute discretion.

{01156100;7}

2.4 Maintenance Easement and Agreement. If either Parcel comes into separate ownership, the owners of each Parcel shall be jointly responsible for the perpetual maintenance and repair of the Walkway Area and the cost of such maintenance and repair of the Walkway Area shall be shared by the Parcel owners in proportion to the usable square footage of the above-grade improvements located on such Parcel. If, however, damage to the Walkway Area (other than normal wear and tear) is caused by the acts of the owner of one Parcel or its guests, invitees, licensees, contractors, or agents, the owner of such Parcel shall be responsible for the entire cost of the repair of such damage. Decisions related to maintenance and repair shall be made in the reasonable discretion of the owner of the Tower Property, in consultation with the owner of the Plaza Property. The owner of the Tower Property shall be responsible for maintaining the Walkway Area, including the driving surface and any landscaping, in a continuously good condition and invoicing the owner of the Plaza Property for its proportionate share of such maintenance, as provided above. Maintenance shall include, but not be limited to:

2.4.1 The removal of debris, leaves, ice, and snow from the Walkway Area and maintenance of the clear space above and adjoining it;

2.4.2 The removal of trash or other unsightly or dangerous materials;

2.4.3 The trimming of trees and vegetation along the Walkway Area, together with replacement of trees and vegetation in a manner not inconsistent with the purposes of this Agreement; and

2.4.4 The maintenance, repair, or replacement of the Walkway Area in order to keep the Walkway Area in a useable condition and in good repair.

2.5 Restriction on Location of Walkway Area. Nothing contained in this Section 2 shall permit Declarant, or its successors to expand and/or relocate the Walkway Area easements without first obtaining all required permits and the prior written approval of the City. Such approval is contingent upon compliance with the then-current edition of the Code.

3. PLAZA ENTRY ENCROACHMENT EASEMENT.

3.1 Covenant for Future Easement. Declarant and Declarant's successors and assigns covenant that, if Declarant or subsequent owners or assigns transfer ownership of one of the Parcels, such that the Parcels are no longer in common ownership, the Tower Property shall automatically and immediately be burdened by a non-exclusive, perpetual easement to benefit the Plaza Property to permit the continued existence of the Plaza Entry Encroachment in its present location and for the maintenance and repair of the Plaza Entry Encroachment, effective upon the date when the Parcels are no longer under common ownership, and the owners of the Parcels shall abide by the terms of Section 3.2 of this Agreement.

3.2 Terms of Plaza Entry Encroachment Easement. The owner of the Plaza Property shall (a) keep the Plaza Entry Encroachment in good condition and repair and free from all hazards, at such owner's sole cost and expense; (b) comply with all laws, regulations, and

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ordinances and obtain and comply with all necessary permits, licenses, and approvals for any work performed on the Plaza Entry Encroachment; (c) conduct any and all work on the Plaza Entry Encroachment area in a safe and workmanlike manner; (d) conduct any and all work in on the Plaza Entry Encroachment promptly and in a manner designed to minimize interference with the operation and use of the Parcels and Buildings; and (z) keep the Tower Property free and clear of all liens and encumbrances arising out of work performed by or for the owner of the Plaza Property. The owner of the Tower Property reserves for itself and its successors and assigns the right to use its Parcel for any lawful use consistent with this Agreement which does not unreasonably and materially interfere with the Plaza Property owner's use of its rights under this Plaza Entry Encroachment easement.

4. TOWER BASEMENT ENCROACHMENT EASEMENT.

4.1 Covenant for Future Easement. Declarant and Declarant's successors and assigns covenant that, if Declarant or subsequent owners or assigns transfer ownership of one of the Parcels, such that the Parcels are no longer in common ownership, the Plaza Property shall automatically and immediately be burdened by a non-exclusive, perpetual easement to benefit the Tower Property to permit the continued existence of the Tower Basement Encroachment in its present location and for the maintenance and repair of the Tower Basement Encroachment, effective upon the date when the Parcels are no longer under common ownership, and the owners of the Parcels shall abide by the terms of Section 4.2 of this Agreement.

4.2 Terms of Encroachment Easement. The owner of the Tower Property shall (a) keep the Tower Basement Encroachment in good condition and repair and free from all hazards, at such owner's sole cost and expense; (b) comply with all laws, regulations, and ordinances and obtain and comply with all necessary permits, licenses, and approvals for any work performed on the Tower Basement Encroachment; (c) conduct any and all work on the Tower Basement Encroachment area in a safe and workmanlike manner; (d) conduct any and all work in on the Tower Basement Encroachment promptly and in a manner designed to minimize interference with the operation and use of the Parcels and Buildings; and (z) keep the Plaza Property free and clear of all liens and encumbrances arising out of work performed by or for the owner of the Tower Property. The owner of the Plaza Property reserves for itself and its successors and assigns the right to use its Parcel for any lawful use consistent with this Agreement which does not unreasonably and materially interfere with the Tower Property owner's use of its rights under this Tower Basement Encroachment easement.

5. TERM AND BINDING EFFECT. This Agreement shall be effective as of the date of recording. Once effective, Declarant and subsequent owners and assigns may not modify, withdraw from, terminate, or dissolve this Agreement without the written approval of the City. All terms and provisions herein are intended to and shall be covenants running with the land and/or equitable servitudes burdening each Parcel and shall be binding on Declarant, Declarant's heirs, executors, administrators, successors, and assigns and all current and future owners of the Parcels and all persons claiming title to such property.

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6. MODIFICATION AND TERMINATION. Once effective, this Agreement and the easements created by this Agreement, shall continue in perpetuity, unless or until modified, superseded or terminated by a written instrument executed by all then-current owners of the Parcels and approved by the Portland Bureau of Development Services in writing, and recorded in the real property records of Multnomah County, Oregon.

7. RELATIONSHIP TO OTHER EASEMENTS OF ENCUMBRANCES. The easements which may be created by this Agreement upon separation of ownership of the Parcels are non-exclusive, perpetual, and are granted subject to all prior easements or encumbrances then of record.

8. ACCEPTANCE OF TERMS – DEED. By acceptance of a deed conveying title to any of the Parcels, future owners of any Parcel will become parties to this Agreement, whether or not expressly stated in any conveyance.

9. CONSIDERATION. Part of the consideration for this Covenant is to provide for compliance with Section 602 and 705.8 of the OSSC, which require fire rated construction and restrict openings in exterior walls based on FSD, as described further in Recital F above.

10. GOVERNING LAW AND VENUE. This Agreement shall be construed in accordance with the laws of the State of Oregon, even if Oregon's choice of law rules otherwise would require application of the law of a different jurisdiction. Any action arising out of or relating to this Agreement shall be commenced in the Circuit Court for Multnomah County, Oregon, and if in the federal courts, in the United States District Court for the District of Oregon, Portland Division. Any arbitration or other form of alternative dispute resolution arising out of this Agreement shall take place in an appropriate forum within Portland, Oregon.

11. NOTICES. Any notice under this Agreement shall be made in writing and sent by hand delivery, certified mail, return receipt requested, or overnight courier, to the City of Portland and to Declarant at the address of each Parcel owner as listed on the records of the Multnomah County assessor; provided, however, that any owner can change the notification address by written notice to each other current owner of any Parcel and to the City of Portland.

City of Portland:

Bureau of Development Services
1900 SW Fourth Avenue, Suite 5000
Portland, OR 97201

12. INDEMNIFICATION. The Declarant and their respective successors and assigns, as applicable, shall indemnify, defend, and hold harmless the City of Portland, its officers, agents, officials, and employees against any and all claims, demands, actions, and suits, including attorneys' fees and costs to the extent resulting from such party's violation of the terms of this Agreement.

13. THIRD PARTY BENEFICIARY. Declarant agrees that the City of Portland is intended to be the sole third party beneficiary of this Agreement, and that this Agreement shall not be modified or suspended without the prior written approval of the City of Portland building official.

14. AUTHORITY TO EXECUTE COVENANT. Declarant expressly represents and warrants that the person executing this Covenant is duly authorized to do so. This Covenant may be executed in counterparts, and each counterpart shall have the same binding legal effect as if it were a single document containing all signatures.

15. SEVERABILITY. Each provision of this Covenant shall be independent and severable. The invalidity or partial invalidity of any provision thereof shall not affect any of the remaining portions of that or any other provision of this Covenant.

IN WITNESS WHEREOF, the Declarant have executed this Agreement as of the date set forth below.

DECLARANT:

Century Tower LLC,
an Oregon limited liability company

(signature) DATE: _____
By: _____
(printed name)
Title: _____

STATE OF OREGON)
) ss.
County of _____)

Personally appeared before me this _____ day of _____, 2022,
_____ (name) as _____ (title) of Century
Tower LLC, an Oregon limited liability company, on behalf of said limited liability company.

By: _____
Notary Public for Oregon
My Commission Expires: _____

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EXHIBIT A
Legal Description of Parcels

The Plaza Property:

LOTS 2, 3, 6 AND 7, IN THE NORTH ONE HALF OF DOUBLE BLOCK "D", CITY OF PORTLAND (PLAT BOOK 2 PAGE 0002), COUNTY OF MULTNOMAH AND STATE OF OREGON.

The Tower Property:

LOTS 1 AND 8, IN THE NORTH ONE HALF OF DOUBLE BLOCK "D" AND LOT 4 IN BLOCK "E", CITY OF PORTLAND (PLAT BOOK 2 PAGE 0002), TOGETHER WITH THE EAST HALF AND THE SOUTH HALF OF THE WEST HALF OF THE STRIP OF LAND BEING VACATED S.W. MADISON STREET WHICH LIES BETWEEN SAID NORTH ONE HALF OF DOUBLE BLOCK "D" AND BLOCK "E", IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON.

EXHIBIT B
Legal Description and Depiction of Walkway Area



CHASE, JONES & ASSOCIATES INC.

FORMERLY BOOTH & WRIGHT

LAND SURVEYORS & ENGINEERS SINCE 1885

530 NE Couch St. | Portland | Oregon 97232
(503)-228-9844 | info@chasejonesinc.com

Date: February 9, 2022

Project #: 16179

Variable Width No Build Easement

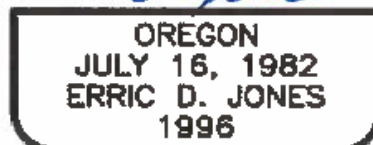
A variable width strip of land over that tract of land conveyed to Century Tower LLC in Document No. 2021-167944, recorded November 15, 2021, and that tract of land conveyed to Century Tower LLC in Document No. 2021-167943, recorded November 15, 2021, Multnomah County Deed Records, and being in Lots 1, 2, 7 and 8, North One Half of Double Block D, City of Portland, Multnomah County Plat Records, and being situated in the Northeast Quarter of Section 4, Township 1 South, Range 1 East of the Willamette Meridian, in the City of Portland, County of Multnomah, State of Oregon, being described as follows:

COMMENCING at the Northeast corner of Lot 2, said North One Half of Double Block D, said point being on the West right of way line of SW 12th Avenue; thence South 00°00'00" East along the West line of said Lot 2 a distance of 4.74 feet to the **TRUE POINT OF BEGINNING**; thence North 90°00'00" West a distance of 102.35 feet; thence North 00°00'00" East a distance of 9.81 feet; thence North 90°00'00" West a distance of 32.71 feet; thence North 00°00'00" East a distance of 20.33 feet; thence South 90°00'00" East a distance of 135.06 feet to the East line of Lot 1, said North One Half of Double Block D; thence South 00°00'00" East along the East line of said Lot 1 a distance of 30.14 feet to the **TRUE POINT OF BEGINNING**.

Containing 3,750 square feet, or 0.09 acres, more or less.



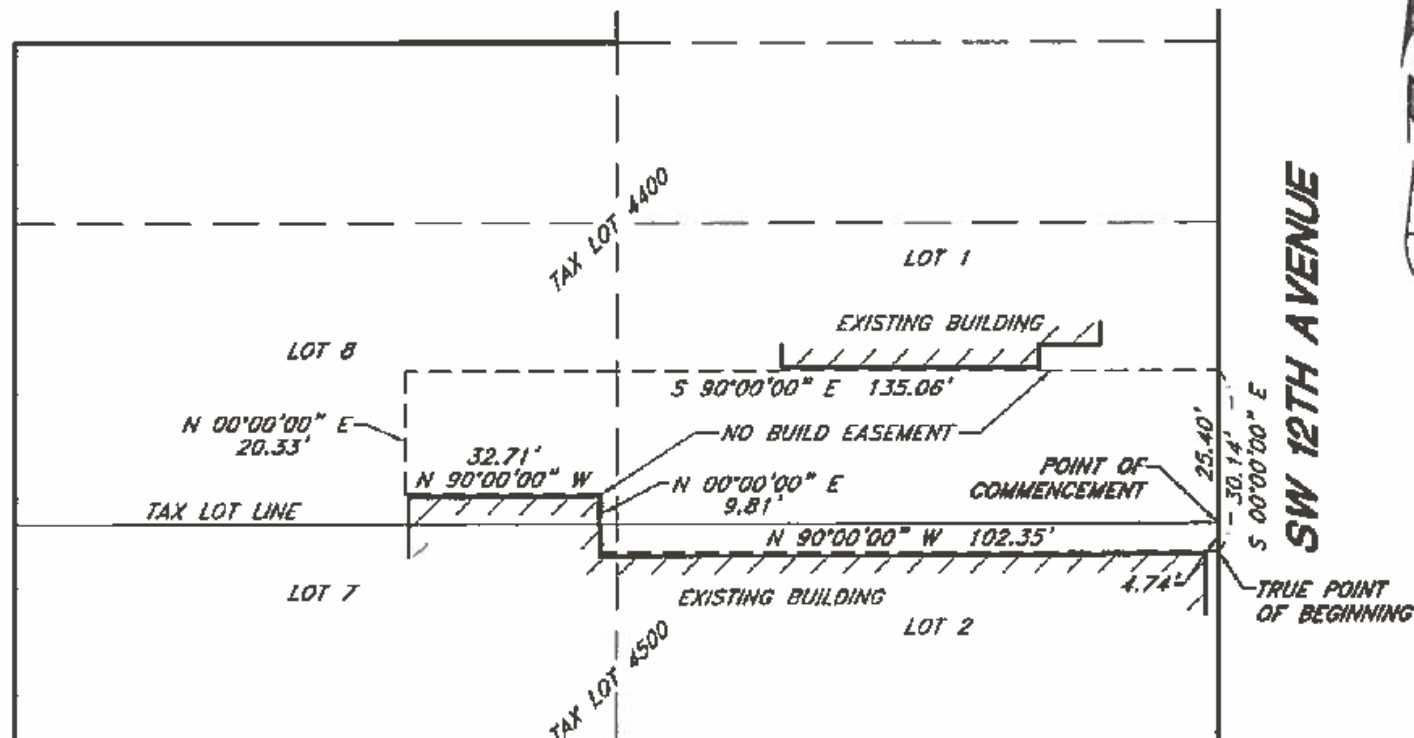
Eric D. Jones



RENEWS: 6-30-23

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SW 13TH AVENUE



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Eric D. Jones

OREGON
JULY 16, 1982
ERRIC D. JONES
1996

RENEWS: 6-30-23

EXHIBIT MAP

FOR A
NO-BUILD EASEMENT
OVER A PORTION OF

LOTS 1 AND 8, NORTH ONE HALF
OF DOUBLE BLOCK D,

AND

LOTS 2 AND 7, NORTH ONE HALF
OF DOUBLE BLOCK D,
"CITY OF PORTLAND"

SITUATED IN THE
NORTHEAST 1/4 OF SECTION 4, T. 1 S., R. 1 E., W.M.

CITY OF PORTLAND,
COUNTY OF MULTNOMAH, STATE OF OREGON



CHASE, JONES & ASSOCIATES INC.
530 N. E. COUCH ST. PORTLAND, OREGON 97232
PHONE: (503) 228-9844

PROJECT NO.: 16179
1/4 SECTION: 3128

DATE: FEBRUARY 9, 2022
SCALE: 1" = 30'

EXHIBIT C **Tower Basement Encroachment**

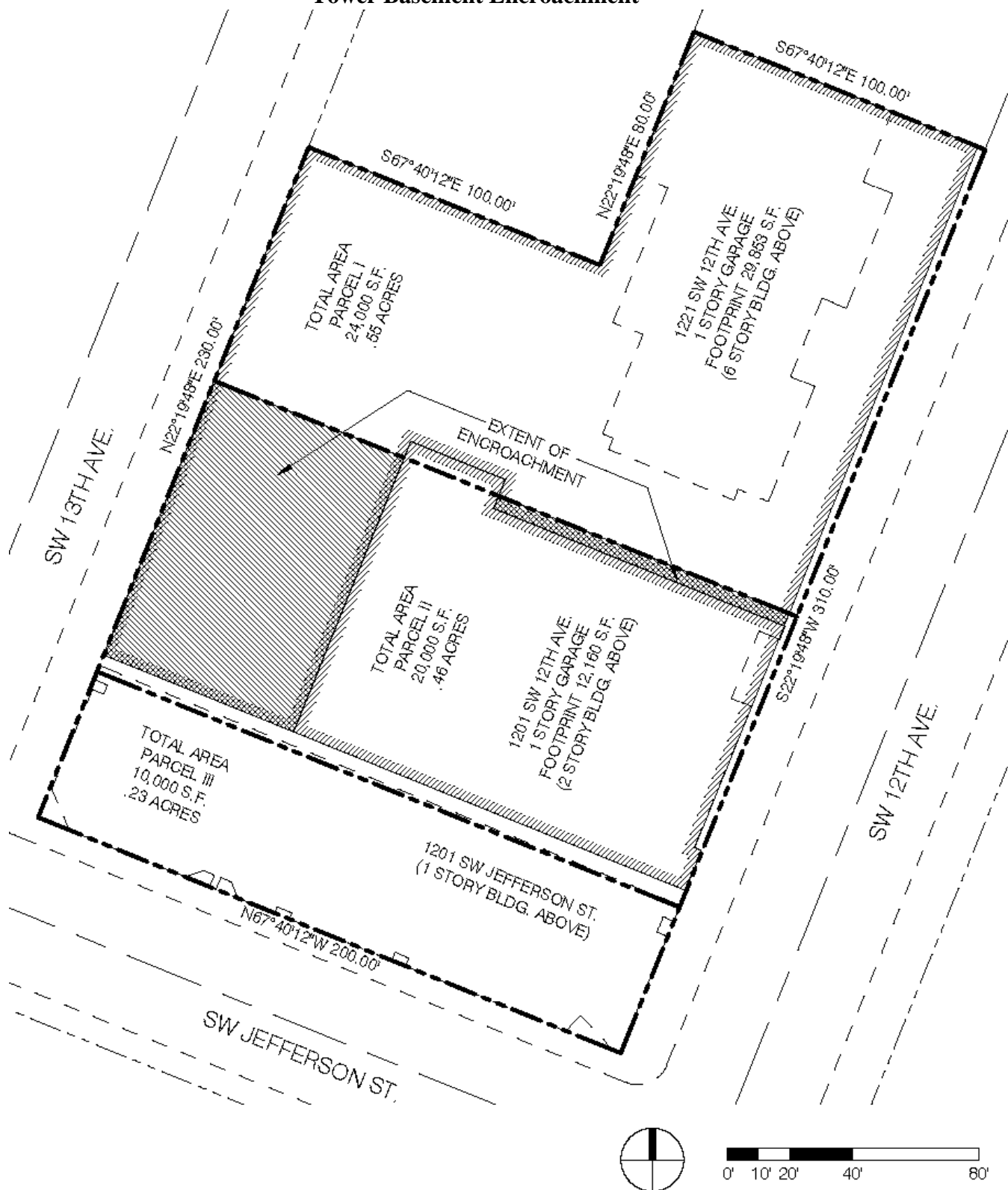


EXHIBIT D **Plaza Entry Encroachment**

