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20 July 2007

Jeanie Bourke
Code Enforcement Officer
City of Portland
City Hall Room 315
389 Congress Street
Portland, Maine 04101

Building communities
since 1870

Re: 84 Marginal Way
Medical Office Building
Portland, Maine
Project No. 06196
REQUEST FOR WAIVER

Dear Jeanie:

As we have discussed, I am formally requesting a waiver in the 2003 IBC Code for 84 Marginal Way to allow a Mercantile Occupancy, as described below, to be included as an allowable Occupancy. Below is a description of the project and the code reference that relates to the waiver I am requesting. I have also identified a section of the code that can be considered as the basis for granting the waiver.

Applicable Code
International Building Code - 2003

Description of Project

The project is a 295,000 square foot 10-story medical office building located at 84 Marginal Way. All levels are above grade, the top six stories are strictly office and each level is 17,500 square feet in area. The lower four levels' use group is open parking structure that supports the office building and each level is 44,500 square feet in area. There is a partial parking deck on level 4.5 that is 12,200 square feet as well. The first floor of the parking structure fronts Marginal Way and includes a potential Mercantile Occupancy that is approximately 25'-0" deep and has an approximate area of 4,400 square feet of the 44,500 square foot garage and is separated both horizontally and vertically with rated construction.

Code Reference

Section 403.3.1 exception 2 allows the construction Type to be reduced from Type 1B to Type 2A. However, use group M occupancies are not allowed in this exception.

Basis for Waiver


Given the location, size and configuration of the Mercantile Occupancy, I believe that the potential hazard of this space is not as great as other allowable occupancies, such as a fast food restaurant or night club. In order to provide additional protection I am proposing that the horizontal separation between the Mercantile Occupancy (M) and the Open Parking Structure (S-2) be increased to a 3-hour rated separation instead of the required 2-hour separation. As a basis for this request Section 508.2 addresses horizontal separation between Open Parking Structures S-2 and Groups B and M by allowing the Use Groups to be considered separate and distinct when providing a 3-hour rated horizontal separation.

Conclusion

In summary, a Waiver to allow the building to include the use of Mercantile Occupancy in the space that fronts Marginal Way with the 3-hour horizontal separation between the Mercantile and Open Parking will add an extra hour of protection, and therefore provide an even greater level of safety for the building occupants than the required separation.

I look forward to your response and appreciate your assistance and suggestions with this request. If you have any additional questions, please call.

Sincerely,
Harriman Associates

A handwritten signature in black ink that reads "Judy L. Johnson". The signature is written in a cursive, flowing style.

Judy L. Johnson, AIA
Senior Associate

cc: Mike Nugent, Ed Marsh, Jared Ballard