

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 - Held over from ID 14807 (3/22/17) for additional information

Appeal ID: 14931	Project Address: 837 SE Mill St
Hearing Date: 4/12/17	Appellant Name: Dave Spitzer
Case No.: B-020	Appellant Phone: 503-335-9040
Appeal Type: Building	Plans Examiner/Inspector: John Butler
Project Type: commercial	Stories: 2 Occupancy: A-2, R-3, F-1 Construction Type: V-B
Building/Business Name: Rose City Confections	Fire Sprinklers: Yes - throughout per current upgrade
Appeal Involves: Reconsideration of appeal, occ Change from A2 to F1 to	LUR or Permit Application No.: 17-110876-CO
Plan Submitted Option: pdf [File 1]	Proposed use: Assembly, medical marijuana candy manuf., residential

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	602
Requires	Exterior walls between 5'-10' from the property line shall be one hour rated for A and F1 occupancies.
Proposed Design	<p>This is a change of occupancy for the lower level (former fellowship hall of the church above) to a candy manufacturing facility for edible marijuana. Both the North and West walls are 5' to the property line (site is surrounded by concrete buildings on opposite sides of street - simple math verified exact location of property lines - see attached sketch - the only way that math can be off is if one of the concrete structures on adjacent lots is built in the ROW). The North wall has approximately 10% window to wall and the West is closer to 5%.</p> <p>But - since this building is almost 100 years old - the two exterior walls do not have a tested/listed fire rating. The closest I could find is from Table 721 of the OSSC - that assembly is very close but we have lath and plaster on the inside face instead of 5/8" type 'x' gyp. bd.. Based on site observations I believe the exterior wall (in to out) has lath and plaster, 2x studs, 1x8 sheathing, building paper, lap or shake siding and finally asbestos shingles are what is visible on the exterior.</p>
Reason for alternative	<p>The building is existing. We are reducing the occupant load by approximately 38 people. As part of this permit, we are proposing a full commercial sprinkler system throughout the structure! If the appeals board feels it safer - we are not opposed to adding a few extra sprinkler heads along the N and W walls - perhaps one above every door/window along those two exterior walls.</p>

APPEAL DECISION

Exterior wall location at property line: Granted provided windows are non-operable and sprinklers are installed a minimum of 4 inches and a maximum of 24 inches from the opening(s) spaced at 6 feet on center. Sprinklers are to be installed on both sides of the glazing and shall be capable of wetting the entire surface. A separate permit from the Fire Marshal's Office is required. Appellant must be offering Standard NFPA 13 sprinkler protection.

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

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

BUILDING INFORMATION

PROJECT ADDRESS:
837 SE MILL STREET
PORTLAND, OREGON 97204

MULTNOMAH CO. TAX ACCT. NUMBER:
R215995

STATE TAX ID NUMBER:
18E02CB 800

ZONING DESIGNATIONS:
IG1 - GENERAL INDUSTRIAL 1

BUILDING CODE SUMMARY

PROJECT SUMMARY:
CHANGE OF OCCUPANCY FROM A2 TO FI FOR 1520 SF FOR NEW BAKERY
TO PRODUCE EDIBLE MARIJUANA CANDIES. ONLY ACTUAL WORK IS
REPLACING ONE PLUMBING FIXTURE, ADDING ONE PLUMBING FIXTURE,
INSTALLATION OF FRP ON ALL WALLS, SECURITY DOORS AT THREE
DOORS AND MOVABLE FURNISHINGS BY OWNER

INFORMATION SHOWN ON THIS DRAWING IS BASED ON THE OBC 2014
EDITION. ANY INFORMATION NOT PROVIDED OR CLEARLY
IDENTIFIED SHALL MEET OR EXCEED CURRENT CODE.

PROPOSED OCCUPANCY - A2, FI AND R3
PREVIOUS OCCUPANCY - A2 AND R3

CONSTRUCTION TYPE: V-B
SPRINKLERED PER THIS PERMIT

BUILDING SIZE: BASEMENT: 2,085 SF
FIRST STORY ABOVE GRADE PLANE: 2,850 SF

BUILDING HEIGHT: BASEMENT PLUS ONE STORY ABOVE
GRADE PLANE PLUS MEZZANINE.

PERMITS:

PERMITS REQUIRED FROM THE CITY OF PORTLAND:

- A. BUILDING
- B. PLUMBING

PROPOSED OCCUPANT LOAD PER THIS PERMIT

OCCUPANCY - PER CHPT. 3 AND TABLE 1004.12

LEVEL	USE	SF	LOAD FACTOR	OCCUPANT LOAD
BASEMENT	MANUF. AREAS	1520 SF	± 100 GROSS	= 16 OCCUPANTS
	ASSEM. SUPPORT AREAS	565 SF	± 100 GROSS	= 6 OCCUPANTS
FIRST STORY	ASSEMBLY AREAS	2,085 SF	± 15 GROSS	= 139 OCCUPANTS
	RESIDENTIAL AREA	165 SF	± 200 GROSS	= 4 OCCUPANTS
MEZZANINE	ASSEMBLY AREA	405 SF	± 15 GROSS	= 27 OCCUPANTS
		5,340 SF		192 OCCUPANTS

MIXED USE AND OCCUPANCY - TYPE V-B CONSTRUCTION

BASE ALLOWABLE - A2 OCCUPANCY = 6,000 SF - 1 STORY ABOVE GRADE PLANE

FI OCCUPANCY = 8,500 SF - 1 STORY ABOVE GRADE PLANE

R3 OCCUPANCY = UNLIMITED SF - 3 STORIES ABOVE GRADE PLANE

6,000 SF greater than 2,850 SF (FIRST STORY TOTAL) - NON SEPARATED USES OK

AUTOMATIC SPRINKLER SYSTEM

NOT INSTALLED - NOT PART OF THIS PERMIT

FIRE ALARM SYSTEM

SMOKE DETECTORS IN FI PORTION OF BASEMENT - INTERCONNECTED AND TIED
TO BUILDING ELECTRICAL SYSTEM WITH BATTERY BACK-UP.

THE FOLLOWING FIRE SEPARATIONS ARE REQUIRED:

FI TO A2 - NOT REQUIRED PER OBC 508.3 - NON-SEPARATED
OCCUPANCIES

A2 TO R3 - EXISTING AS IS - NO WORK IN THIS AREA OR ON EITHER THE
A2 OR R3 OCCUPANCIES THIS PERMIT.

PLUMBING FIXTURE CALCULATIONS PER CHAPTER 29

USE	SF OF USE	OCCUPANT LOAD FACTOR	TOTAL OCCUPANTS
MANUFACTURING	1,520 SF GROSS	1 FIXT/100 OCC.	16 OCC.
			16 OCC.

PER TABLE 29-A (1) W.C. AND (1) LAVATORIES ARE REQUIRED - A
TOTAL OF (1) W.C. AND (2) LAVATORIES ARE BEING PROVIDED.

ACCESSIBLE UPGRADE SUMMARY

MAIN ENTRY DOOR TO MILL STREET IS 36" WIDE, AT GRADE AND HAS
NO CHANGES IN ELEVATION OVER 1/4". AT EXIST. TOILET ROOM THE
DOOR TO ROOM SHALL BE WIDENED FOR NEW 36" DOOR AND ONE OF
THE TWO TOILETS SHALL BE REMOVED ALONG WITH NARROW
PARTITIONS FOR INCREASED MANUEVERING CLEARANCES. GRAB BARS
TO CODE SHALL BE INSTALLED AT REMAINING W.C.

HAZARDOUS MATERIALS INVENTORY

CORN ALCOHOL 10 GALLONS
GRAIN ALCOHOL 10 GALLONS

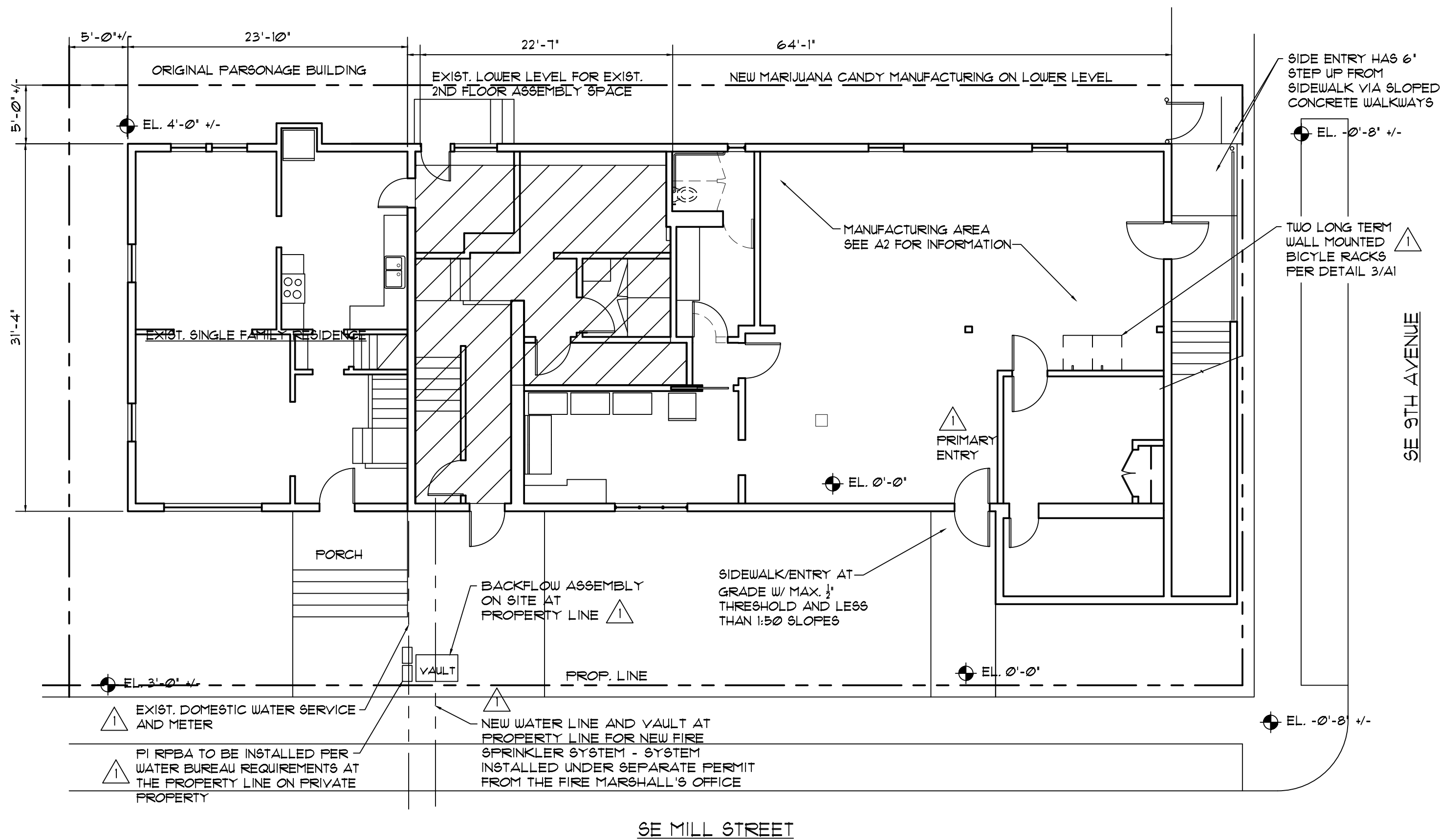
NO OTHER HAZARDOUS MATERIALS USED OR STORED ON SITE
PER THIS PERMIT

AUTOMATIC SPRINKLER SYSTEM

INSTAL THROUGHOUT BUILDING PER THIS PERMIT AND NFFA II AND SEPARATE PERMIT
FROM FIRE MARSHALL'S OFFICE.

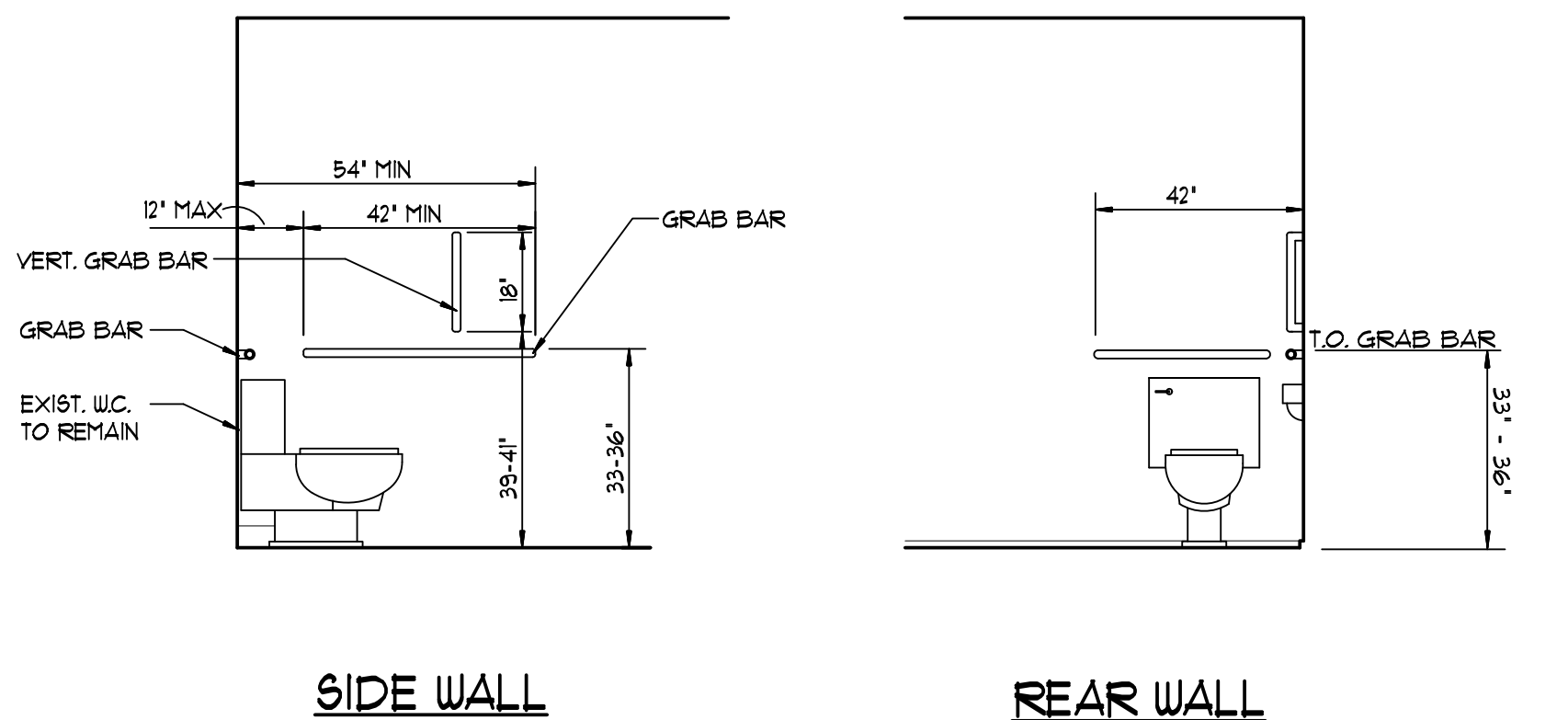
FIRE ALARM SYSTEM

NO FIRE ALARM SYSTEM PROPOSED THIS PERMIT



OVERALL SITE PLAN

1/8" = 1'-0"



2
AI

NEW GRAB BARS AT EXIST. W.C.

NOTE: ONLY WORK AT EXISTING W.C. IS INSTALLATION OF NEW GRAB BARS TO CODE

3/8" = 1'-0"

3
AI

VERTICAL BICYCLE RACK

3/8" = 1'-0"



837 SE MILL STREET

PORTLAND, OREGON 97217

SHEET CONTENT

CODE SUMMARY/NOTES
OVERALL SITE PLAN
ACCESSIBLE DETAILS

JOB No.

000016

DRAWN

CHECKED

DMS

DATE

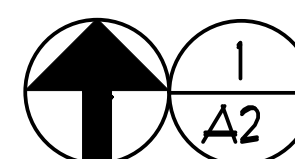
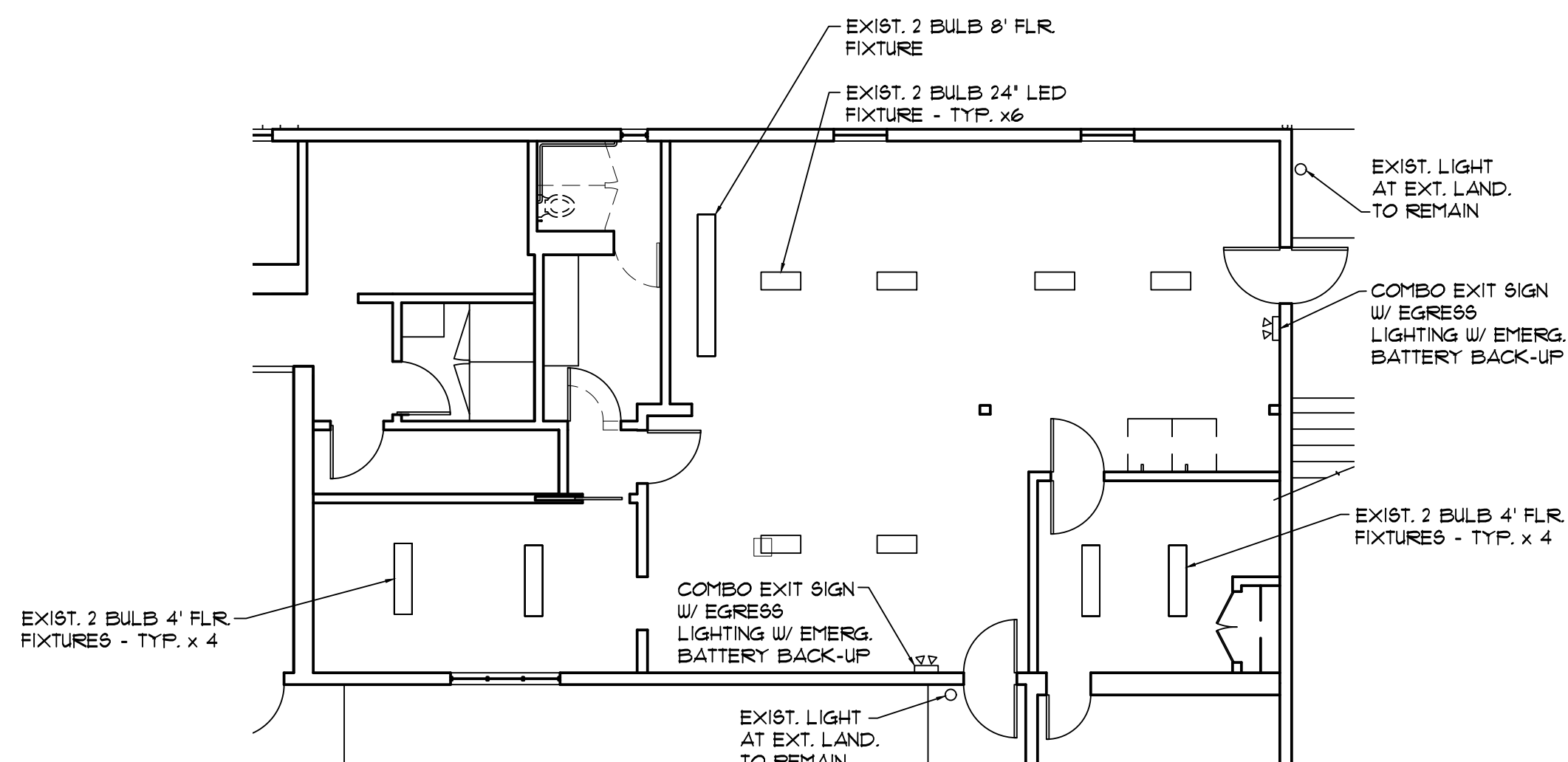
1-22-17

REVISIONS

REV. 1 3-16-17

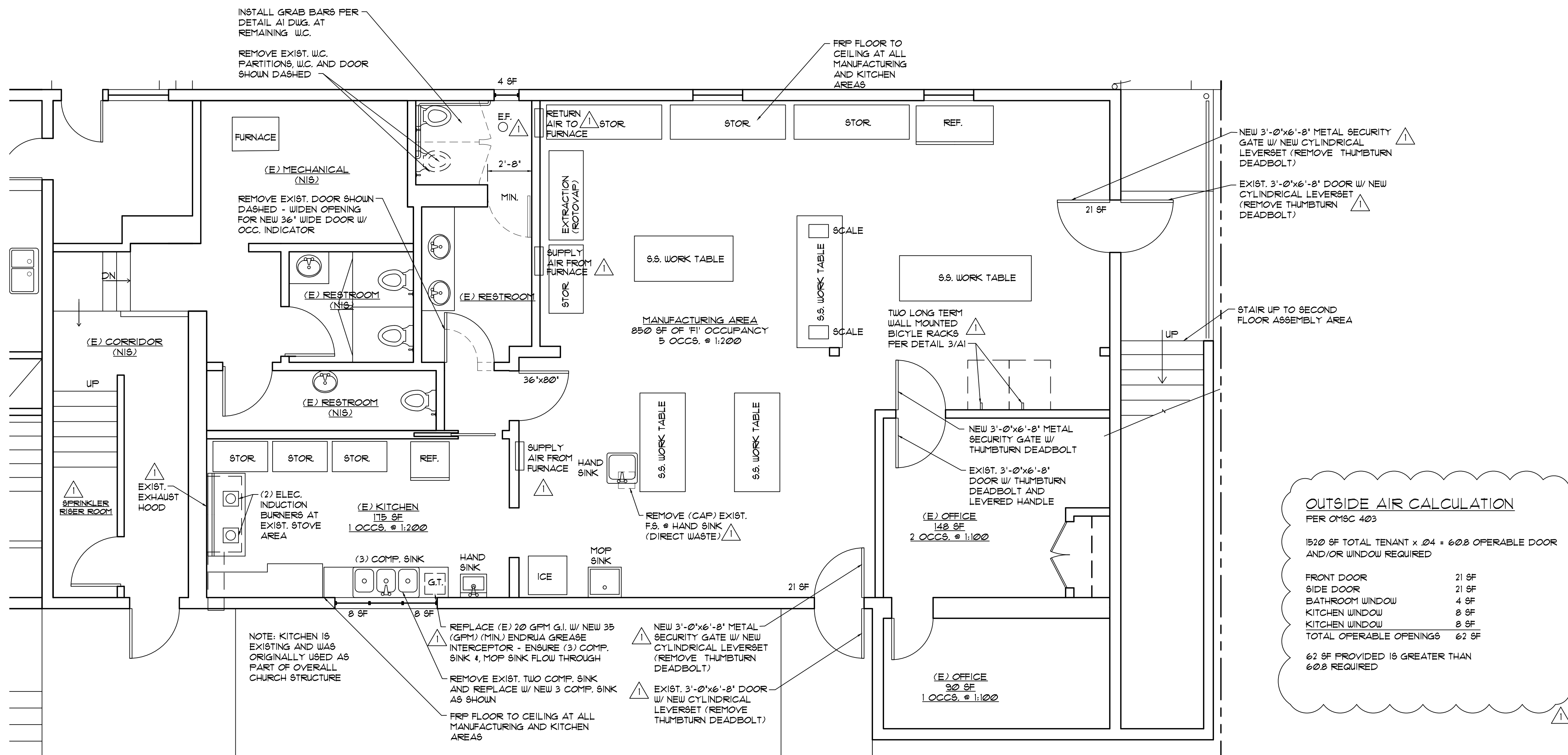
SHEET

A1 of 3



BASEMENT LEVEL LIGHTING PLAN

1/8" = 1'-0"



BASEMENT LEVEL PLAN

1/4" = 1'-0"

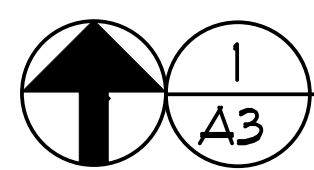
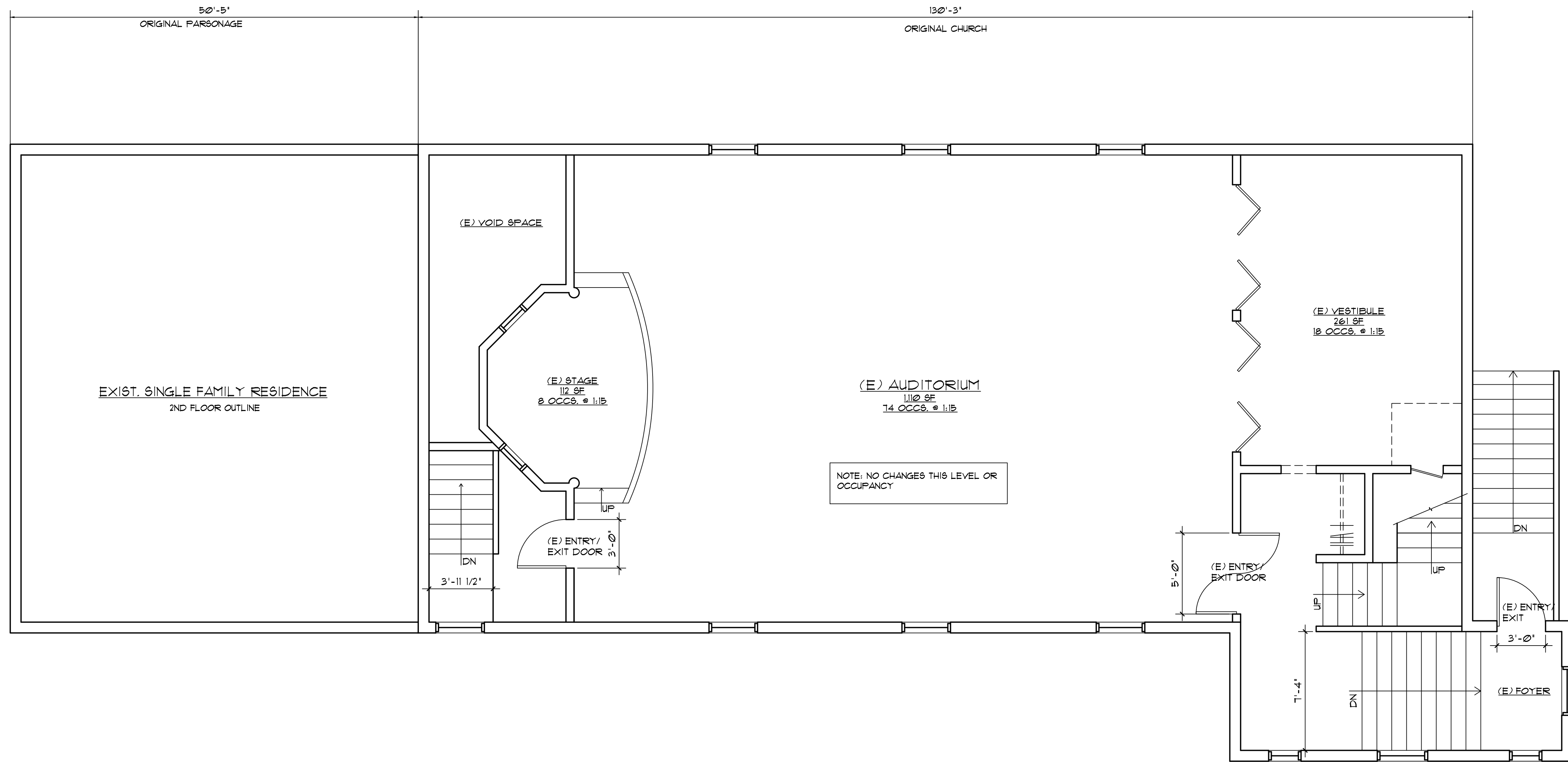
OUTSIDE AIR CALCULATION

PER OMBC 403

1520 SF TOTAL TENANT x .04 = 60.8 OPERABLE DOOR AND/OR WINDOW REQUIRED

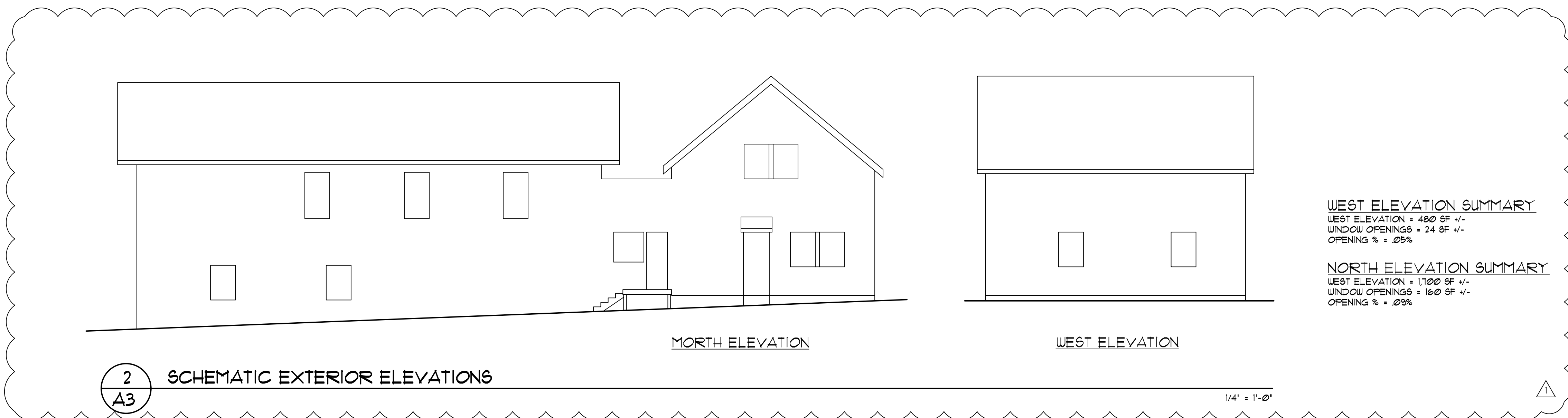
FRONT DOOR	21 SF
SIDE DOOR	21 SF
BATHROOM WINDOW	4 SF
KITCHEN WINDOW	8 SF
KITCHEN WINDOW	8 SF
TOTAL OPERABLE OPENINGS	62 SF

62 SF PROVIDED IS GREATER THAN 60.8 REQUIRED



FIRST STORY ABOVE GRADE PLANE PLAN

1/4" = 1'-0"



DMS
ARCHITECTS

2000 NE 10TH AVE
PORTLAND, OR 97212

OFFICE 503 335 9040
FAX 503 335 5850
DAVE@DMSARCHITECTS.COM

837 SE MILL STREET

PORTLAND, OREGON 97217

SHEET CONTENT
FIRST FLOOR PLAN
EXTERIOR ELEVATIONS

JOB No.
000016

DRAWN
DMS

CHECKED
DATE 1-22-17

REVISIONS
REV. 1 3-16-17

SHEET
A3 OF 3

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Status: Hold for additional Information

Appeal ID: 14807	Project Address: 837 SE Mill St
Hearing Date: 3/22/17	Appellant Name: Dave Spitzer
Case No.: B-009	Appellant Phone: 503-335-9040
Appeal Type: Building	Plans Examiner/Inspector: John Butler
Project Type: commercial	Stories: 2 Occupancy: A-2, F-1, R-3 Construction Type: V-B
Building/Business Name:	Fire Sprinklers: Yes - throughout per this permit
Appeal Involves: occ Change from A2 to F1	LUR or Permit Application No.: 17-110876-CO
Plan Submitted Option: pdf [File 1]	Proposed use: Assembly, can manufacturing, SFR

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	Table 602
Requires	Exterior walls between 5'-10' from the property line shall be one hour rated for A and F1 occupancies.
Proposed Design	<p>This is a change of occupancy for the lower level (former fellowship hall of the church above) to a candy manufacturing facility for edible marijuana. Both the North and West walls measure 5' to the fence and based on setback requirements I am assuming that they are 5' from the property line as well. The North wall has approximately 10% window to wall and the West is closer to 5%.</p> <p>But - since this building is almost 100 years old - the two exterior walls do not have a tested/listed fire rating. Based on site observations I believe the exterior wall (in to out) has lath and plaster, 2x studs, 1x8 sheathing, building paper, lap or shake siding and finally asbestos shingles are what is visible on the exterior.</p>
Reason for alternative	The building is existing. We are reducing the occupant load by approximately 38 people. As part of this permit, we are proposing a full commercial sprinkler system throughout the structure! If the appeals board feels it safer - we are not opposed to adding a few extra sprinkler heads along the N and W walls - perhaps one above every door/window along those two exterior walls.

APPEAL DECISION

Sprinkler protection in lieu of 1 hour rating: Hold for additional information.

Appellant may contact John Butler (503-823-7339) for assistance.

BUILDING INFORMATION

PROJECT ADDRESS:
837 SE MILL STREET
PORTLAND, OREGON 97214

MULTNOMAH CO. TAX ACCT. NUMBER:
R215995

STATE TAX ID NUMBER:
18E02CB 800

ZONING DESIGNATIONS:
IG1 - GENERAL INDUSTRIAL 1

BUILDING CODE SUMMARY

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CHANGE OF OCCUPANCY FROM A2 TO F1 FOR 1520 SF FOR NEW BAKERY TO PRODUCE EDIBLE MARIJUANA CANDIES. ONLY ACTUAL WORK IS REPLACING ONE PLUMBING FIXTURE, ADDING ONE PLUMBING FIXTURE, INSTALLATION OF FRP ON ALL WALLS, SECURITY DOORS AT THREE DOORS AND MOVABLE FURNISHINGS BY OWNER

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PREVIOUS OCCUPANCY - A2 AND R3

CONSTRUCTION TYPE: V-B
SPRINKLERED PER THIS PERMIT

BUILDING SIZE: BASEMENT: 2,085 SF
FIRST STORY ABOVE GRADE PLANE: 2,850 SF

BUILDING HEIGHT: BASEMENT PLUS ONE STORY ABOVE GRADE PLANE PLUS MEZZANINE.
PERMITS:
PERMITS REQUIRED FROM THE CITY OF PORTLAND:
A. BUILDING
B. PLUMBING

PROPOSED OCCUPANT LOAD PER THIS PERMIT

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R3 OCCUPANCY = UNLIMITED SF - 3 STORIES ABOVE GRADE PLANE
6,000 SF greater than 2,850 SF (FIRST STORY TOTAL) - NON SEPARATED USES OK

AUTOMATIC SPRINKLER SYSTEM
NOT INSTALLED - NOT PART OF THIS PERMIT

FIRE ALARM SYSTEM
SMOKE DETECTORS IN F1 PORTION OF BASEMENT - INTERCONNECTED AND TIED TO BUILDING ELECTRICAL SYSTEM WITH BATTERY BACK-UP.

THE FOLLOWING FIRE SEPARATIONS ARE REQUIRED:

F1 TO A2 - NOT REQUIRED PER OBC 508.3 - NON-SEPARATED OCCUPANCIES

A2 TO R3 - EXISTING AS IS - NO WORK IN THIS AREA OR ON EITHER THE A2 OR R3 OCCUPANCIES THIS PERMIT.

PLUMBING FIXTURE CALCULATIONS PER CHAPTER 29

USE	SF OF USE	OCCUPANT LOAD FACTOR	TOTAL OCCUPANTS
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HAZARDOUS MATERIALS INVENTORY

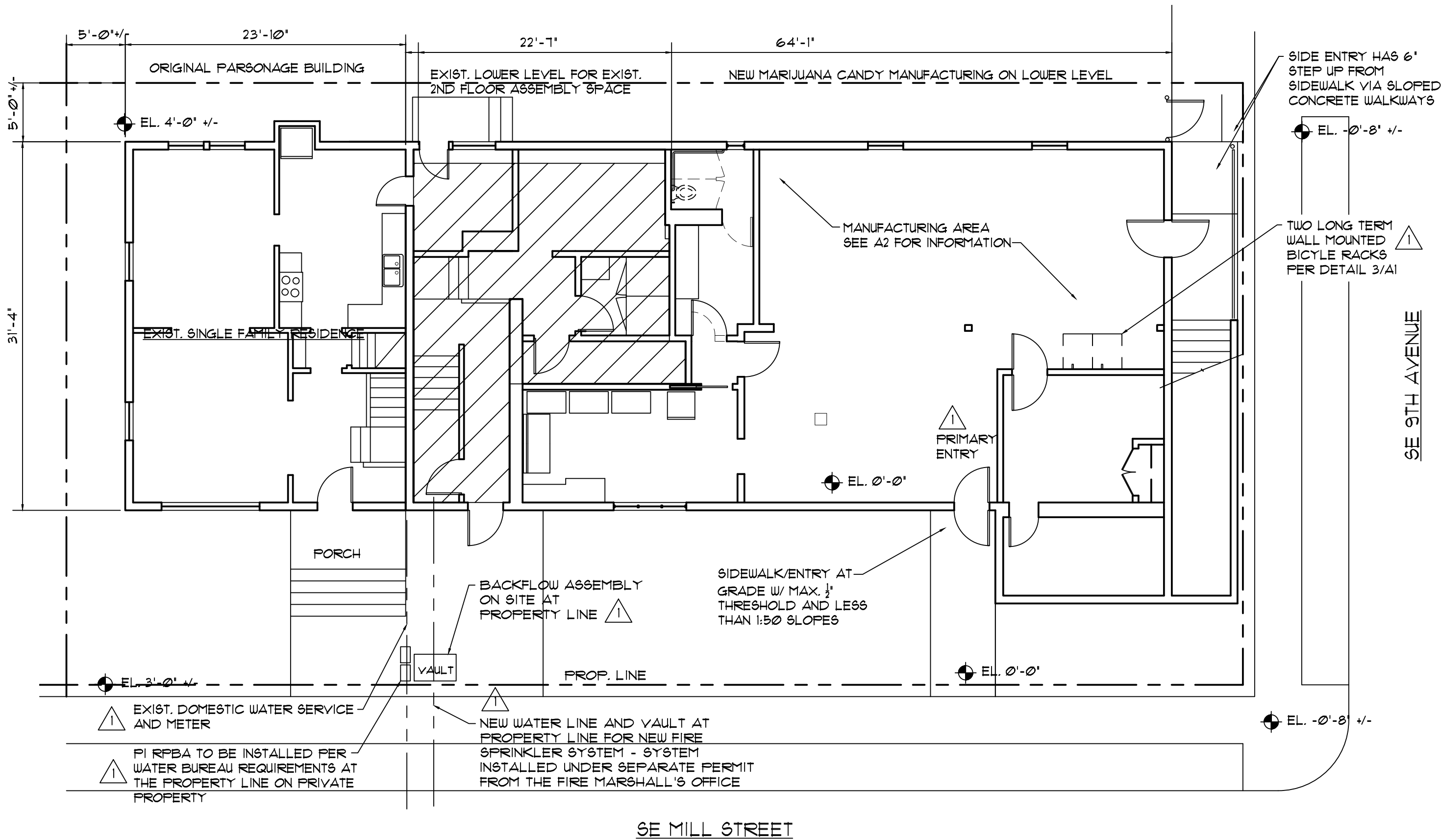
CORN ALCOHOL 10 GALLONS
GRAIN ALCOHOL 10 GALLONS
NO OTHER HAZARDOUS MATERIALS USED OR STORED ON SITE PER THIS PERMIT

AUTOMATIC SPRINKLER SYSTEM

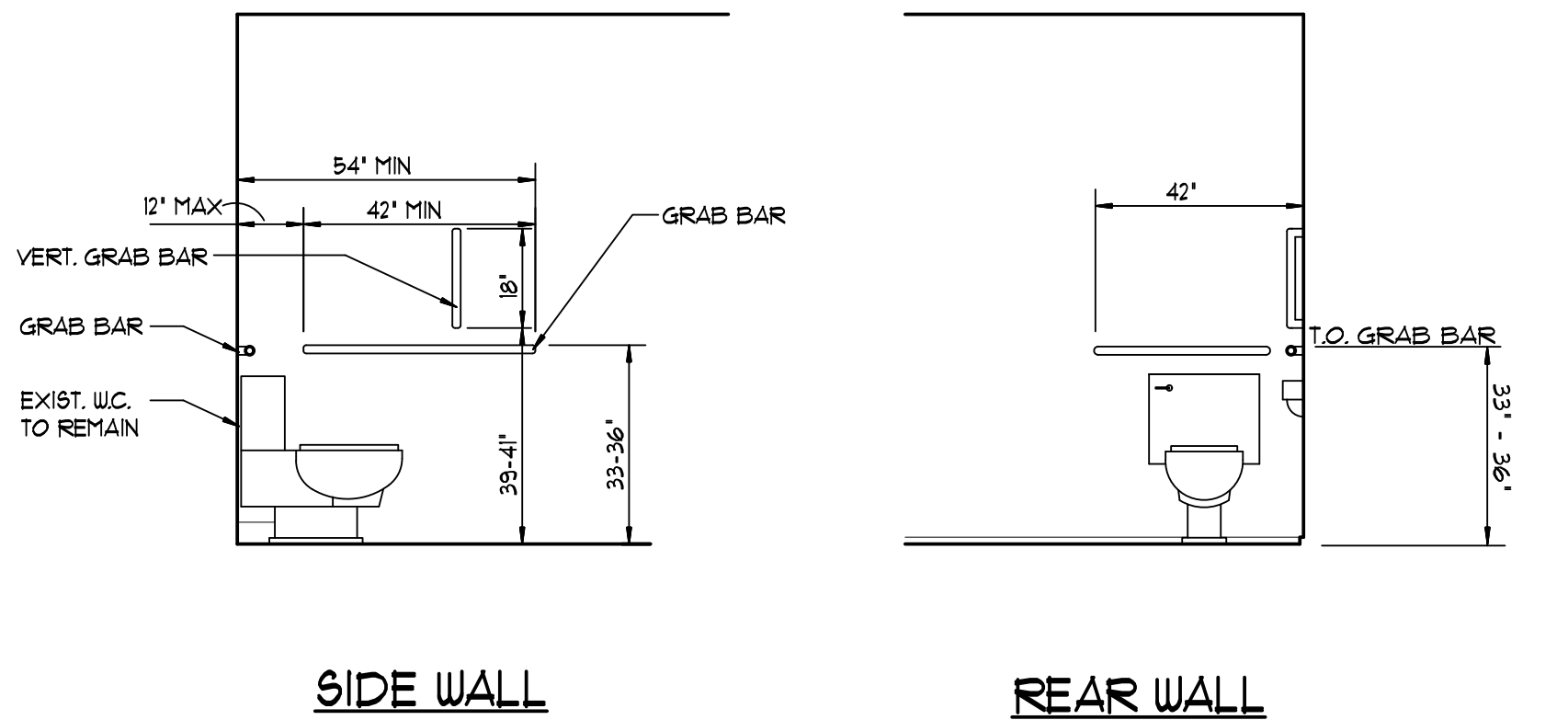
INSTAL THROUGHOUT BUILDING PER THIS PERMIT AND NFFA II AND SEPARATE PERMIT FROM FIRE MARSHALL'S OFFICE.

FIRE ALARM SYSTEM

NO FIRE ALARM SYSTEM PROPOSED THIS PERMIT

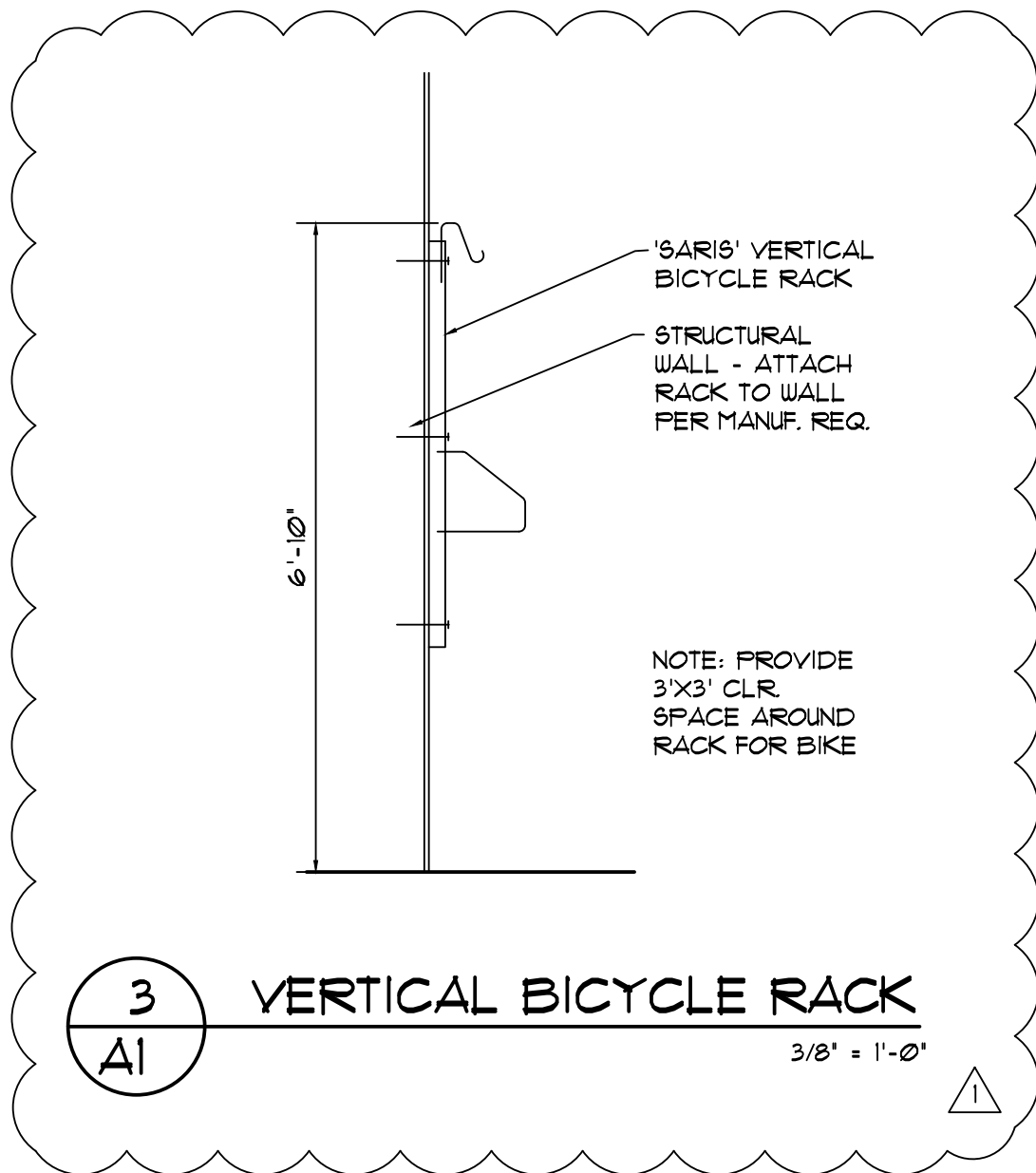


OVERALL SITE PLAN



NEW GRAB BARS AT EXIST. W.C.

NOTE: ONLY WORK AT EXISTING W.C. IS INSTALLATION OF NEW GRAB BARS TO CODE



VERTICAL BICYCLE RACK

NOTE: PROVIDE 3'X3' CLR. SPACE AROUND RACK FOR BIKE



DMS ARCHITECTS

2855 NE 19TH AVE
PORTLAND, OR 97212

OFFICE 503.335.9040
FAX 503.335.5850
DAVE@DMSARCHITECTS.COM

837 SE MILL STREET

PORTLAND, OREGON 97217

SHEET CONTENT
CODE SUMMARY/NOTES
OVERALL SITE PLAN
ACCESSIBLE DETAILS

JOB No.

000016

DRAWN

CHECKED

DMS

DATE

1-22-17

REVISIONS

REV. 1 3-16-17

SHEET

A1 of 3

