

# Development Services

## From Concept to Construction

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### APPEAL SUMMARY

**Status:** Decision Rendered - Reconsideration of ID 15326

**Appeal ID:** 15359

**Project Address:** 4232 NE 148th Ave

**Hearing Date:** 7/12/17

**Appellant Name:** patrick donaldson

**Case No.:** B-016

**Appellant Phone:** 503-975-9471

**Appeal Type:** Building

**Plans Examiner/Inspector:** Gail Knoll

**Project Type:** commercial

**Stories:** 1 **Occupancy:** F-1 **Construction Type:** V-B

**Building/Business Name:** Lucky Lion

**Fire Sprinklers:** No

**Appeal Involves:** Reconsideration of appeal, occ Change from S1 to F1

**LUR or Permit Application No.:**

**Plan Submitted Option:** pdf [File 1]

**Proposed use:** cannabis cultivation

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** 2902.3.2 x1

**Requires** The travel distance in F occupancies that provide bathrooms in adjacent facilities must not exceed 300'.

**Proposed Design** The proposed design wishes to use the existing two restrooms provided in Building A, which was permitted under 14-238707-CO, for all 4 buildings on site. The travel distance from the most remote location in Building B is 380' with 58' of that path being outdoors and uncovered. Building C and D are planned to be developed in the future if growth allows. The distance from Building C to Building A is 353' with 156' of that travel distance being outdoors and uncovered. This path could also utilize the covered area of Building B if weather is bad, making the distance 375' with only 50' exposed. The distance from Building D to A is 305' with 180' exposed to elements. The revised travel distances for Buildings B is utilizing a man door that was intended to be filled in under the previous permit, but in fact remains. The longest travel distance is 380' and the longest distance with being inside or undercover is only 180'.

The total occupant load of Building A and B is 23, and the total occupant load for all 4 building will be less than 100 and will never exceed the 200 occupant limit from Table 2902.1.

**Reason for alternative** Section 2902.3.2x2 states that the travel distance for employee restrooms in factory occupancies are permitted to exceed the required maximums, provided they are approved. Under this exception, we ask for approval.

Table 2902.1 requires 1 restroom for both sexes for every 100 occupants. This facility is providing 2 restrooms for only 23 occupants during this phase and will never exceed the 200 occupant limit for the entire site. The actual number of people working here is currently much less than 23, and is

more like 6-8 at one time. When all buildings are in operation the actual number of employees on site is not anticipated to exceed 12. In addition, there is no use in the proposed structures that requires workers to be in one place for extended periods of time such as an office. The workers make rounds tending to the plants as needed, and they are rarely in one place for more than one hour. So traveling between these two building, and later all 4 buildings, will be a common occurrence.

The cost to install a new restroom would far exceed the benefit based on the argument above, and the fact that the building is located so far from the utilities at the NW corner of the site. Requiring the owner to install a bathroom on this end of the site would add a significant cost that was not anticipated. The current design is based on a meeting that the owner had with a staff member at the counter in February. The staff member told him that he could use the existing bathroom because it was less than 500' away. We are unaware if notes were added to the system at that time.

APPEAL DECISION

**Increase in maximum travel distance to toilet faciity in F occupancy to 380 feet: Granted as proposed for this use and occupancy.**

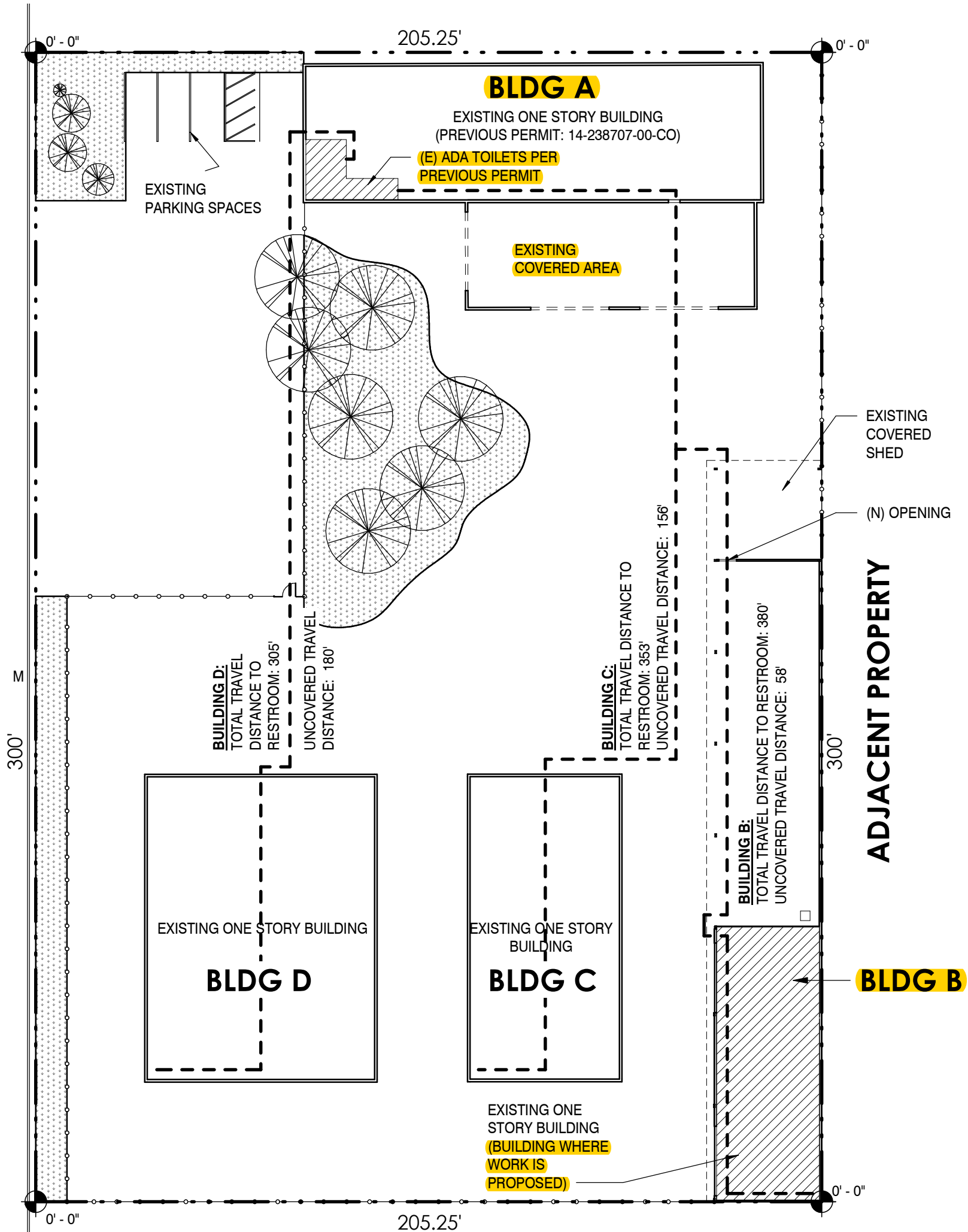
**Note: Additional toilet fixtures required by future changes must be located as required by OSSC 2902.3.**

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 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](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

ADJACENT PROPERTY

NE 148TH AVE



ADJACENT PROPERTY

SITE PLAN

SCALE: 1" = 30'-0"



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LUCKY LION