

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

Appeal ID: 18718	Project Address: 2210 NE Riverside Way
Hearing Date: 12/5/18	Appellant Name: Patrick Haugen
Case No.: B-004	Appellant Phone: 5032224453
Appeal Type: Building	Plans Examiner/Inspector: Preliminary
Project Type: commercial	Stories: 1 Occupancy: B, F-2 Construction Type: III-B
Building/Business Name: Hydro Extrusions	Fire Sprinklers: Yes - Fully Sprinkled
Appeal Involves: Alteration of an existing structure	LUR or Permit Application No.:
Plan Submitted Option: pdf [File 1]	Proposed use: Aluminum Extrusion Mfr

APPEAL INFORMATION SHEET

Appeal item 1

Code Section 505.2 / 507.3

Requires	<p>In accordance with Sec 505.2 A mezzanine or mezzanines in compliance with Sec 505.2 shall be considered a portion of the story below. Such mezzanines shall not contribute to the "building area" or number of stories as regulated by Sec 503.1. The Mezzanine shall be included in determining the "fire area".</p> <p>Are the allowable areas given in Table 503 "Building" or "Fire Areas" when considering the mezzanine area in calculating total allowable area?</p> <p>In accordance with Section 507.3 of the 2014 OSCC, The area of a single story Group B, F, M or S building of any construction type shall not be limited where the building is provided with an automatic sprinkler protection system throughout in accordance with Section 903.3.1.1 and is surrounded and adjoined by public ways or yards not less than 60ft in width.</p> <p>In comparison, the Allowable Area for a single story building with Type IIIB construction, F-2 Occupancy, equipped with an automatic sprinkler system throughout and with public side yards on 3 sides of the building is limited to 90,735 Sq. Ft (see attached allowable area calculation).</p>
Proposed Design	<p>The subject building is a single story, 103,775sf manufacturing warehouse constructed with concrete tilt up perimeter walls and a wood roof structure. The facility is surrounded by 60ft yards on the North, South and west side of the building. The east wall of the building is located on the associated property line and the subject property has an access / storage / utility easement for the alley way which occurs between the subject building and the building on the neighboring parcel. The 'alley' tapers from approximately 56ft – 70ft at the opposing building corners (north to south). A copy of the easement is attached with the appeal exhibits.</p> <p>Also attached is a copy of appeal #11385 from 2014 which allowed the alley to be considered as a 4th yard and granting unlimited area status.</p>

The proposed Office Mezzanine is to be constructed inside the building at the NW corner and will increase the actual 'Fire' area by 3,826 sq. ft. to bring the total 'Fire" area of the building 107,637 Sq. Ft. The propose mezzanine, if considered a portion of the floor below, would not increase the 'Building' area and should be allowed per section 505.2 and the area would remain 103,775 Sq. Ft. as previously granted by the appeal above.

Reason for alternative Currently very little office space exist in this building and employees that are involved with the operations in it work out of offices in HYDRO's building on 21st Ave. This requires that these employees have to walk down and across 21st Ave. This street has no marked crossing and a considerable amount of traffic which creates an un safe condition to these employees. In addition to the offices new employee accommodation are planned, such as lockers and breakroom that do not exist at this time. This area will create a safe and clean environment for the employees working here.

All areas of the mezzanine and below are to be fully sprinkled. Per Sec 505.2.3 and Exception #5 the mezzanine is allowed to be enclosed, heated and cooled. 3 stairs are provided for safe egress from the space and all construction will meet current energy and building codes

The Proposed Mezzanine if considered a portion of the floor below would not increase the 'Building' area nor have a negative impact on the buildings current fire, life, safety.

If the mezzanine area is to be considered added area to the building the previous unlimited area status using (4) yards should be considered

APPEAL DECISION

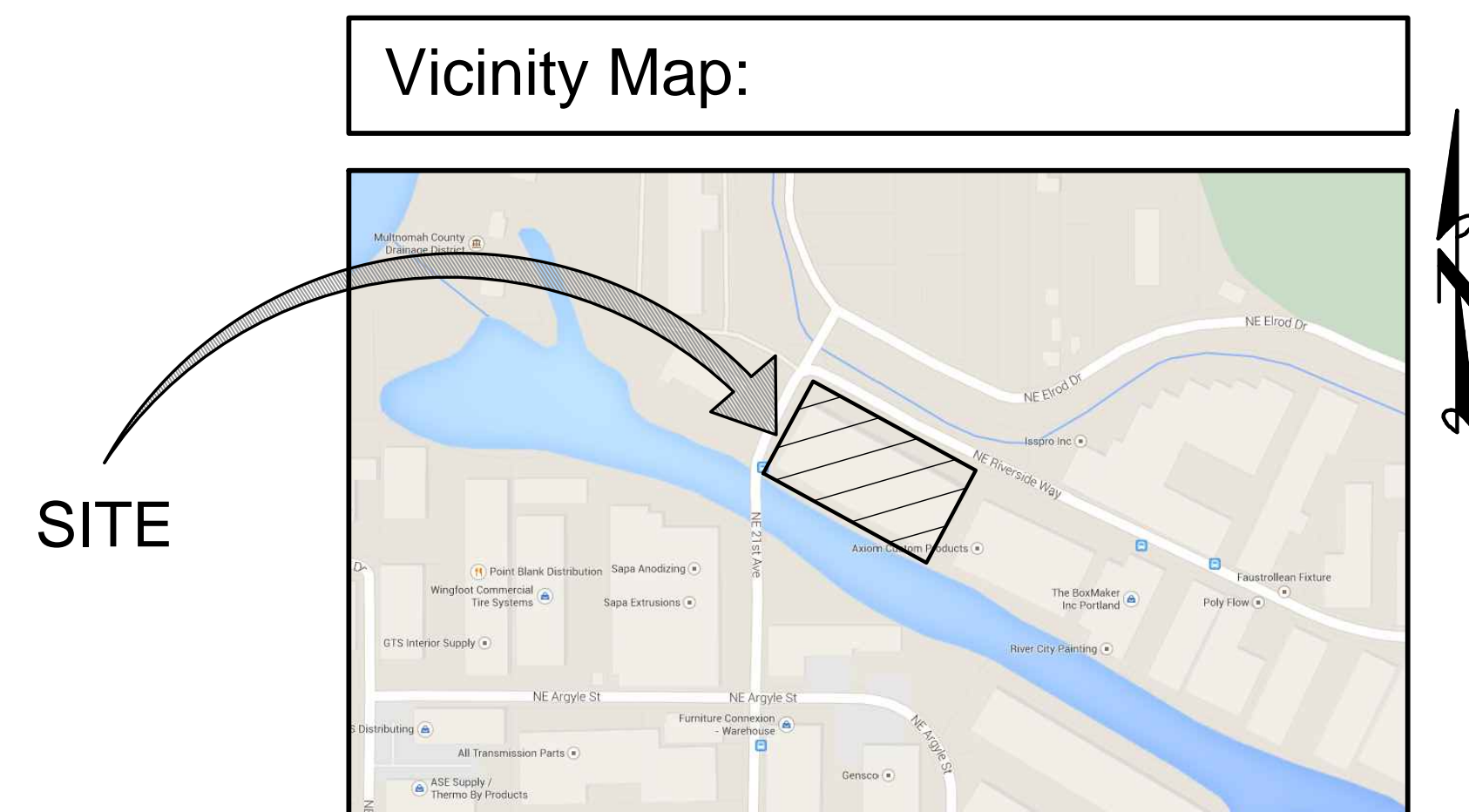
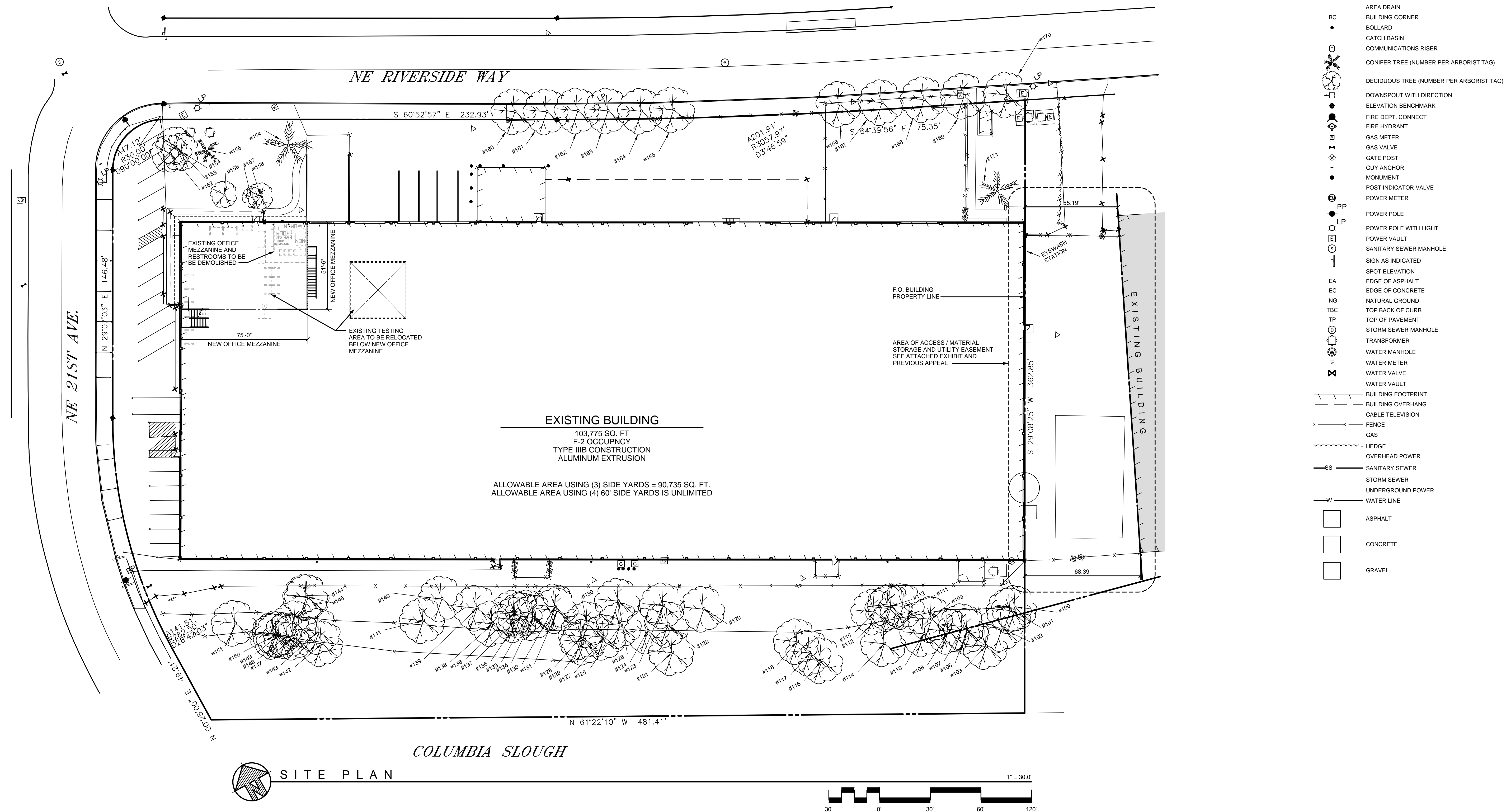
Determination of unlimited area: Granted as proposed with existing easement to remain.

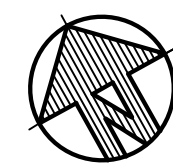
The Administrative Appeal Board finds that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; and that special 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, call (503) 823-7300 or come in to the Development Services Center.

[illegible]

DATE AUGUST, 2018	
SCALE AS NOTED	PROJ. NO. 20180300
DRAWN PSH	CHECKED -



[illegible]

DATE AUGUST, 2018	
SCALE AS NOTED	PROJ. NO. 20180300
DRAWN PSH	CHECKED -

OVERALL FLOOR PLAN

ALLOWABLE AREA: Weighted Average Sideyards - only yards 20' or larger

Wall Number	1	2	3	4	5	6	7	8	9	10	11	12	13	Total
Yard Width (20' to 60')	60	60	60	0	0	0	0	0	0	0	0	0	0	180
Wall Length	500	200	500	200	0	0	0	0	0	0	0	0	0	1,400
Yard Width x Wall Length	30000	12000	30000	0	0	0	0	0	0	0	0	0	0	72000
W	51.4	Weighted Average = Sum of (Yard Widths x Wall Lengths) / (Perimeter of Walls) 506.2.1, Equation 5-2 and Exception - "The value of W divided by 30 shall be permitted to be a maximum of 2 where building meets all requirements of Section 507 for except for compliance with 60 foot public way or yard". Building is allowed to be a unlimited area building. W allowed to be 60.												
F	1200	Perimeter Wall Length where yards are greater than 20 feet												
P	1400	Perimeter Wall Length all walls regardless of yard width												
If	1.04	Frontage Increase (Sect 506.2): $If = (F/P - 0.25) \times W/30$												
At	18,000	Base Allowable area (Table 503)												
	B, F, S	Occupancy (Chapter 3)												
	IIIB	Construction Type (Chapter 6 and Table 503)												
Is	3	Sprinkler Increase (Sect 506.3) One story building = 3, 2 story = 2, 3 story = 3												
	1	Number of stories												
Aa	90,735	Total Allowable Area (Sect 506.1): $Aa = (At + (At \times If) + (At \times Is)) \times \text{Number of Stories}$												
	103,775	ACTUAL AREA												
		Allowable Area Without Sprinklers (B) U.L. (F & S) 12,000 S.F. See Chapter 9												

Development Services

From Concept to Construction

Phone: 503-823-7300 TTY : 503-823-6868 1900 SW 4th Ave, Portland, OR 97201



APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 11385	Project Address: 2210 NE Riverside Way
Hearing Date: 12/17/14	Appellant Name: Greg Bleggen, Jennifer Kimura
Case No.: B-004	Appellant Phone: 503-222-4453
Appeal Type: Building	Plans Examiner/Inspector: Catherine Heeb, Natalie Davis, Kari Schimel
Project Type: commercial	Stories: 1 Occupancy: F-2 Construction Type: V-B
Building/Business Name:	Fire Sprinklers: Yes - throughout building
Appeal Involves: Erection of a new structure	LUR or Permit Application No.: 14-213935-CO
Plan Submitted Option: mail [File 1] [File 2] [File 3]	Proposed use: F-2

APPEAL INFORMATION SHEET

Appeal item 1

Code Section Section 507.3 and Section/Table 705.8 of the 2014 OSCC

Requires In accordance with Section 507.3 of the 2014 OSCC, The area of a single story Group F building of any construction type shall not be limited where the building is provided with an automatic sprinkler protection system throughout in accordance with Section 903.3.1.1 and is surrounded and adjoined by public ways or yards not less than 60ft in width.

In comparison, the Allowable Area for a single story building with Type IIB construction, F-2 Occupancy, equipped with an automatic sprinkler system throughout and with public side yards on 3 sides of the building is limited to 95,143sf (see attached allowable area calculation). In addition, in accordance with Section/Table 705.8 of the 2014 OSSC, openings in exterior walls with a fire separation distance less than 3ft are not permitted. The east wall of the subject building has 3 overhead doors and 1 man door, all of which are not fire rated.

Proposed Design The subject building is a single story, 100,000sf manufacturing warehouse constructed with concrete tilt up perimeter walls and a wood roof structure. The facility is surrounded by 60ft yards on the North, South and west side of the building. The east wall of the building is located on the associated property line and the subject property has an access I storage I utility easement for the alley way which occurs between the subject building and the building on the neighboring parcel. The 'alley' tapers from approximately 56ft- 70ft at the opposing building corners (north to south). A copy of the easement is attached with the appeal exhibits.

The proposed canopy occurs on the north wall of the building and will increase the actual building area to 103,775sf. The canopy will be constructed of non-combustible materials (steel) and be protected by an automatic sprinkler system. The canopy will cover predominantly non-combustible materials (steel and aluminum with minimal wood cribbing).

The neighboring building to the east is a single story, 75,000sf warehouse with public yards to the north and south, the referenced shared yard to the west and what appears to be a 50-60ft yard to the east. Approximately 150sf of the NW corner of this building encroaches into the 60ft separation (alley/yard) between the buildings. The west wall of the neighboring building does contain a 14x14ft non-rated overhead door. The allowable area of this building could not be verified with the available information although we anticipate that the building would be in compliance without this yard.

In consideration of the minimum 56ft wide easement along the east wall, SAPA Profiles is requesting that the allowable area for the building be unlimited, the building construction be considered Type V-B and the existing non-protected ooeninas be allowed to remain.

Reason for alternative SAPA profiles utilizes the subject building to fabricate an assortment of aluminum profiles which are utilized in a multitude of industries. The process involves extruding aluminum logs through large manufacturing presses. The raw materials (aluminum logs) are staged at the north yard of the building with the larger logs contained within steel storage racks and the smaller logs stacked on the ground. The smaller logs are contained within steel bands and stacked 3-4 rows high separated by 4x4 wood cribbing. Aluminum waste materials are contained within steel bins (see attached photos).

Storm water runoff from the yard is routed to the Elrod Drainage way on the north side of NE Riverside Way via the public storm system in the street. BES has been monitoring the site over the past two years and recently elevated the site to now require the industrial storm water discharge permit to meet the Tier II Corrective Action Requirements. The purpose of the canopy is to cover the steel & aluminum so that rainwater does not contact these elements prior to discharging into the adjacent slough.

APPEAL DECISION

Determination of construction type and unlimited area: Granted provided construction type designation remains III-B.

The Board grants the configuration of the canopy addition as shown, however any future enclosure will require walls per III-B construction requirements.

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.

After recording, please
return to:

Steel Rives Boley Jones & Gray
Attn: Mr. Howard Feuerstein
900 S.W. 5th Ave, Suite 2300
Portland, Oregon 97204

EASEMENT AGREEMENT

DATED: January 20th, 1993

BETWEEN: PORTLAND INDUSTRIAL CORPORATION "Grantor"
c/o Heitman Advisory Corporation
180 N LaSalle, #3600
Chicago, Illinois 60601

AND: ANODIZING, INC. "Anodizing"
P.O. Box 11263
Portland, Oregon 97211

RECITALS

A. Pursuant to an Earnest Money Agreement dated January 5, 1993 among the parties hereto, Anodizing has agreed to purchase the real property described on the attached Exhibit A ("Parcel 1"). A building is located on Parcel 1 ("Building 1"). The east wall of Building 1 runs along the eastern boundary of Parcel 1.

B. Parcel 1 abuts land owned by Grantor described on the attached Exhibit B ("Parcel 2"). A building exists on Parcel 2 ("Building 2"). An existing alley, approximately 56 feet wide, runs between Building 1 and Building 2, along the Western boundary of Parcel 2 from the Columbia River Slough to NE Riverside Way (the "Alley"), as depicted on attached Exhibit C.

C. In conjunction with the conveyance of Parcel 1, Anodizing wishes to obtain: (i) a nonexclusive access easement for ingress and egress, (ii) an exclusive storage easement for storage of movable materials and equipment, and (iii) a utility easement to allow for utility lines.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

PDX1-13743.1 20944 0003

JAN 21 1993

1. GRANT OF EASEMENTS.

1.1 Access. Grantor grants to Anodizing, for the benefit of Parcel 1, a nonexclusive easement to use the Alley jointly with Grantor, or any of its assigns or lessees, for ingress and egress (the "Access Easement"). Anodizing may, at its sole cost and expense, enlarge the entrance of the Alley, located on NE Riverside Way, as shown on attached Exhibit C.

1.2 Exclusive Storage. Grantor grants to Anodizing, subject to the conditions in paragraph 3 below, for the benefit of Parcel 1, an exclusive storage easement to use an area 20 feet wide and 100 feet long adjacent to Parcel 1, running from the Columbia River Slough to just south of the existing drive-in door of Building 1, for storage of moveable materials and equipment, as shown on Exhibit C (the "Storage Easement").

1.3 Utilities. Grantor grants to Anodizing, for the benefit of Parcel 1, a nonexclusive utility easement, 4 feet wide and approximately 275 feet long, adjacent to Parcel and Building 1, running from NE Riverside Way to the Columbia Slough, for underground water, sewer, gas, telephone and electricity lines, as shown on Exhibit C (the "Utility Easement"). Any utility lines placed within the easement shall be at the sole cost of Anodizing, including the cost of restoration of the Alley following installation or repair of such utility lines.

2. MAINTENANCE AND OTHER CHARGES.

2.1 Nonexclusive Easement. The costs of maintenance, cleaning and repair for the Access Easement shall be shared equally between the parties. However, in the event of damage to the Alley because of the negligence of any party, or their agents, invitees or contractors, or due to the construction or utility repair work performed on behalf of any party, such party shall be solely responsible for repairing the damage.

2.2 Storage Easement. The costs of maintenance, cleaning and repair for the Storage Easement shall be the sole responsibility of Anodizing.

2.3 Utility Easement. The costs of maintenance, repair and installation of any utility lines for the Utility Easement shall be the sole responsibility of Anodizing, irrespective of whether Grantor obtains any benefit from such utility lines.

JAN 21 1993

3. RESTRICTIONS ON STORAGE EASEMENT.

3.1 Storage of Hazardous Substances. Anodizing shall not use, generate, transport, treat, store, dispose of or otherwise handle Hazardous Substances on the Storage Easement. "Hazardous Substances" means any and all hazardous, toxic, infectious or radioactive substances, wastes or materials as defined or listed by any federal, state or local statute, regulation or ordinance pertaining to the protection of human health or the environment and shall specifically include petroleum oil and its fractions.

3.2 Grantor's Right to Relocate Storage Easement. Grantor shall have the right, at its sole discretion, to relocate the Storage Easement to another location in the Alley.

4. GENERAL PROVISIONS.

4.1 Governmental Rules and Regulations. Anodizing shall comply with all governmental rules and regulations pertaining to the use of the easements, Parcel 1 or Building 1, or the storage of any materials upon the easements or Parcel 1.

4.2 Hazardous Substances. Anodizing shall not cause Hazardous Substances to be spilled, leaked, disposed of or otherwise released on or within the Alley.

4.3 Indemnity and Hold Harmless. Anodizing agrees to indemnify, defend and hold Grantor harmless from any claim, demands, loss or liability for injury to or death of any person or property damage arising out of the use, occupancy or activity by or for Anodizing, its employees, agents, contractors, lessees, licensees, invitees, successors or assigns.

4.4 Implied Easements. There are no other easements, either expressly or implied, granted to Anodizing from Grantor.

4.5 Other Liens or Encumbrances. Anodizing takes the easements subject to all other liens or encumbrances of record.

4.6 Counterparts. This Agreement may be executed in counterparts, which together shall constitute one instrument.

5. BENEFITS AND BURDENS. The benefits and burdens of the easements and covenants contained in this agreement shall run with the land so benefited or burdened.

JAN 21 1993

6. **COSTS AND ATTORNEYS' FEES.** In the event suit or action is instituted to interpret or enforce any of the terms of this agreement, the prevailing party shall be entitled to recover from the other party such sum as a court may adjudge reasonable as attorneys' fees at trial, on appeal or petition for review of such suit or action, in addition to all other sums provided by law (i.e., statutory costs).

DATED as of the date first written above.

PORTLAND INDUSTRIAL CORPORATION,
a Massachusetts corporation

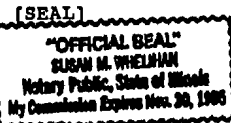
By: Dwight P. Fawcett
Its: Vice President

ANODIZING, INC., an Oregon
corporation

By: William H. MacLean
Its: Secretary, CFO

STATE OF Illinois)
County of Cook) ss.

This instrument was acknowledged before me on
January 12, 1993, by Dwight P. Fawcett,
as Vice President of Portland Industrial
Corporation, a Massachusetts corporation.



Susan M. Whelan
Notary Public for Cook County
My commission expires: 11/25/95

JAN 21 1993

STATE OF OREGON)
County of Multnomah) ss.

This instrument was acknowledged before me on
January 20th, 1993, by William H. Meadows,
as Secretary CEO of Anodizing, Inc., an Oregon
corporation.

[SEAL]

OFFICIAL SEAL
SHERRI LEAFORTER
NOTARY PUBLIC-OREGON
COMMISSION NO 019084
MY COMMISSION EXPIRES OCT. 30, 1996

[Signature]
Notary Public for Oregon
My commission expires: 10-31-96

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JAN 21 1993

EXHIBIT A

A portion of Tract 1, "R. A. HEINTZ INDUSTRIAL PARK", in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows:

BEGINNING at the Westerly corner of said Tract 1 and the intersection of the Columbia Slough and the Easterly line of N.E. 21st Avenue; thence North $0^{\circ}25'00''$ East along said Easterly line, a distance of 49.18 feet to a point of curvature; thence continuing along said Easterly line on the arc of a 282.50 foot radius curve to the right, through a central angle of $28^{\circ}42'03''$ an arc distance of 141.51 feet (the chord bears North $14^{\circ}46'01''$ East, 140.04 feet) to a point of tangency; thence continuing along said Easterly line North $29^{\circ}07'03''$ East a distance of 146.48 feet to a point of curvature; thence along the arc of a 30.00 foot radius curve to the right, through a central angle of $90^{\circ}00'00''$, an arc distance of 47.12 feet (the chord bears North $74^{\circ}07'03''$ East, 42.43 feet) to a point on the Southerly line of Riverside Way; thence Southerly South $60^{\circ}52'57''$ East along said Southerly line, a distance of 232.93 feet to a point of curvature; thence continuing along said Southerly line on an arc of a 3057.97 foot radius curve to the left, through a central angle of $3^{\circ}46'59''$, an arc distance of 201.91 feet (the chord bears South $62^{\circ}46'26''$ East, 201.87 feet) to a point of tangency; thence continuing along said Southerly line South $64^{\circ}39'56''$ East a distance of 75.55 feet; thence South $29^{\circ}08'25''$ West along the Southeasterly line of a 200-foot by 500-foot building, a distance of 362.85 feet to a point on the Southwesterly line of said Tract 1; thence North $61^{\circ}22'10''$ West along said Southwesterly line a distance of 481.43 feet to the point of beginning.

JAN 21 1993

EXHIBIT B

A portion of Tract 1 of the duly recorded plat of "R. A. Heintz Industrial Park," situated in the William Payne Donation Land Claim in the Southeast one-quarter of Section 11 and the Southwest one-quarter of Section 12, Township 1 North, Range 1 East of the Willamette Meridian in the County of Multnomah and State of Oregon, more particularly described as follows:

Commencing at the northeast corner of said Tract 1; thence N.89°57'16"W., along the south line of Riverside Way, a distance of 126.47 feet to a point of tangent curve in said south line; thence Northwesterly, along said south line on the arc of a 850.00 foot radius curve to the right, through a central angle of 25°17'20", an arc distance of 375.17 feet (the chord bears N.77°18'36"W., 372.13 feet) to a point of tangency; thence N.64°39'56"W., along said south line, a distance of 551.19 feet to a point in a line parallel with and 50.00 feet west (when measured at right angles) of the west wall of an existing building; and the point of beginning of the tract herein to be described; thence S.25°20'33"W., parallel with said westerly wall, a distance of 389.35 feet to a point in the south line of said Tract 1; thence N.61°22'10"W., along said south line, a distance of 475.06 feet to a point of intersection with the southerly extension of the east wall of an existing building; thence N.29°09'04"E., along said building wall (and its southerly and northerly extensions), a distance of 362.85 feet to a point in the south line of said Riverside Way; thence S.64°39'56"E., along said south line, a distance of 450.17 feet to the point of beginning.

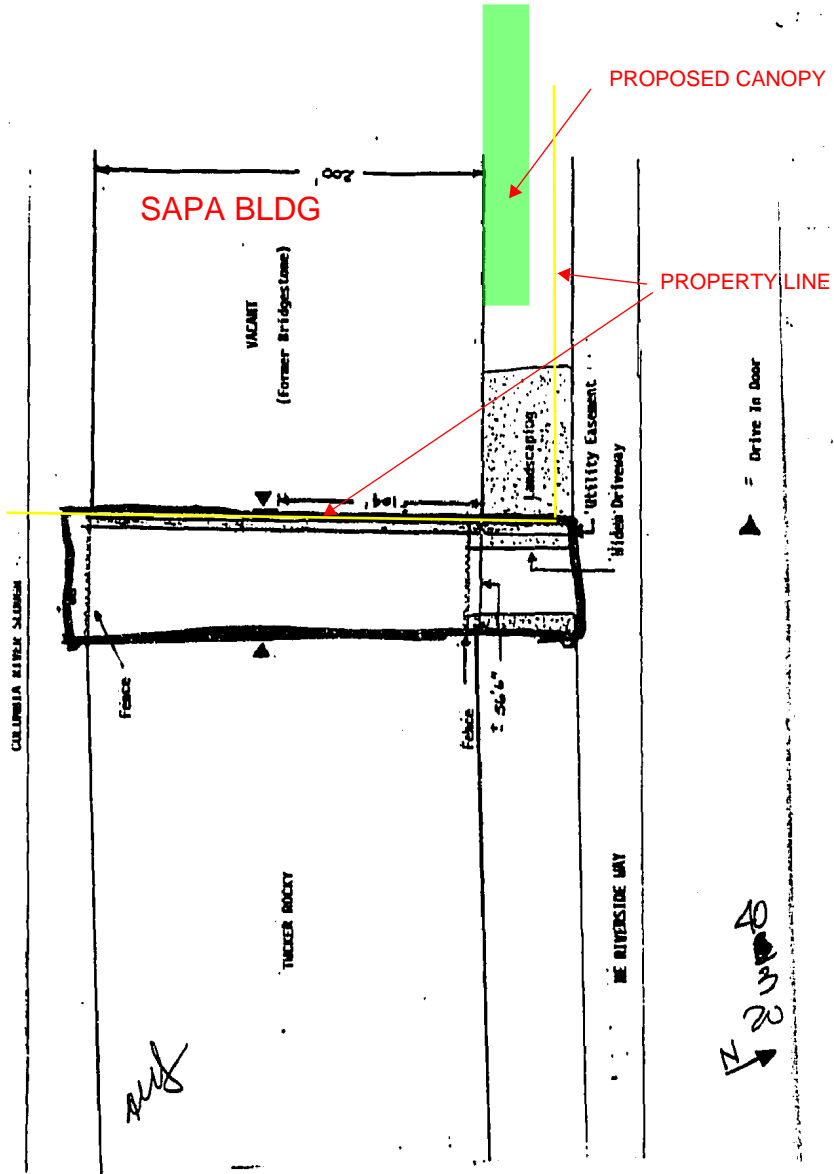
SUBJECT TO:

Rights of the public and governmental bodies in that portion of the above-described property lying below the high water mark of the Columbia Slough.

JAN 21 1993

EXHIBIT C

007741



JAN 21 1993

STATE OF OREGON
Multnomah County

Let Deputy for the Recorder of Conveyances, in and for
said County, do hereby certify that the within instrument of
writing was submitted for record and recorded in the records
of said County.

93 JUN 21 PM 3:31

RECORDED
MULTNOMAH CO. OREGON

On Page
BOOK 2640 PAGE 1829

Witness my hand and seal of office at said
Recorder of Conveyances

C. Swick

Deputy