



1. [Horizontal Appeals](#)

APPEAL SUMMARY

Status: DECISION RENDERED

Appeal ID: 32102	Project Address: 820 and 830 SW Gaines St
Hearing Date: 1/31/24	Appellant Name: Tom Jaleski
Case No.: B-002	Appellant Phone: 971-238-5266
Appeal Type: Building	Plans Examiner/Inspector: N/A
Project Type: Commercial	Stories: 1 Occupancy: S-1 Construction Type: V-B
Building/Business Name: Oregon Health and Science University (OHSU) South Marquam Maintenance Facility Yards Building 1	Fire Sprinklers: No
Appeal Involves: Alteration of an existing structure, Reconsideration of appeal	LUR or Permit Application No.: EA-23-021714
Plan Submitted Option: pdf [File 1] [File 2] [File 3] [File 4]	Proposed use: Storage for Grounds Maintenance

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	OSSC §3401.3.1
Requires	A building or portion of a building that has not been previously occupied or used for its intended purpose, in accordance with the code in existence at the time of its completion, shall be permitted to comply with the provisions of the code in existence at the time of its original permit unless such permit has expired. Subsequent permits shall comply with the requirements of this code for new construction.
Code Modification or Alternate Requested	The South Marquam Maintenance Facility Yards Building 1 is an existing unpermitted structure which predates the current BDS permit process. This appeal request is to follow the intent of City Code Chapter 24.85.010 Scope Section A to not require seismic upgrades instead of complying with the seismic requirements of current code for new construction.
Proposed Design	RECONSIDERATION TEXT 2 (NEW): The South Marquam Maintenance Facility Yards Building 1 is an existing unpermitted structure which is solely used for the purpose of storing

gravel. It provides weather protection for gravel, is unconditioned, open to the air, and less than 1,500 s.f. in size. It was originally erected in 1952 as an unoccupied structure.

Equivalent protection is provided by its non-occupancy and therefore threat to life. The gravel the structure covers is accessed by wheeled equipment for loading into trucks for use elsewhere. The provisions per the IEBC for moved or relocated structures is based on it being safe for human occupancy. This building will be full of gravel and only moved to meet the compliance per zoning requirements.

See image of Building 1 in Attachment C.

RECONSIDERATION TEXT 1 (ORIGINAL):

The original appeal is being re-submitted for each building on the lot. Building 1 at the South Marquam Maintenance Facility Yards is an existing unpermitted structure used for covered gravel storage. It is composed of Ultrablock walls with a membrane structure above. Under the scope of this project, the structure will be relocated within approximately 30 feet of its original location and permitted as a Type V-B, Group S-1 occupancy building but will otherwise remain as existing.

The structure does not meet current seismic design requirements of ASCE 7-16. However, the existing building meets the intent of City Code Chapter 24.85.010 Scope Section A to not require seismic upgrades even though it was not previously permitted.

Reason for alternative

RECONSIDERATION TEXT 2 (NEW):

Building 1 is not undergoing a change of occupancy, addition, or repair. The building will continue to be used as covered gravel storage and remain unoccupied except when maintenance employees are actively accessing or storing gravel (see image in Attachment C). The building is separate from other structures on the lot.

The structure has a calculated occupant load of 3 occupants, if it were not filled with gravel, which is significantly less than the 149 occupant load increase allowed without seismic improvements by City Code Chapter 24.85.040. Therefore, not requiring seismic upgrades provides equivalent protection to what is currently allowed by City Code.

RECONSIDERATION TEXT 1 (ORIGINAL):

The original appeal is being re-submitted for each building on the lot. The South Marquam Maintenance Facility Yards include a collection of structures constructed throughout the history of OHSU to provide storage for grounds maintenance. Some of these structures were constructed in the early 1950's prior to the City of Portland permitting process for OHSU buildings. As part of a city covenant with OHSU, the site will be formally permitted with a defined code compliance path that addresses all structures on site. These updates do not include change of occupancy, additions, or significant alterations to the existing, previously unpermitted, structures.

The Covered Gravel Storage (Building 1) will be moved outside of the environmental zone in the scope of this project but will otherwise remain as existing. The existing building is constructed of concrete Ultrablock walls that are stacked concrete units with no additional reinforcement. These will be unstacked in their current location and re-stacked, as previously stacked, in the new location. The cover will also be removed and re-attached as originally attached with new anchors.

Code compliance is provided by OSSC §3414.1, which refers to §3403.3.1, which states the structure only needs to meet the requirements at the time of construction. Though the original seismic design requirements are not recorded, the current structural engineer will design footings/soil bearings at the new location support the existing building when relocated so that new foundations will meet current code requirements.

If Building 1 had been previously permitted, it would not be required to be seismically upgraded to meet current code criteria under City Code Chapter 24.85. Per Chapter 24.85.010 Scope Section A, the provisions of this city code chapter prescribe requirements for “existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening.” The building is not undergoing a change of function, therefore, the intended scope of Chapter 24.85 seismic design requirements for existing buildings do not apply to the building if it had been permitted at the time of construction.

Since the permitting process did not exist at the time of construction, we request that this subsequent permit not be held to the requirements of new construction for seismic design. The structure has minimal impact to the function of the overall OHSU hospital facility:

- These structures are for maintenance and storage and only used by maintenance personnel for maintenance activities only.
- The covered gravel storage building is not adjacent to any hospital buildings or public road accessways on campus, so its performance in a seismic event does not impact the function of the campus.

Therefore, we request that the intent of Chapter 24.85.010 Scope Section A apply and that seismic upgrades not be required for Building 1 even though the structure has not been previously permitted.

Appeal item 2

Code Section

OSSC §3401.3.1

Requires

A building or portion of a building that has not been previously occupied or used for its intended purpose, in accordance with the code in existence at the time of its completion, shall be permitted to comply with the provisions of the code in existence at the time of its original permit unless such permit

has expired. Subsequent permits shall comply with the requirements of this code for new construction.

Code Modification or Alternate Requested

The South Marquam Maintenance Facility Yards Building 1 is an existing unpermitted structure which predates the current BDS permit process. This appeal request is to follow the intent of OSSC §3403.6.3 for existing buildings even though this was previously unpermitted.

Proposed Design

RECONSIDERATION TEXT 2 (NEW):

The structure is not occupied, except by gravel, and is accessed for the sole purpose of distributing gravel. The structure is being relocated, and the nearest accessible restrooms will be located in the Energy Management Center. As a structure that is not occupied, it does not need to meet the requirements for accessibility.

RECONSIDERATION TEXT 1 (ORIGINAL):

Building 1 at the South Marquam Maintenance Facility Yards is an existing unpermitted structure used for covered gravel storage. Under the scope of this project, the structure will be relocated within approximately 30 feet of its original location and permitted as a Type V-B, Group S-1 occupancy building but will otherwise remain as existing.

The structure does not meet current accessibility requirements of OSSC Chapter 11, but does meet the intent of OSSC Chapter 34 for existing buildings even though it was not previously permitted and is not accessible to the public, restricted for OHSU maintenance staff access only.

Reason for alternative

RECONSIDERATION TEXT 2 (NEW):

In addition to the code path described below, accessible restrooms will be provided within 300' of the relocated position of Building 1. The proposed relocation of the structure does not decrease the accessible access to the accessible restroom facilities, which were not along an accessible grade originally.

RECONSIDERATION TEXT 1 (ORIGINAL):

The South Marquam Maintenance Facility Yards include a collection of structures constructed throughout the history of OHSU to provide storage for grounds maintenance. Some of these structures were constructed in the early 1950's prior to the City of Portland permitting process for OHSU buildings. As part of a city covenant with OHSU, the site will be formally permitted with a defined code compliance path that addresses all structures on site. These updates do not include change of occupancy, additions, or significant alterations to the existing, previously unpermitted, structures.

The Covered Gravel Storage (Building 1) will be moved outside of the environmental zone in the scope of this project but will otherwise remain as existing. If Building 1 had been previously permitted, the scope of this project would not be a repair, addition, or change of occupancy. Since the building is not undergoing improvements and the scope of the project does

not reduce accessibility of the structure, the project complies with OSSC §3403.6.3 for an existing building, and only authorized OHSU maintenance personnel will be accessing the site.

Therefore, we request that Building 1 be considered as an existing building for which accessibility upgrades are not required even though the structure has not been previously permitted.

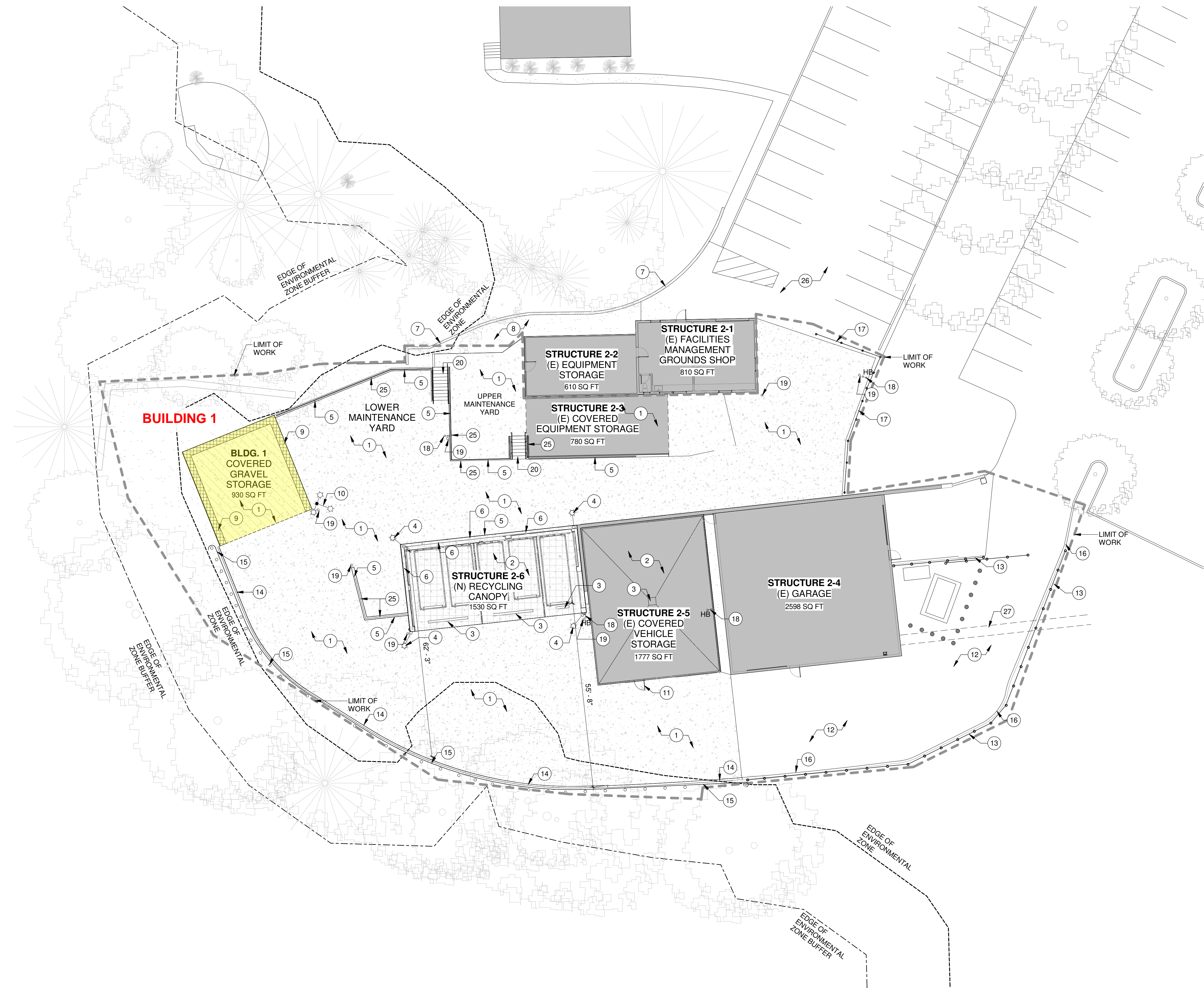
APPEAL DECISION

1) Allow gravel storage building to be moved without requiring seismic upgrade: Granted provided canopy is anchored to concrete block walls to meet current code.

2) Omission of access to a restroom for gravel storage building: Granted as proposed.

"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) 823-6251 or come to the Development Services Center."



1 SITE PLAN
1/16" = 1'-0"



GENERAL NOTES - SITE PLAN	
1.	SITE PLAN FOR REFERENCE ONLY, SEE CIVIL FOR ADDITIONAL INFORMATION.
LEGEND	
	FENCING
	TRAFFIC RATED GUARDRAIL. SEE DETAILS AND STRUCTURAL
	ENVIRONMENTAL ZONE BOUNDARY
	EDGE OF ENVIRONMENTAL ZONE BUFFER
	LIMIT OF WORK BOUNDARY
	CONCRETE PAVING
	FLOOD LIGHT. REFER TO ELECTRICAL/SITE DRAWINGS
KEYNOTES - SITE PLAN	
1	(N) CONCRETE PAVING. SEE CIVIL
2	(N) CONCRETE SLAB. SLOPE TO SANITARY SEWER FLOOR DRAIN. SEE CIVIL
3	(N) SANITARY FLOOR DRAIN. REFER TO CIVIL
4	SITE LIGHTING MOUNTED TO (N) TRASH CANOPY. SEE ELECTRICAL DRAWINGS
5	(N) CONCRETE RETAINING WALL. REFER TO DETAILS AND STRUCTURAL DRAWINGS
6	(N) OPERABLE GUARDRAIL. REFER TO CANOPY DETAILS AND DRAWINGS
7	(E) CMU RETAINING WALL TO REMAIN
8	(E) GRAVEL WALKWAY TO REMAIN
9	(E) RELOCATED ULTRABLOCK WALL AND (E) MEMBRANE STRUCTURE ABOVE
10	(E) LIGHTS AND SUPPORT POLE RELOCATED ONTO (N) FOUNDATION SUPPORT. SEE STRUCTURAL
11	(N) LOCKABLE GALV CHAINLINK GATE WITH PRIVACY SLATS. REFER TO DETAILS
12	(E) ASPHALT PAVING TO REMAIN. REPAIR PAVEMENT AT EXCAVATED AREAS. SEE CIVIL
13	(E) FENCING TO REMAIN
14	(N) CONCRETE CURB. SEE CIVIL
15	(N) TRAFFIC RATED GUARDRAIL. SEE DETAILS AND STRUCTURAL
16	(E) CONCRETE CURB TO REMAIN
17	(N) CHAINLINK FENCING TO MATCH FENCING BEING REPLACED
18	NEW HOSE BIB. REFER TO PLUMBING/CIVIL DRAWINGS
19	(N) CONCRETE FILLED PIPE BOLLARD
20	(N) CONCRETE STAIRS. REFER TO LANDSCAPE AND CIVIL DRAWINGS
25	(N) FIXED GALVANIZED PIPE GUARDRAIL
26	(E) PAVING TO REMAIN
27	(E) UTILITY TRENCH CONNECTING THE GARAGE TO THE EMC. INSTALL NEW UTILITIES IN TRENCH. REFER TO PLUMBING/SITE DRAWINGS

BUILDING 1	
COVERED GRAVEL STORAGE	
BUILDING 2	
(E) FACILITIES MAINTENANCE GROUNDS BUILDING (STRUCTURE 2-1)	
(E) EQUIPMENT STORAGE (STRUCTURE 2-2)	
(E) COVERED EQUIPMENT STORAGE (STRUCTURE 2-3)	
(E) GARAGE (STRUCTURE 2-4)	
(E) COVERED VEHICLE STORAGE (STRUCTURE 2-5)	
(N) RECYCLE CANOPY (STRUCTURE 2-6)	

ARCHITECTURE
ORANGE WALL STUDIOS
PLANNING

9459 N WILLIAMS AVE. SUITE 07
PORTLAND, OREGON 97227

NOT FOR CONSTRUCTION

OHSU SOUTH MARQUAM HILL NCU SITE UPGRADES

830 SW GAINES ST.
PORTLAND, OR 97239

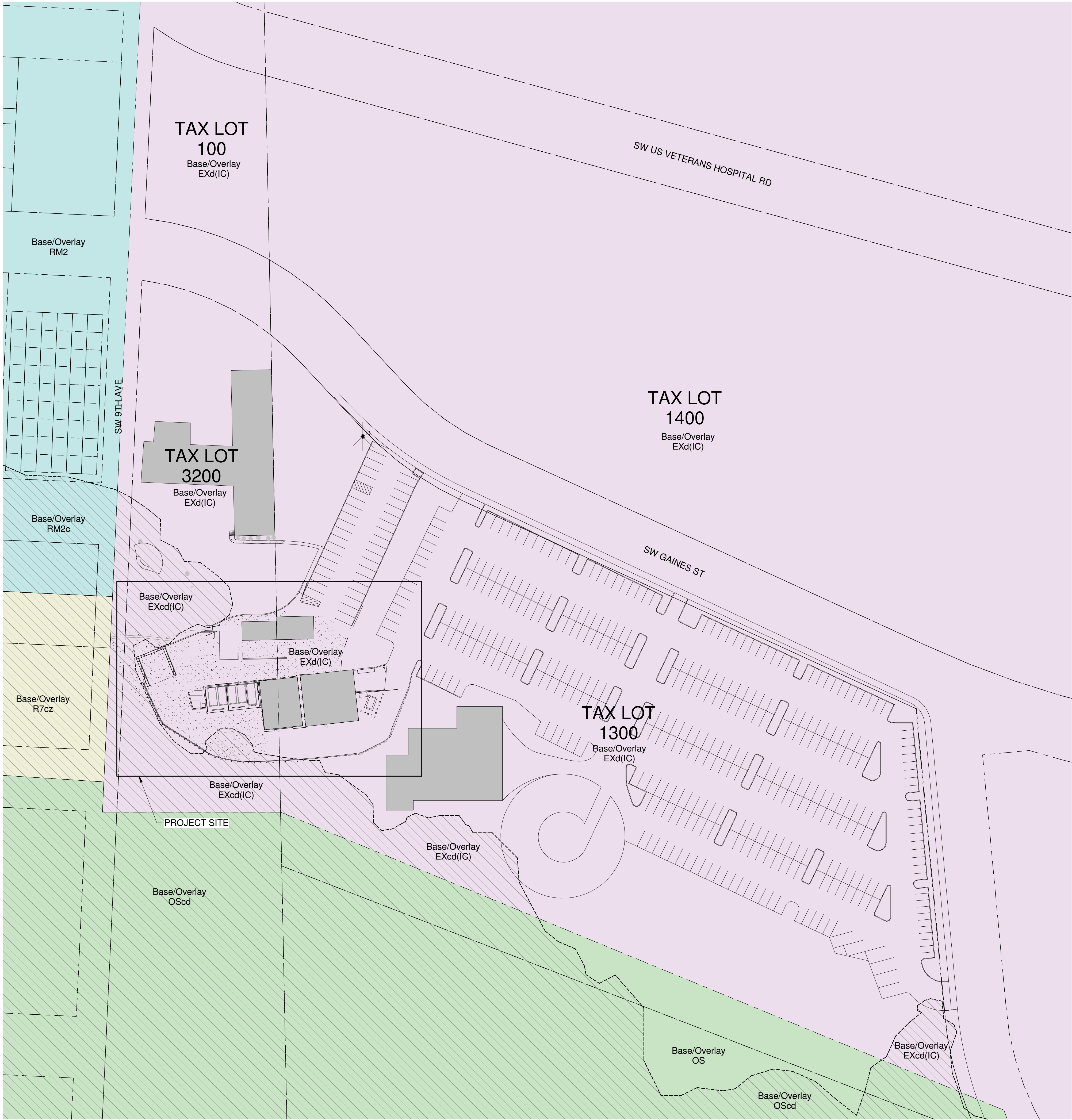
LAND USE REVIEW DOCUMENTS

REVISIONS:
DATE DESCRIPTION

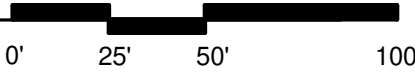
SHEET TITLE:
SITE PLAN

PROJECT # 22014
PERMIT DATE:
DATE: 10.18.23







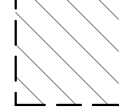
A004



  **TAX LOT SITE PLAN**
1" = 50'-0"



LEGEND

-  TAX LOT BOUNDARY LINE
-  ENVIRONMENTAL CONSERVATION ZONE BOUNDARY
-  ZONING DISTRICT
Base EX
Overlay cd(IC) and d(IC)
-  ZONING DISTRICT
Base OS
Overlay c and cd
-  ZONING DISTRICT
Base RM2
Overlay c
-  ZONING DISTRICT
Base R7
Overlay cz
-  ENVIRONMENTAL CONSERVATION ZONE

ARCHITECTURE
ORANGE WALL Studios
PLANNING

9450 N WILLIAMS AVE, SUITE 07
PORTLAND, OREGON 97227

NOT FOR CONSTRUCTION

**OHSU**

OHSU SOUTH MARQUAM HILL NCU SITE UPGRADES

830 SW GAINES ST
PORTLAND, OR 97239

LAND USE REVIEW DOCUMENTS

REVISIONS:

#	DATE	DESCRIPTION
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SHEET TITLE:

TAX LOT AND ZONING PLAN

PROJECT #	22014
PERMIT DATE:	-
DATE:	10.18.23

G001



NORTHEAST CORNER- A/C UNIT SHOWN ON WINDOW



SOUTH



WINDOW HEATING/COOLING UNIT ON NORTH SIDE



ELECTRIC HEATER UNIT IN SHOP SPACE



SOUTHWEST CORNER

STRUCTURE 2-1- FACILITIES MANAGEMENT GROUNDS SHOP

CONSTRUCTION: CONCRETE MASONRY BLOCK WALLS WITH WOOD FRAMED ROOF
DATE CONSTRUCTED: 1952. PER EXISTING DRAWINGS 2-1 AND 2-2 WERE CONSTRUCTED AS ONE BUILDING IN 1952.
HEATING/COOLING: ELECTRIC WINDOW A/C UNIT AND ELECTRIC HEATER IN SHOP SPACE
NOT PERMITTED IN CURRENT CITY OF PORTLAND SYSTEM

GROUNDKEEPING STORAGE (TO BE DEMOED)

CONSTRUCTION: CONCRETE STEM WALLS WITH PIPE STEEL FRAMED STRUCTURE AND CORRUGATED FIBERGLASS EXTERIOR PANELS
DATE CONSTRUCTED: 1957
NOT PERMITTED IN CURRENT CITY OF PORTLAND SYSTEM



SOUTHWEST CORNER

STRUCTURE 2-3 - COVERED EQUIPMENT STORAGE

CONSTRUCTION: PREFAB PIPE STEEL FRAME MEMBRANE STRUCTURE (NOT ATTACHED TO ADJACENT STRUCTURES)
DATE CONSTRUCTED: EARLY 2000'S
NOT PERMITTED IN CURRENT CITY OF PORTLAND SYSTEM



NORTHWEST CORNER



INTERIOR- WEST



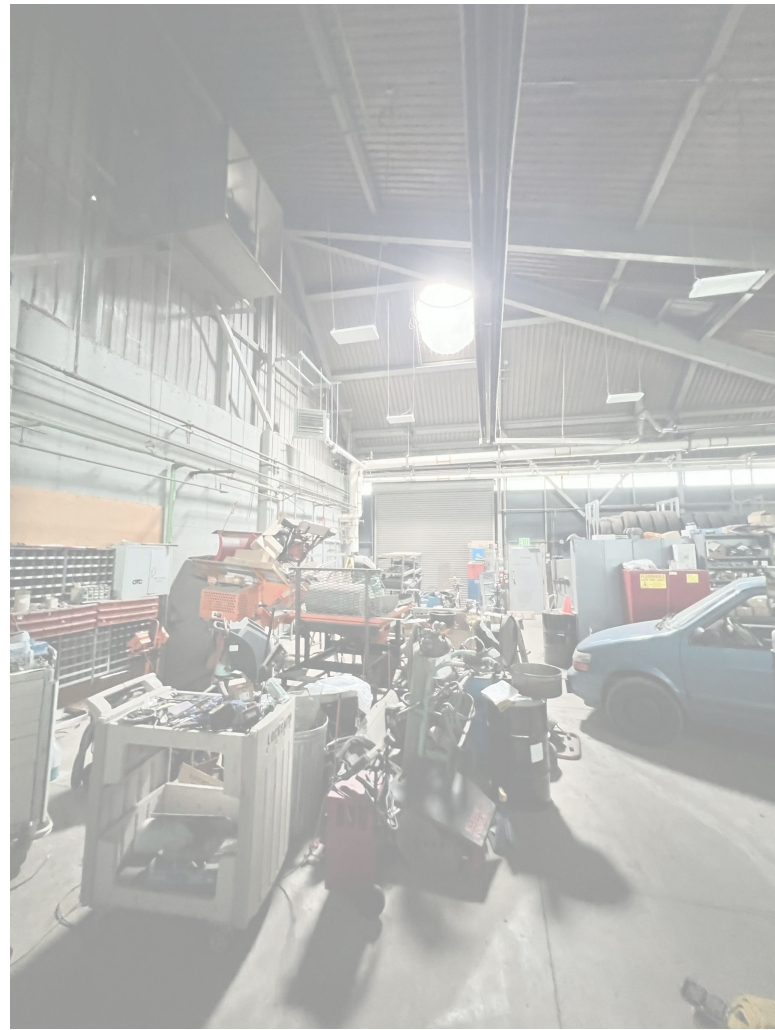
INTERIOR- LOOKING TO EAST



INTERIOR- EAST SHOWING ROOF CONNECTION TO STRUCTURE 2-1. NON-WORKING GAS HEATER SHOWN AS WELL

STRUCTURE 2-2- EQUIPMENT STORAGE

CONSTRUCTION: CONCRETE STEM WALLS WITH PIPE STEEL FRAMED STRUCTURE AND CORRUGATED FIBERGLASS EXTERIOR PANELS.
DATE CONSTRUCTED: 1952. PER EXISTING DRAWINGS 2-1 AND 2-2 WERE CONSTRUCTED AS ONE BUILDING IN 1952.
HEATING/COOLING: GAS FIRED HEATER IN SPACE. NO COOLING.
NOT PERMITTED IN CURRENT CITY OF PORTLAND SYSTEM



INTERIOR LOOKING TO EAST WALL SHOWING NORTH WALL



EAST SIDE



BUILDING 1- COVERED GRAVEL STORAGE (TO BE RELOCATED)

CONSTRUCTION: PREFAB PIPE STEEL FRAME MEMBRANE STRUCTURE ON CONCRETE ULTRA-BLOCK WALL
DATE CONSTRUCTED: ESTIMATED EARLY 2000'S
HEATING/COOLING: NONE
NOT PERMITTED IN CURRENT CITY OF PORTLAND SYSTEM



SOUTH- FENCE SHOWN IS TO BE DEMOED AS PART OF THIS PROJECT



SOUTHWEST CORNER

STRUCTURE 2-5- COVERED VEHICLE STORAGE

CONSTRUCTION: PREFAB PIPE STEEL FRAME MEMBRANE STRUCTURE. FRAME IS NOT ATTACHED TO EXISTING RETAINING WALL THAT WAS CONSTRUCTED IN 1982.
DATE CONSTRUCTED: ESTIMATED EARLY 2000'S
HEATING/COOLING: NONE
NOT PERMITTED IN CURRENT CITY OF PORTLAND SYSTEM



NORTHWEST CORNER

STRUCTURE 2-4 - GARAGE

CONSTRUCTION: CONCRETE STEM/RETAINING WALLS WITH STEEL FRAMED STRUCTURE AND PREFINISHED METAL ROOF/EXTERIOR SKIN. NON INSULATED.
DATE CONSTRUCTED: 1983. FINAL INSPECTION DONE BY CITY ON 2/11/1983
HEATING/COOLING: GAS FIRED RADIANT HEATERS IN SPACE. NO COOLING.
PERMITTED WITH CITY OF PORTLAND AND IS CURRENTLY PART OF THE FPP PROGRAM

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PHOTOS

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PERMIT
DATE: -

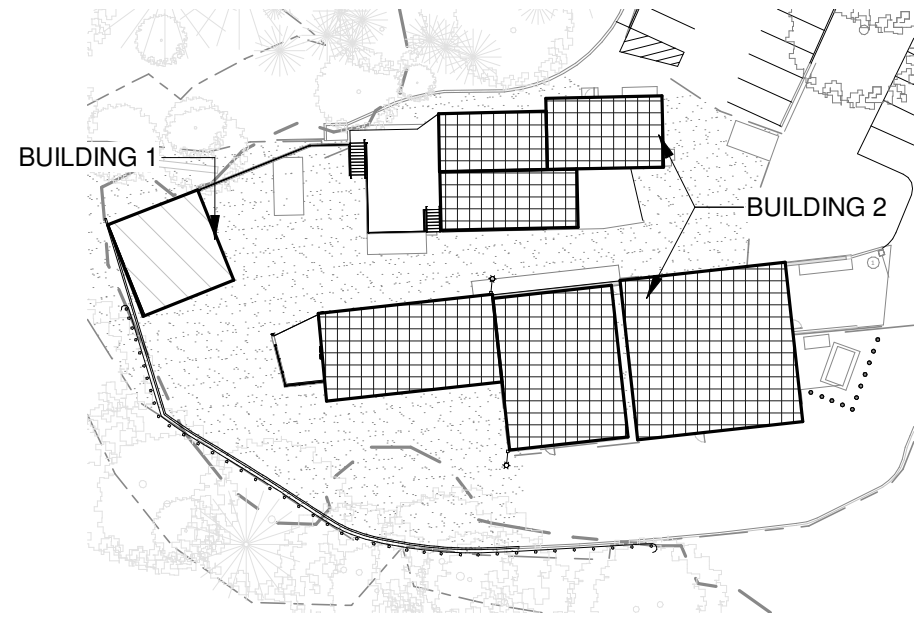
DATE: 10.18.23

A003



1 BUILDING COOLED-HEATED SITE PLAN
3/32" = 1'-0"

STRUCTURES HEATED/COOLED	
STRUCTURE HEATED ONLY	
STRUCTURE HEATED AND COOLED	
STRUCTURE WITH NO CONDITIONING	



2 KEY PLAN
1" = 60'-0"