

Development Services

From Concept to Construction

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APPEAL SUMMARY

Status: Decision Rendered

Appeal ID: 26442	Project Address: 1015 NW Everett St
Hearing Date: 1/26/22	Appellant Name: Todd Cowing
Case No.: B-004	Appellant Phone: 503-484-3078
Appeal Type: Building	Plans Examiner/Inspector: Anne Schmidt
Project Type: commercial	Stories: 1 Occupancy: B Construction Type: III-B
Building/Business Name: Teardrop lounge	Fire Sprinklers: No
Appeal Involves: Alteration of an existing structure	LUR or Permit Application No.: 21-067387-CO
Plan Submitted Option: pdf [File 1]	Proposed use: Bar

APPEAL INFORMATION SHEET

Appeal item 1

Code Section	OSSC 1104.6
Requires	Accessible routes shall coincide with or be located in the same area as a general circulation path. Where the circulation path is interior, the accessible route shall be interior. The exception that could apply; 2. A single accessible route is permitted to pass through the kitchen or storage room in an Accessible unit, Type A unit, or Type B Unit.
Code Modification or Alternate Requested	Applicant requests the interpretation of section 1104.6 to be modified or not applicable based on design and cost constraints.
Proposed Design	The proposed design details a landing and three stairs covering a 15" inch height between tenant spaces 1 and 2. Handrail, edge protection, and stair lighting as per OSSC code will apply. The design takes into consideration each space has its own accessible ADA restroom facilities, entrance/egress, and bar services.
Reason for alternative	<p>Installation of a ramp would extend a minimum of 15' feet into tenant space 2 and would divide the space making it difficult for the business and customers to use the area.</p> <p>Additionally, the cost of providing a ramp or lift would exceed the total cost of all other project items. Under the Statewide Code Interpretation No. 14-01 Alterations and Application of the 25% Disproportionate Cost Limitation (ORS)447.241, (OSSC)-Chapter 11/Section 3403.4 may allow the waiver of the access requirement.</p>

APPEAL DECISION

Omission of requirement for the accessible route between altered areas to be located in the same area as the general circulation path: Granted provided it is verified at time of plan review that the cost of

providing an interior accessible route will exceed the 25% disproportionate cost limitation of (ORS)447.241.

Note: This decision does not waive any federal requirements for accessibility that are enforced by Department of Justice.

Appellant may contact John Butler (503 865-6427) or e-mail at John.Butler@portlandoregon.gov with questions.

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) 823-7300 or come in to the Development Services Center.
