

# Development Services

## From Concept to Construction

Phone: 503-823-7300 Email: [bds@portlandoregon.gov](mailto: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 - Reconsideration of ID 27611

<b>Appeal ID:</b> 27665	<b>Project Address:</b> 2311 SE Cesar E Chavez Blvd
<b>Hearing Date:</b> 4/13/22	<b>Appellant Name:</b> Eli Metcalf
<b>Case No.:</b> B-005	<b>Appellant Phone:</b> 9716782531
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Steven Freeh
<b>Project Type:</b> commercial	<b>Stories:</b> 2 <b>Occupancy:</b> R-3 <b>Construction Type:</b> V-B
<b>Building/Business Name:</b>	<b>Fire Sprinklers:</b> Yes - NFPA 13D throughout
<b>Appeal Involves:</b> Reconsideration of appeal, other: Other: Change of use from single family residence to (2) residential transient living units (less than 10 total occupants)	<b>LUR or Permit Application No.:</b> 22-100609-CO
<b>Plan Submitted Option:</b> pdf [File 1]	<b>Proposed use:</b> Residence –Transient Living (R3)

### APPEAL INFORMATION SHEET

#### Appeal item 1

<b>Code Section</b>	1207.2
<b>Requires</b>	Occupiable spaces, habitable spaces and corridors shall have a ceiling height of not less than 7'-6" above the finished floor. Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet above the finished floor.
<b>Code Modification or Alternate Requested</b>	Requesting lower than 7'-6" ceilings in the basement unit.
<b>Proposed Design</b>	We propose a 6'-8 1/4" ceiling. Add larger than required egress openings: 2.5' x 3.5' egress windows in both of the bedrooms and a 4.5' x 3.5' egress window in the living room.
<b>Reason for alternative</b>	Since a 6'-8" ceiling height is permitted in the Portland code guide for residential basements, we believe that the use of these units matches the intention of the residential ceiling height requirement, rather than the 7'-6" commercial requirement. These are single family dwelling units, intended to be rented to a single group (no more than 5-6 people). The occupancy is R3 and hazard is nearly identical to its currently R3 use. We are providing larger than required windows which meet the intent of the code for a comfortable living space and safe means of egress. Excavating the basement slab to add 9.75" represents an unreasonable burden. We will lift the existing beam into the ceiling to retain the 6'-8" minimum height specified within the Portland code guide. The beam where not raised will reside within interior walls and out of the way of occupiable space.

### APPEAL DECISION

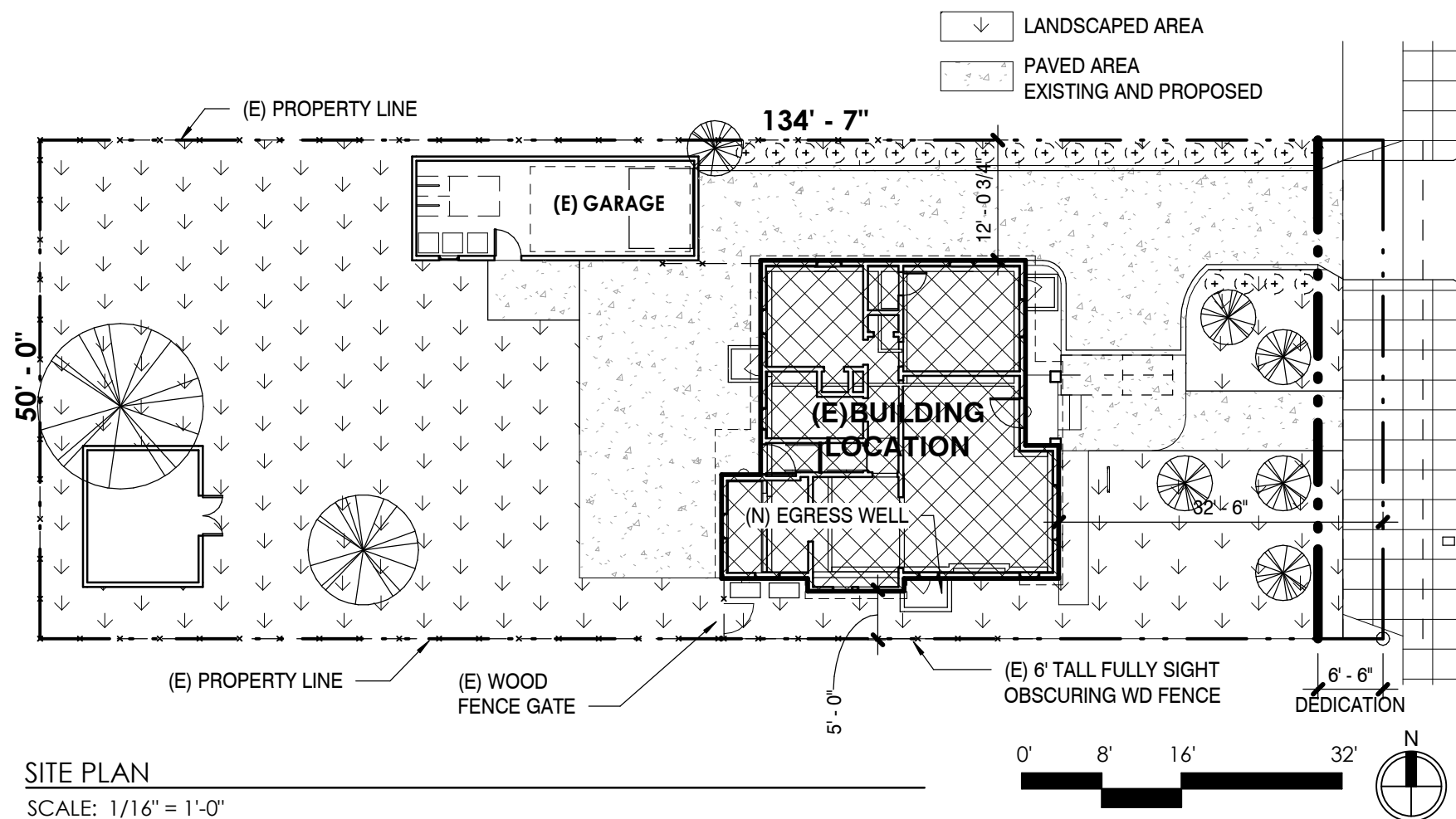
**Reduction in minimum required headroom in basement unit from 7 feet 6 inches to 6 feet 8 inches:  
Granted provided there are no projections lower than 6 feet 8 inches.**

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

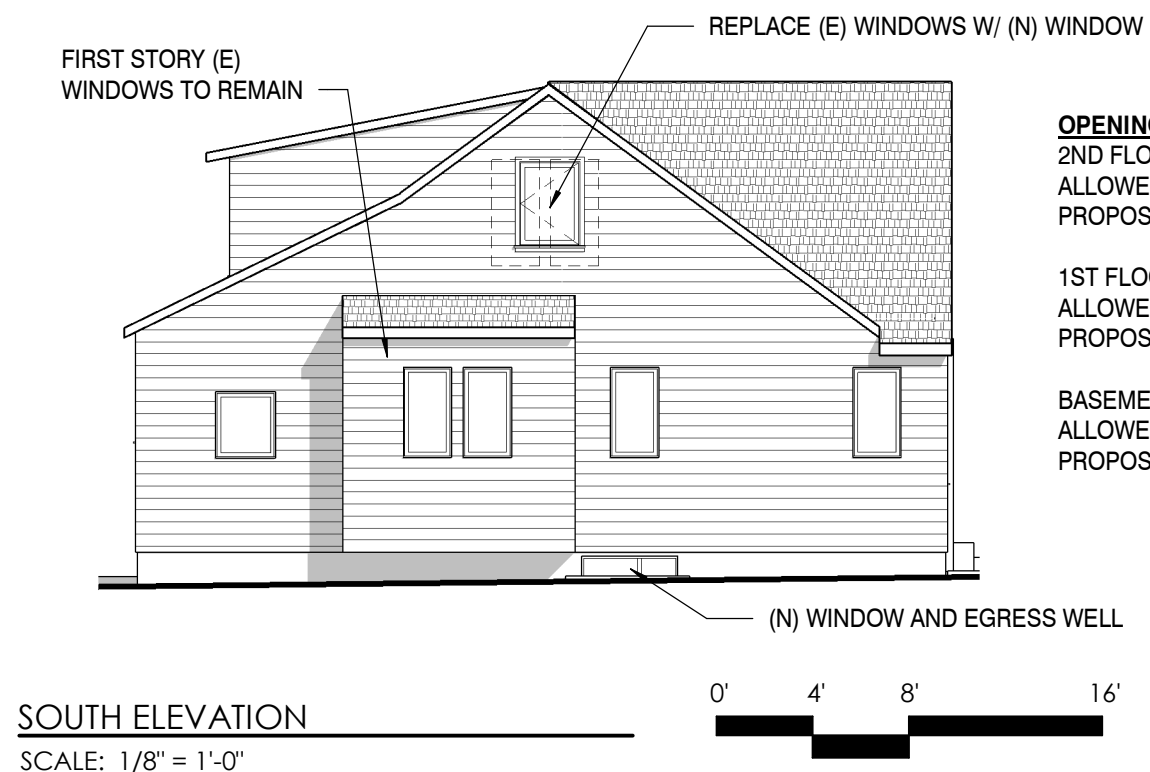
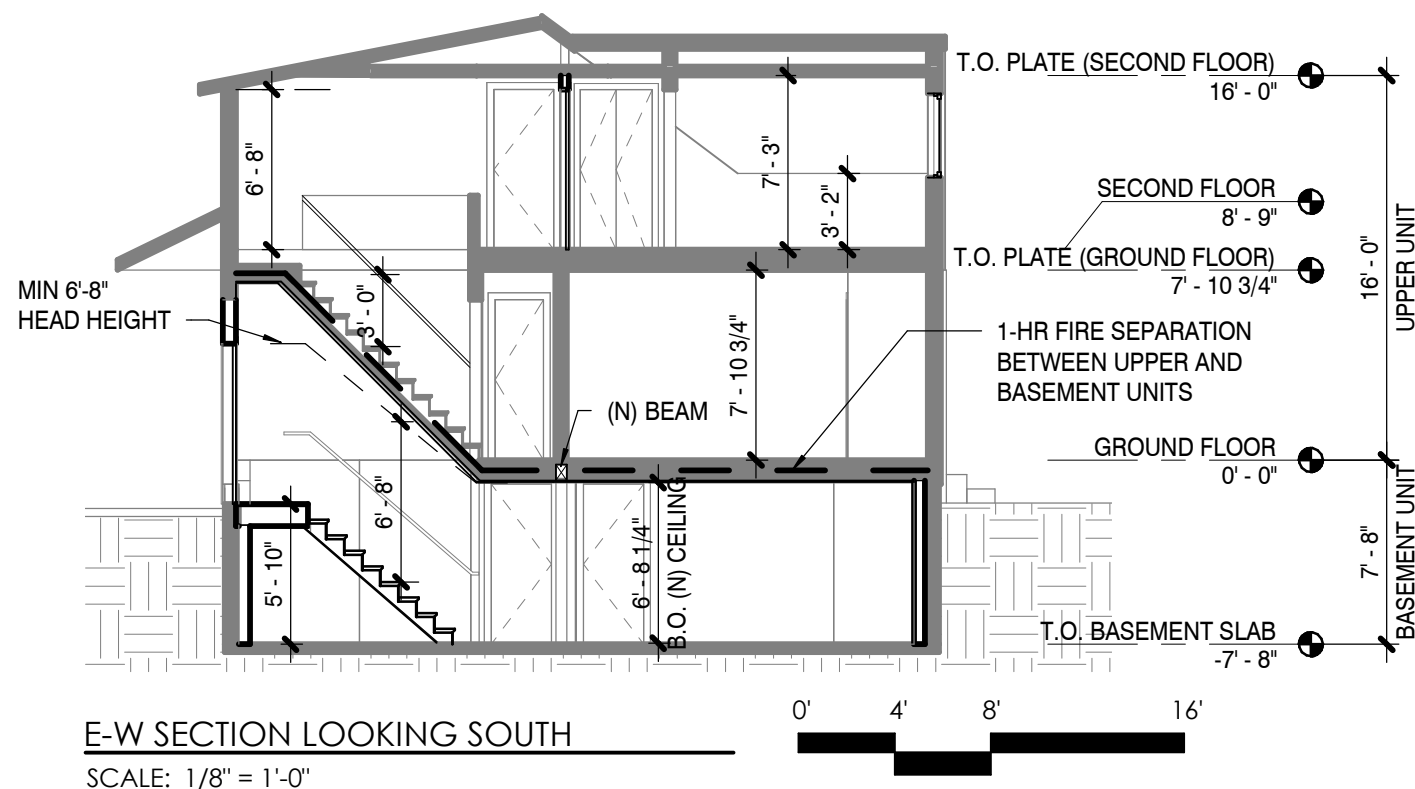
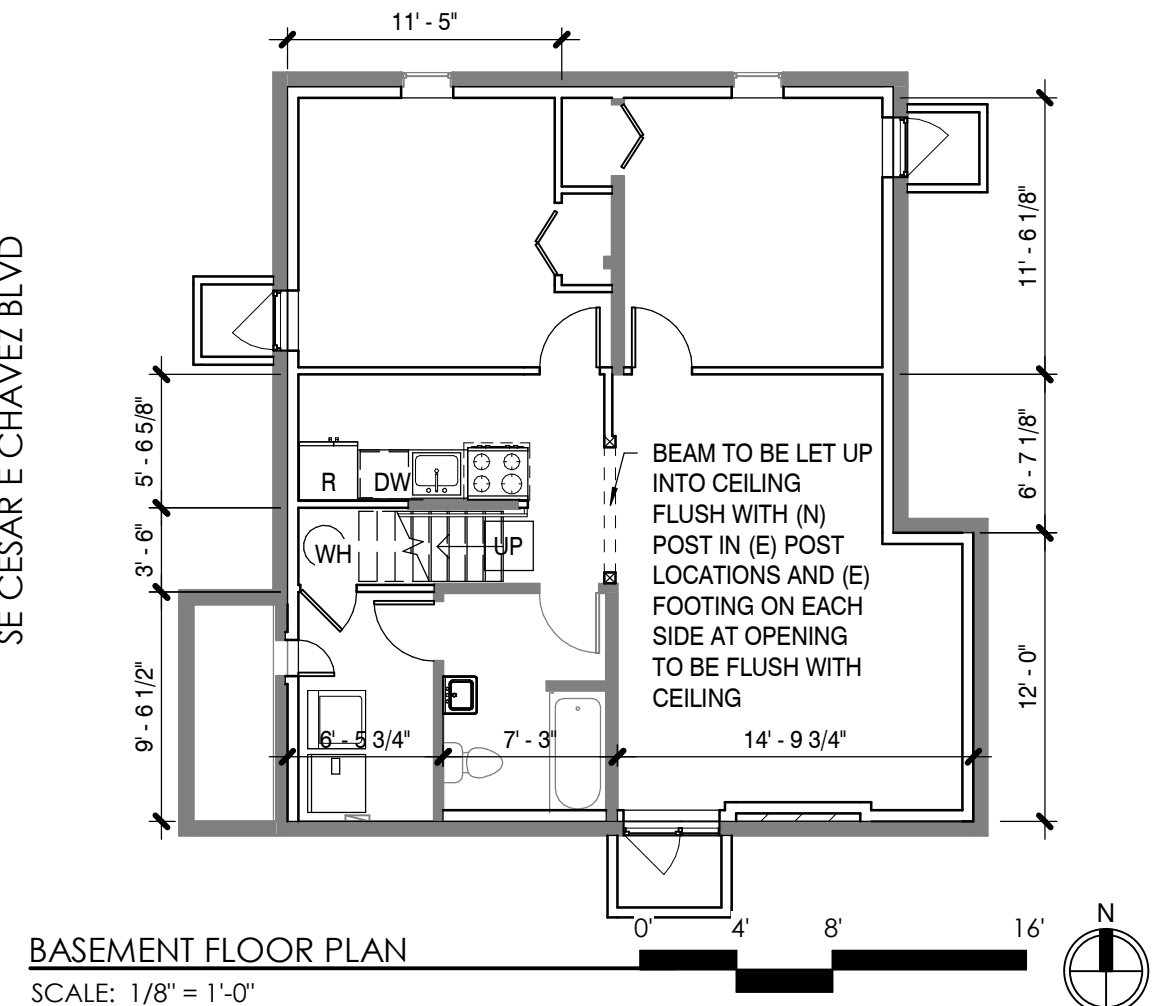
The Administrative Appeal Board finds with the conditions noted, that the information submitted by the appellant demonstrates that the approved modifications or alternate methods are consistent with the intent of the code; do not lessen health, safety, accessibility, life, fire safety or structural requirements; 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](http://www.portlandoregon.gov/bds/appealsinfo), call (503) 823-7300 or come in to the Development Services Center.

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SE CESAR E CHAVEZ BLVD



**OPENING PERCENTAGES**

2ND FLOOR = 144 SF
ALLOWED (10%) = 14.4 SF
PROPOSED = 8.8 SF
1ST FLOOR = 309 SF
ALLOWED (10%) = 30.9 SF
PROPOSED = 36.8 SF
BASEMENT = 43.2 SF
ALLOWED (10%) = 4.3 SF
PROPOSED = 4.2 SF

