

# Development Services

## From Concept to Construction

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More Contact Info (<http://www.portlandoregon.gov/bds/article/519984>)



### APPEAL SUMMARY

**Status:** Decision Rendered - Reconsideration of ID 9589

<b>Appeal ID:</b> 15360	<b>Project Address:</b> 424 SW 4th Ave
<b>Hearing Date:</b> 7/12/17	<b>Appellant Name:</b> Keith Daily
<b>Case No.:</b> B-017	<b>Appellant Phone:</b> 5032359400
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Mark Vieno
<b>Project Type:</b> commercial	<b>Stories:</b> 3 <b>Occupancy:</b> A-2, B <b>Construction Type:</b> V-B
<b>Building/Business Name:</b> Witherspoon Building	<b>Fire Sprinklers:</b> Yes - Fully Sprinklered
<b>Appeal Involves:</b> occ Change from B to A2	<b>LUR or Permit Application No.:</b> 17-132034-CO
<b>Plan Submitted Option:</b> pdf [File 1]	<b>Proposed use:</b> Bar / Tavern

### APPEAL INFORMATION SHEET

#### Appeal item 1

**Code Section** 1022.3.1

**Requires** Where interior exit stairways are extended to an exist discharge or public way by an exit passageway, the interior exit stairway shall be separated from the exit passageway by a fire barrier...

**Proposed Design** The existing stair does not have separation from the exit passageway. This existing condition was appealed and approved in 2013 via appeal #9589. We propose allowing this approved condition to continue. See attached drawings for additional information.

**Reason for alternative** The proposed tenant improvement / occupancy change for the first floor space results in a total of 101 occupants using the exit passageway, which makes the required width 20.2" (101x0.2). The existing passageway is 51" wide. Therefore, the proposed tenant improvement does not fundamentally alter the requirements of the existing exit passageway.

In addition, no changes are proposed for the 2nd and 3rd floor spaces that are served by the existing stair, so the existing approved condition should be allowed to continue.

As stated in the appeal application 9589, it was not feasible to add a separation between the existing stair and exit passageway due to spatial constraints, and all of those same conditions still apply.

#### Appeal item 2

**Code Section** 1023.5

**Requires** Openings in exit passageways other than exterior openings shall be limited to those necessary for exit access to the exit passageway from normally occupied spaces and for egress from the exit

passageway.

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**Proposed Design** An existing door opens into the exit passageway for access to the elevator lobby serving the elevator. This existing door is 45-minute rated because it opens into a 1-hr rated passageway. This existing condition was appealed and approved in 2013 via appeal #9589. We propose allowing this approved condition to continue. See attached drawings for additional information.

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**Reason for alternative** With this existing condition having previously been approved and constructed, there are no alternatives at this point for accessing the elevator without having the lobby opening into the exit passageway. Altering this existing elevator location would be an extreme undertaking that would prevent this project (and likely future projects) from moving forward.

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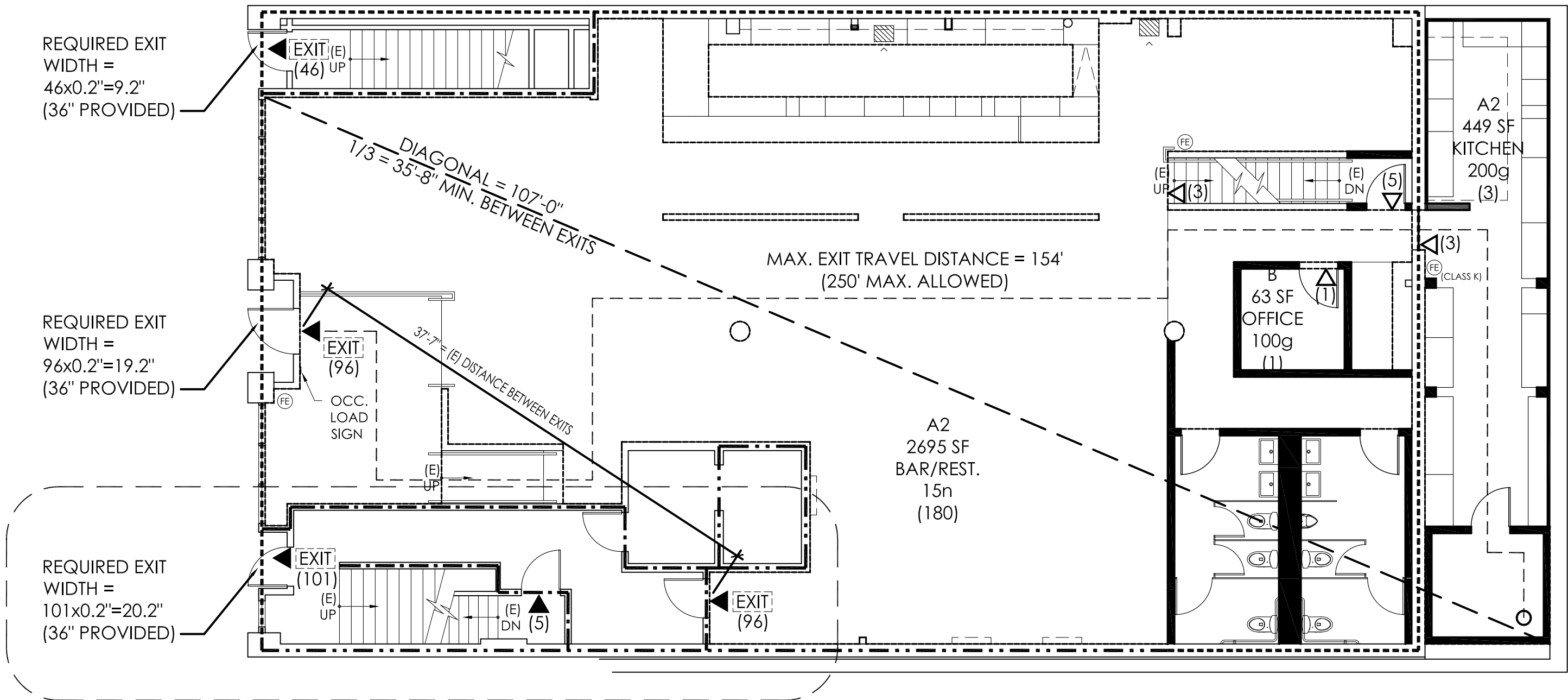
## APPEAL DECISION

- 1. Existing exit passageway with non-separated interior exit stair to remain as granted by Appeal #9589: Granted as proposed.**
- 2. Existing elevator opening into exit passageway to remain as granted by Appeal #9589: Granted as proposed.**

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.

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AREA OF APPEAL:  
 NO CHANGE TO EXISTING EGRESS CONFIGURATION. CHANGE OF OCCUPANCY AT FIRST FLOOR TENANT AREA INCREASES NUMBER OF OCCUPANTS USING EXIT DOOR. AS NOTED, SUFFICIENT EXIT WIDTH EXISTS FOR INCREASED OCCUPANT LOAD. SEE ATTACHED DRAWINGS FROM PRIOR APPEAL FOR EXISTING CONDITIONS.

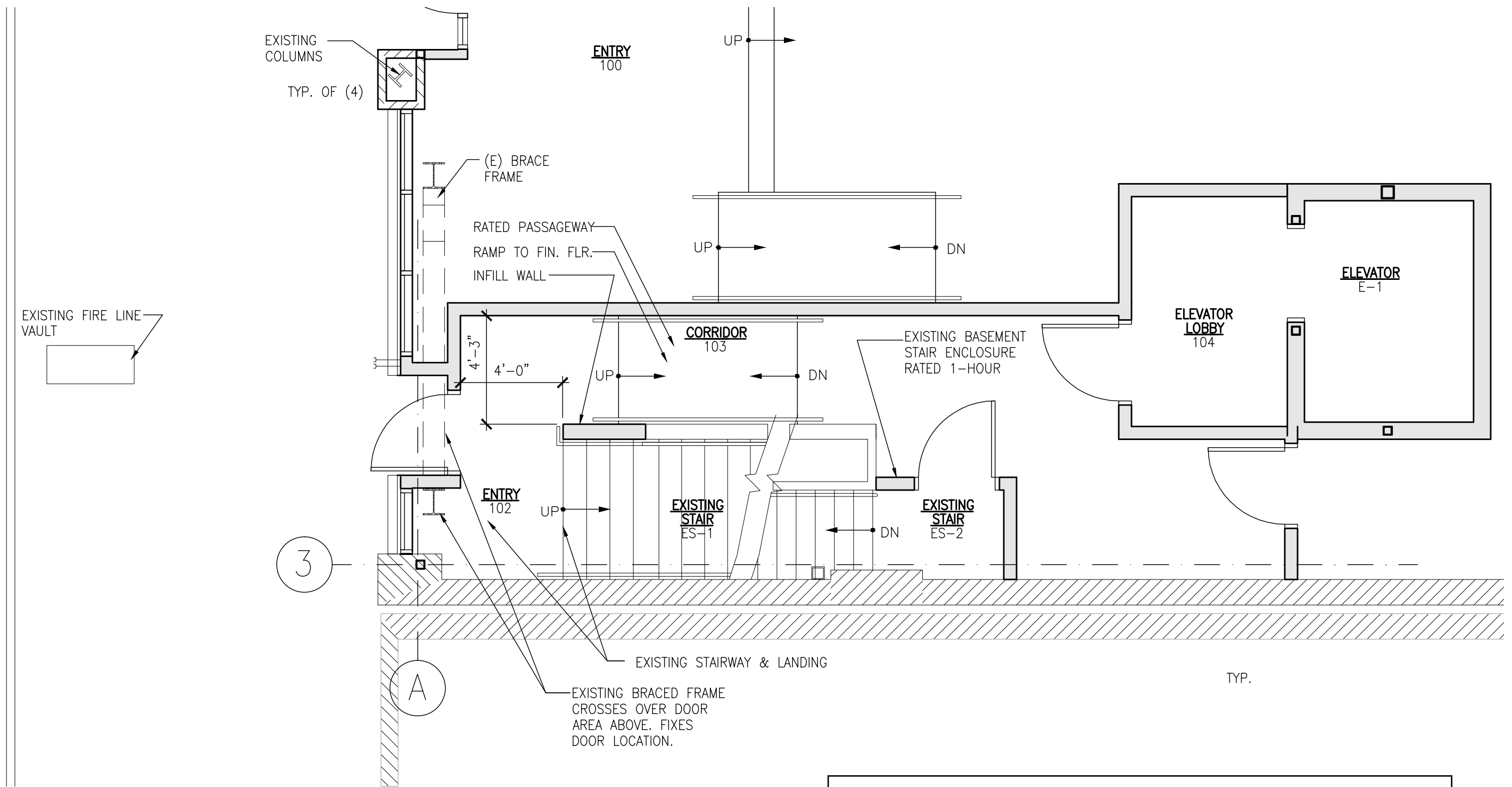
**1** FIRST FLOOR OCCUPANCY PLAN  
 SCALE: 1/8" = 1'-0"

OUTRAGE eSPORTS BAR - T.I.  
 424 SW 4TH AVENUE  
 PORTLAND, OR 97204  
 NOT FOR CONSTRUCTION

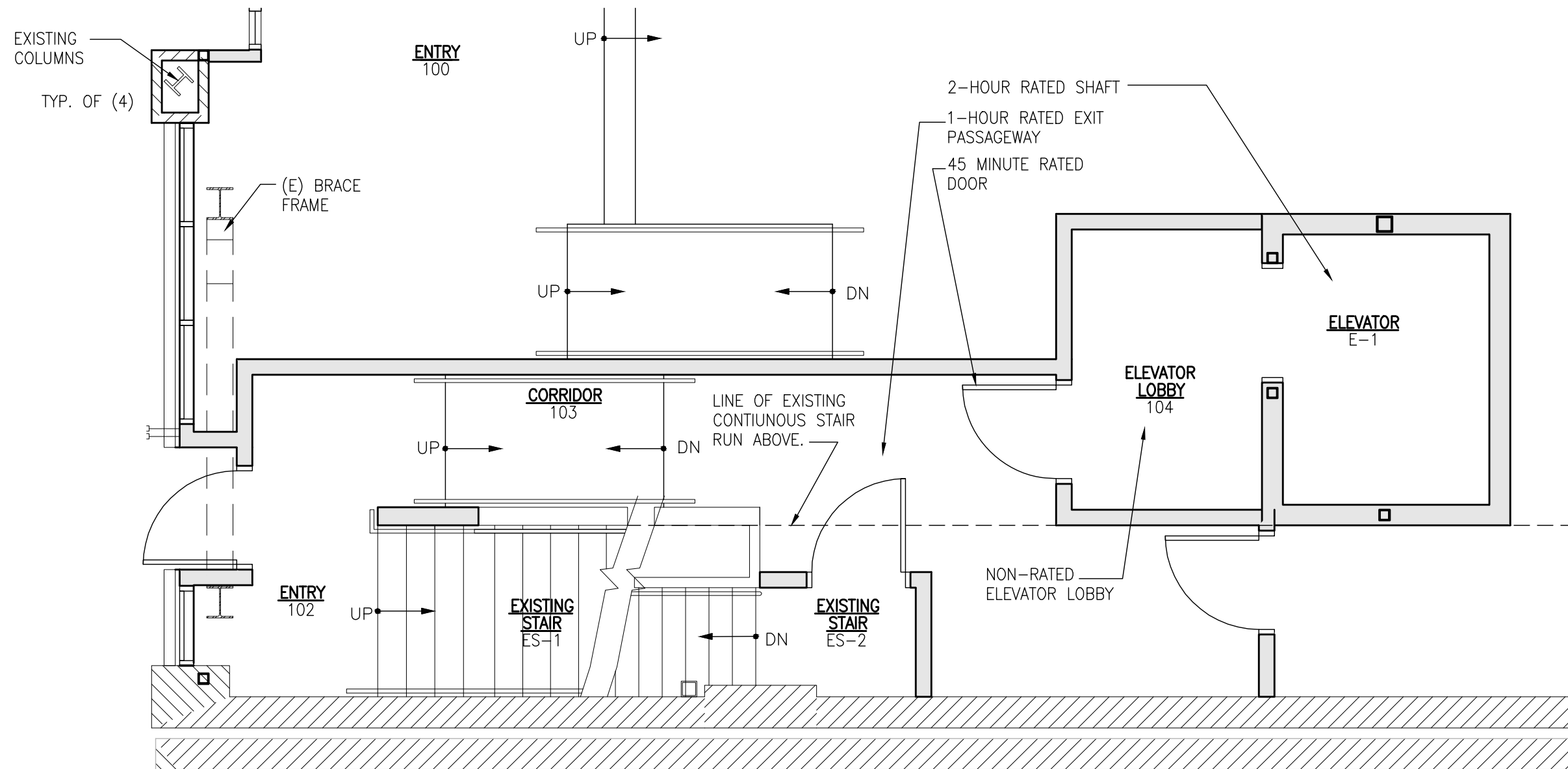


JOB #: 1670

**A-1**  
 DATE: 07-07-17



ORIGINAL DRAWING FROM APPEAL #9589:  
 CODE SECTION 1022.3.1 - NO SEPARATION BETWEEN EXIT PASSAGEWAY AND STAIR ENCLOSURE. NO CHANGES PROPOSED TO THE EXISTING APPROVED CONDITIONS.



ORIGINAL DRAWING FROM APPEAL #9589:  
 CODE SECTION 1023.5 - ELEVATOR LOBBY OPENING INTO EXIST PASSAGEWAY.  
 NO CHANGES PROPOSED TO THE EXISTING APPROVED CONDITIONS.