

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

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| Appeal ID: 26336 | Project Address: 1560 N Going St |
| Hearing Date: 12/8/21 | Appellant Name: Carly Krotowski |
| Case No.: B-015 | Appellant Phone: 5032342945 |
| Appeal Type: Building | Plans Examiner/Inspector: John Cooley, Nancy Thorington |
| Project Type: commercial | Stories: 3 Occupancy: R-2, S-1 Construction Type: V-B |
| Building/Business Name: | Fire Sprinklers: Yes - Throughout, NFPA 13R |
| Appeal Involves: Erection of a new structure | LUR or Permit Application No.: 21-087263-CO |
| Plan Submitted Option: pdf [File 1] [File 2] [File 3] [File 4] Proposed use: Multi-Family | |

APPEAL INFORMATION SHEET

Appeal item 1

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| Code Section | 1028.5 Access to a Public Way |
| Requires | Exit Discharge shall provide a direct and unobstructed access to a public way. |
| Code Modification or Alternate Requested | Access through the adjacent property to a public way. |
| Proposed Design | <p>Section 1028.5 of OSSC 2019 requires that exit discharge provides direct access to a public way, without crossing property lines. As an alternative method of meeting the code requirements, the Owner proposes to record a Covenant for Future Access and Egress Easement and Maintenance Agreement (the "Easement") to address exit discharge crossing the property line of 4520 N Colonial Ave. A 6'-0" wide pedestrian easement shall be provided on both parcels to allow 1560 N Going Street lot to access Colonial Ave.</p> <p>This alternate method of providing egress relies upon crossing a separate parcel, but the recoded easement will ensure unencumbered access to the public way. The design will provide the functional equivalent of access to a public way and will not impact the intent of the code, or the health, safety, and life of the occupants. The pedestrian access easement will sit alongside a fire access lane, connecting both sites to N Colonial Ave for fire access.</p> |
| Reason for alternative | The proposed access for 1560 N Going Street is mandated by the existing PBOT sound wall that encompasses the property. The street frontages are on N Going Street and N Interstate Avenue, both of which are on the opposite side of an 8'-0" tall concrete wall. The wall along the northern street frontage runs continuously in the ROW and prohibits occupants from accessing that frontage. The wall along the N Interstate frontage runs nearly the full length, but allows for a small access point at the SE corner of the site. We are maintaining an access to Interstate, but due to the conditions of that frontage, the connection to N Colonial Ave is paramount. [See Exhibits A&B] |

East of the property along the N Interstate frontage, there is a parcel of unowned city land that separates 1560 N Going from its street frontage with forested land. This area is unlit, pathless, and currently used as an encampment. The area is not within the site and improvements cannot be made by the Owner. Egress through this area would not be considered ADA accessible as there is no connection from the property to the sidewalk which is 70'-0" away from the property line. Due to the circumstances surrounding the zoned frontages of the site, a connection to N Colonial Ave would provide the occupants with a safer method of egress. The pedestrian easement sits alongside a 20'-0" wide fire access lane which provides a wide, unobstructed access to N Colonial Ave.

APPEAL DECISION

Access to Public Way with egress across property line with egress access / maintenance agreement: Granted provided the easement at 4520 North Colonial Avenue begins at a point along the East property line 6 feet wide and Northward 20 feet 6.5 inches to the fire access lane and 6 feet wide along the North face of the existing building for 102 feet to the North Colonial Ave right of way.

Appellant must contact Nancy Thorington (503-823-7023) for more information prior to writing the no build easement.

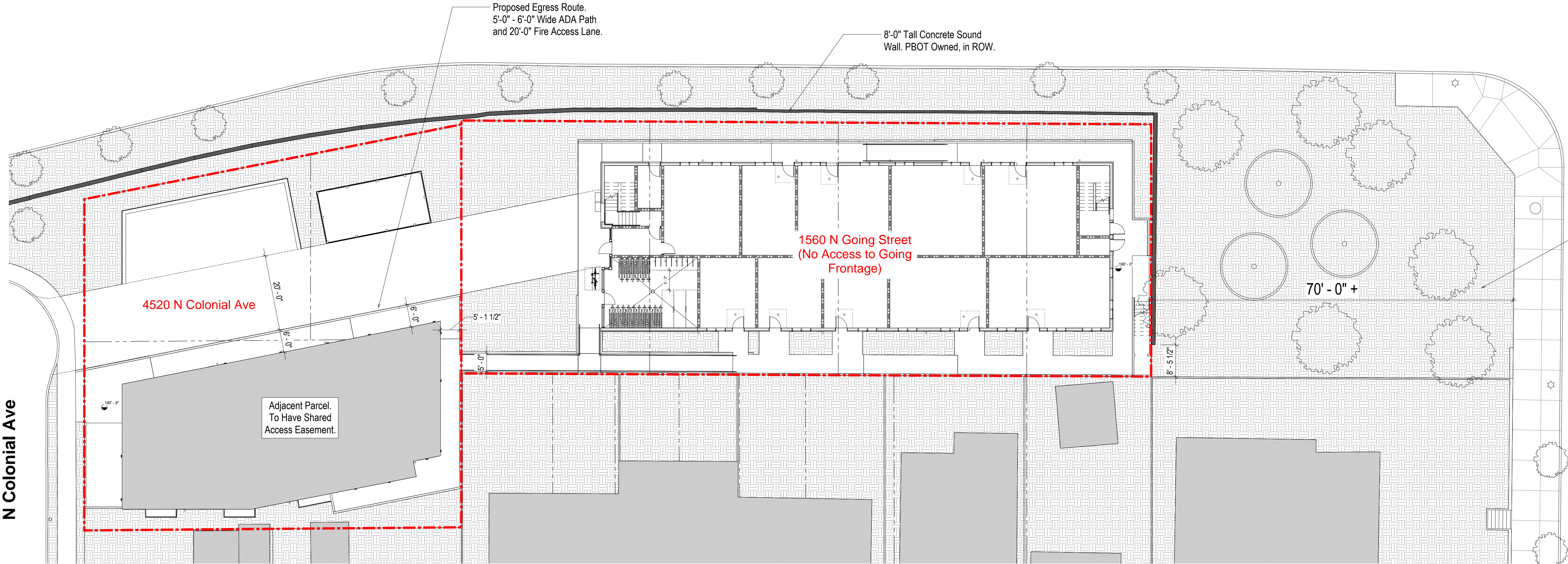
The unrecorded easement must be reviewed and approved by BDS prior to recording. A copy of the recorded easement must then be provided to BDS prior to plan review approval.

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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.

N Colonial Ave



N Going Street (Street Frontage)

Proposed Egress Route.
5'-0" - 6'-0" Wide ADA Path
and 20'-0" Fire Access Lane.

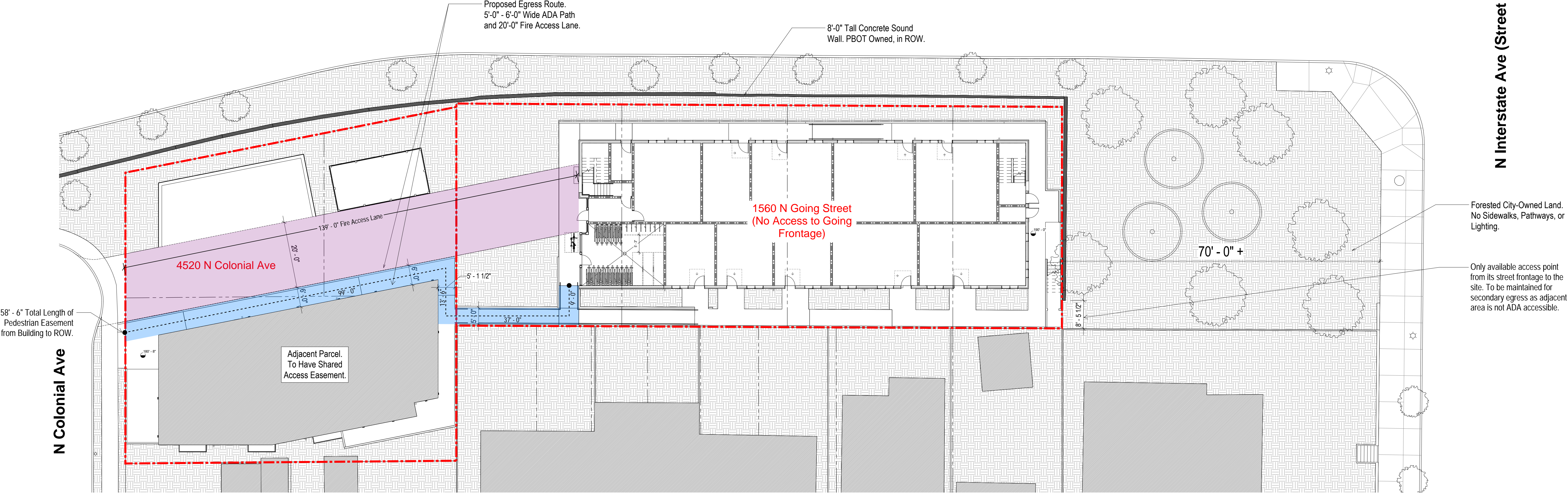
8'-0" Tall Concrete Sound
Wall. PBOT Owned, in ROW.

N Interstate Ave (Street Frontage)

Forested City-Owned Land.
No Sidewalks, Pathways, or
Lighting.

N Going Street (Street Frontage)

N Interstate Ave (Street Frontage)





N Going Street ROW



N Going Street Property Line / Sound Wall



Small Access Point, Currently Blockaded

N Interstate Ave ROW