



## 1. [Horizontal Appeals](#)

# APPEAL SUMMARY

**Status:** Decision Rendered

<b>Appeal ID:</b> 32294	<b>Project Address:</b> 3524 & 3530 N MISSISSIPPI AVE
<b>Hearing Date:</b> 5/22/24	<b>Appellant Name:</b> Annabelle Lee
<b>Case No.:</b> B-003	<b>Appellant Phone:</b> 9072097879
<b>Appeal Type:</b> Building	<b>Plans Examiner/Inspector:</b> Chanel Horn
<b>Project Type:</b> commercial	<b>Stories:</b> 1 <b>Occupancy:</b> B <b>Construction Type:</b> VB
<b>Building/Business Name:</b> Por Que No	<b>Fire Sprinklers:</b> No
<b>Appeal Involves:</b> Erection of a new structure	<b>LUR or Permit Application No.:</b> 24-000385-CO
<b>Plan Submitted Option:</b> pdf <a href="#">[File 1]</a>	<b>Proposed use:</b> Covered Patio for Dining

# APPEAL INFORMATION SHEET

Appeal item 1

<b>Code Section</b>	1104.2 & Definition of Story
<b>Requires</b>	<p>1104.2: At least one accessible route shall connect accessible buildings &amp; spaces that are on the same site.</p> <p>1104.4, exception 1 An accessible route is not required to stories, that have an aggregate area of not more than 3,000 SF and are located above accessible levels.</p> <p>Definition of 'Story' The portion of a building included between the upper portion of a floor and the upper portion of a floor or roof next above</p>
<b>Code Modification or Alternate Requested</b>	To use 1104.4, exception 1 and not have an accessible route on site between the first floor and the proposed new patio.
<b>Proposed Design</b>	<p>The new 687 SF patio will be 63" above the first floor restaurant (which is at sidewalk level and accessible). The only public connection between the first floor and the new patio is proposed to be a stairway of generous width. The patio has exits to the alley, this is an accessible egress &amp; entrance.</p> <p>The new patio is considered a portion of the existing restaurant building per 705.3. We propose that it is also considered a story of that building,</p>

allowing it to fall under 1104.4 exception 1.

---

**Reason for alternative**

There is a covered outdoor patio of very similar construction that is accessible at sidewalk level. Additionally there is uncovered outdoor accessible dining options at sidewalk level. These offer the same dining experience as that of the new patio.

We've worked hard during planning to provide a connected accessible route and had settled on a wheel chair lift. Pricing came it at \$150,000 for the lift and we are unable to find an option that carries a lesser price tag.

---

## APPEAL DECISION

**"Allow new seating area structure, 63"" above an existing restaurant, without an accessible route except as provided from the alley: Denied. Proposal does not provide equivalent access. Appellant may contact Chanel Horn (503-865-6538) with questions.**

"PLEASE READ THE NOTE BELOW when providing Board requested Additional Information or when submitting a reconsideration after 1st time appeal Denial.

A reconsideration is submitted online following the same submittal process and using the same appeals form as the original appeal. Indicate at the beginning of the appeal form that you are filing a reconsideration and include the original assigned Appeal ID number. The reconsideration will receive a new appeal number.

Include the original attachments and appeal language. Provide new text with only that information that is specific to the reconsideration in a separate paragraph(s) clearly identified as ""Reconsideration Text"" with any new attachments also referenced. Once submitted, the appeal cannot be revised.

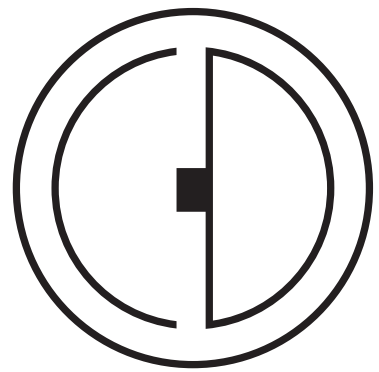
No additional fee is required when the Board has requested additional information or for the first reconsideration of a denied appeal if submitted within 6 months of the original appeal. In these two specific instances please ignore the auto-generated request for another fee.

PLEASE NOTE that there will be no auto-generated verification that the appeal is successfully submitted. To verify this by viewing the submitted appeal, go to;

<https://www.portlandoregon.gov/bds/appeals/?action=search> .

Then click on ""SEARCH"" and you will see the most recent 500 appeals in order that they have been filed. Find your appeal, click on ""view"" and then on ""file"". You can also refine the results by filling in a search word such as your name. "

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



CADIUM DESIGN  
Annabelle Lee 907.209.7879  
cadiumdesign.com PDX, OR

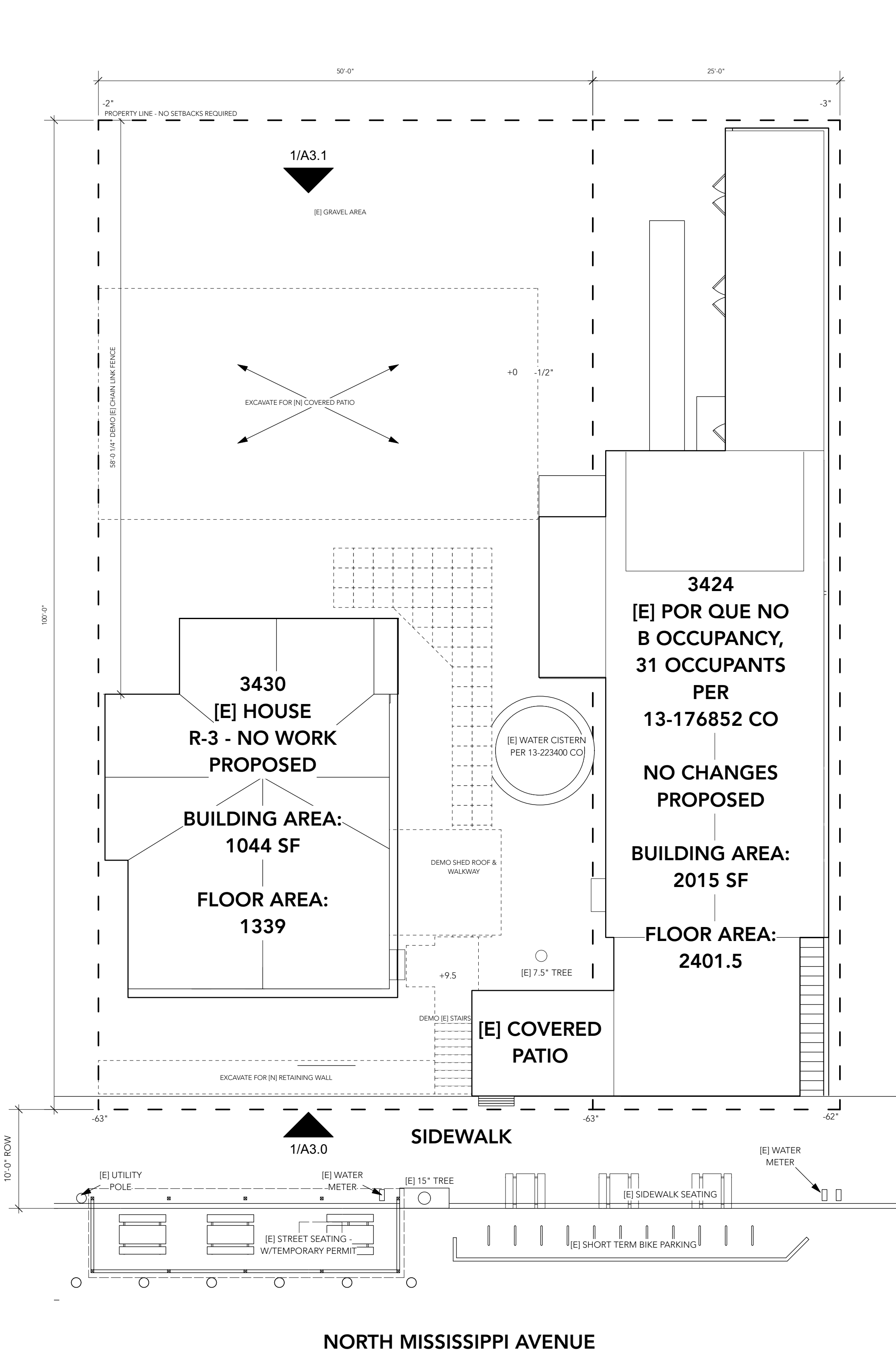
P Q N M PATIO  
3524 & 3530 N MISSISSIPPI AVE., PORTLAND, OR 97227

APPEAL

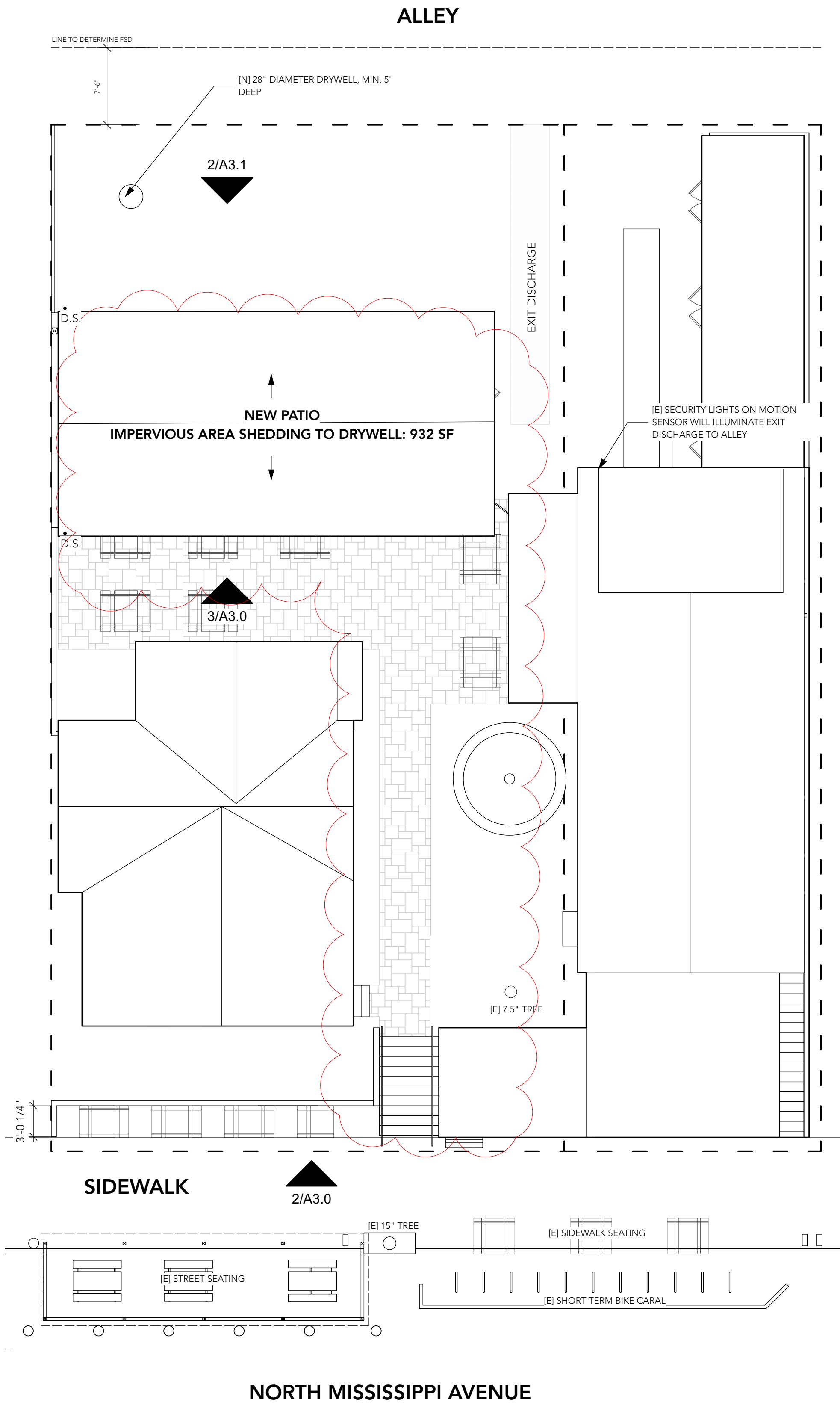
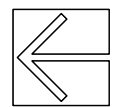
DATE: 5.14.24

FULL SIZE DRAWING IS  
22" X 34"  
DRAWING:  
AS BUILT & NEW SITE  
PLANS, BLDG AREA CALC

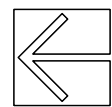
A1.0



1 AS BUILT SITE PLAN / DEMO PLAN  
A1.0 1/8" = 1'



2 PROPOSED SITE PLAN / ROOF PLAN & STORMWATER UTILITY PLAN  
A1.0 1/8" = 1'



### ALLOWABLE BUILDING HEIGHT. AREA:

MOST RESTRICTIVE PER TABLE 540.3 & 506.2  
B OCCUPANCY, NS, VB CONSTRUCTION

ALLOWED BUILDING HEIGHT: 40'  
PROPOSED BUILDING HEIGHT: 20'11"

ALLOWED STORIES: 2  
PROPOSED STORIES: 2

ALLOWABLE AREA PER STORY: 9000SF

PROPOSED FLOOR AREA: 3088.5 SF

### SEPERATION OF OCCUPANCIES:

NO SHARED WALLS BETWEEN R-3 & B, THEREFORE N/A

### NEW IMPERVIOUS AREA:

932 SF OF ROOF, ALL DOWNSPOUTS CONNECTED TO 28" DIAMETER  
DRYWELL, 5' SUBGRADE.

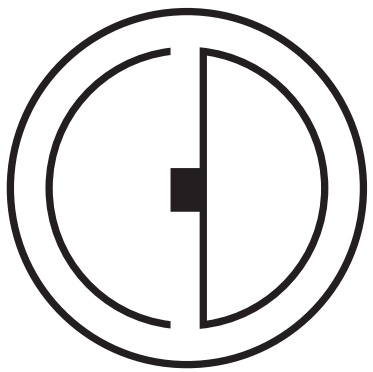
### BES INSPECTION NOTES:

BES PRIVATE STORMWATER FACILITY INSPECTION REQUIRED Note: BES  
Approval Required Prior to Occupancy  
TO SCHEDULE, DIAL IVR at 503-823-7000  
REQUEST #487 BES ON-SITE STORMWATER FACILITY EVAL NEED  
ASSISTANCE? CONTACT BES at 503-823-7761 Option 2

DRYWELL  
Note: Required Inspections Prior to Cover Inspection #1: Location, Size, Depth,  
Rock

PERVIOUS PAVERS  
Note: Required Inspections Prior to Completion Inspection #1: Coverage, Base  
and Subgrade Materials Inspection #2: Final Surface

SEPARATE BDS INSPECTION REQUIRED  
FOR DOWNSPOUTS AND PRIVATE STORM SEWER PIPING OUTSIDE OF  
STORM FACILITY



CADIUM DESIGN  
Annabelle Lee 907.209.7879  
cadiumdesign.com PDX, OR

P Q N M PATIO  
3524 & 3530 N MISSISSIPPI AVE., PORTLAND, OR 97227

APPEAL

DATE: 5.14.24

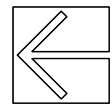
FULL SIZE DRAWING IS  
22" X 34"

DRAWING:  
PROPOSED PATIO FLOOR  
PLAN

A2.0

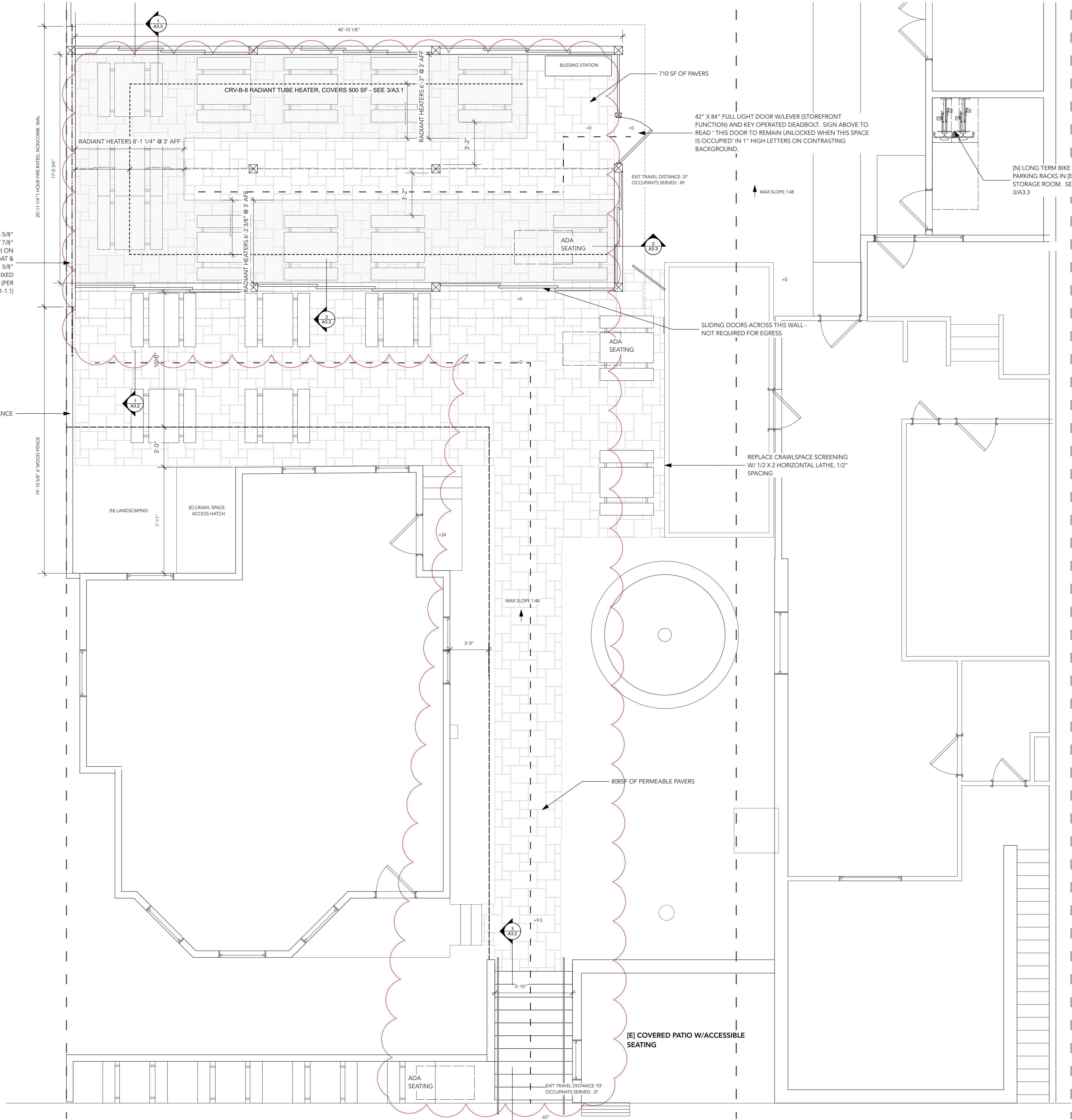
ZONING COMPLIANCE PAGE - Case File LU 23-094703 DZ  
No Field Changes Allowed

1 PROPOSED PATIO FLOOR PLAN  
A2.0 1/4" = 1'

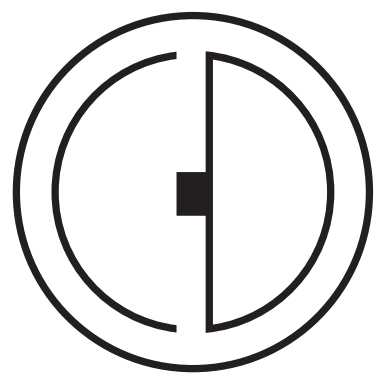


1 HOUR FIRE RATED EXTERIOR WALL, ASSEMBLY 15-1.4. 3 5/8" NO. 16 GAUGE NONCOMBUSTIBLE STUDS 16" OC W/ 7/8" CEMENT PLASTER (MEASURED FROM FACE OF STUD) ON EXTERIOR SURFACE. PLASTER MIX 1:4 FOR SCRATCH COAT & 1:5 FOR BROWN COAT, BY VOLUME, CEMENT TO SAND. 5/8" GYPSUM PLASTER ON METAL LATH ON INTERIOR SIDE, MIXED 1:2 BY WEIGHT, GYPSUM TO SAND AGGREGATE (PER ASSEMBLY 11-1.1)

LINE TO DETERMINE FIRE SEPERATION DISTANCE







CADIUM DESIGN  
Annabelle Lee 907.209.7879  
cadiumdesign.com PDX, OR

P Q N M PATIO  
3524 & 3530 N MISSISSIPPI AVE., PORTLAND, OR 97227

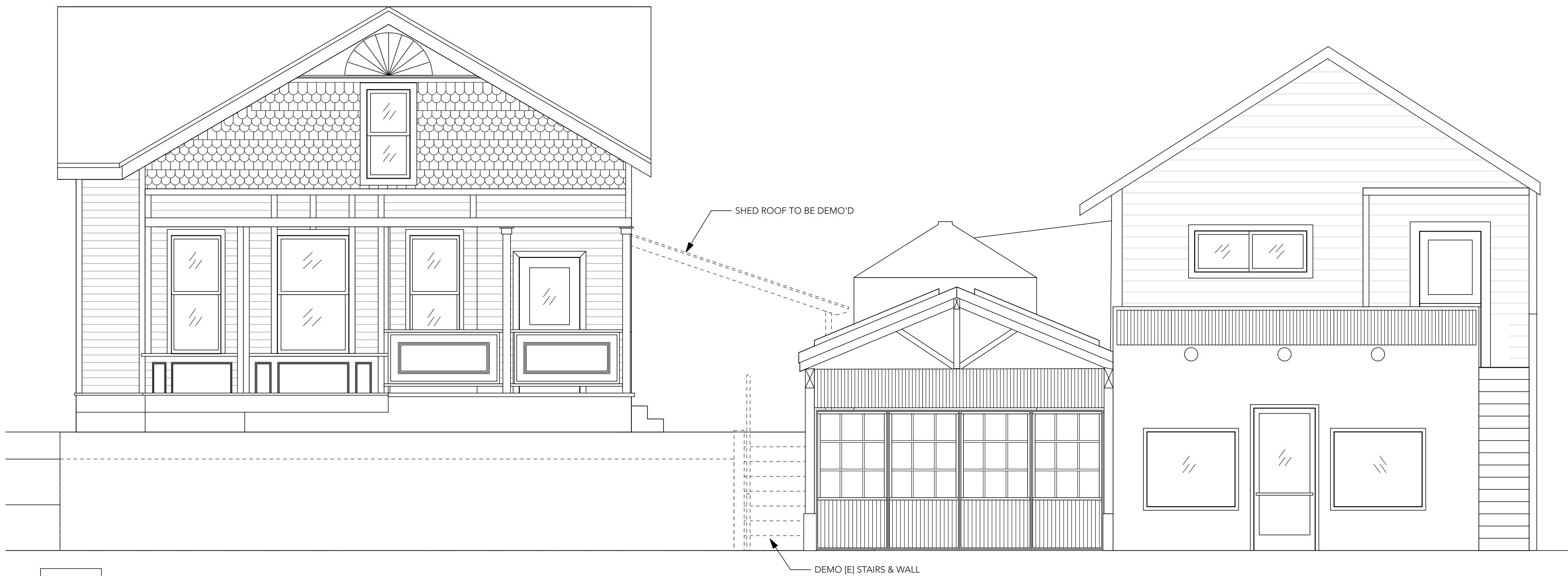
APPEAL

DATE: 5.14.24

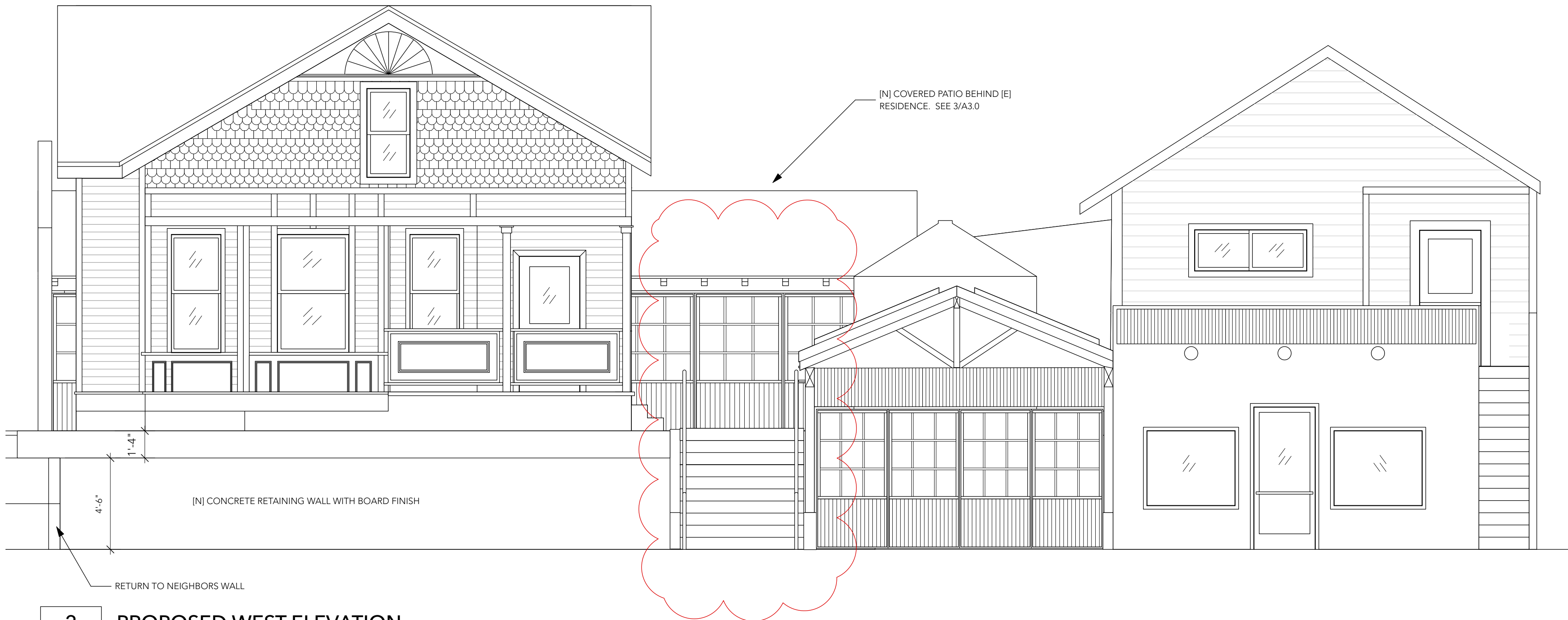
FULL SIZE DRAWING IS  
22" X 34"

DRAWING:  
ELEVATIONS

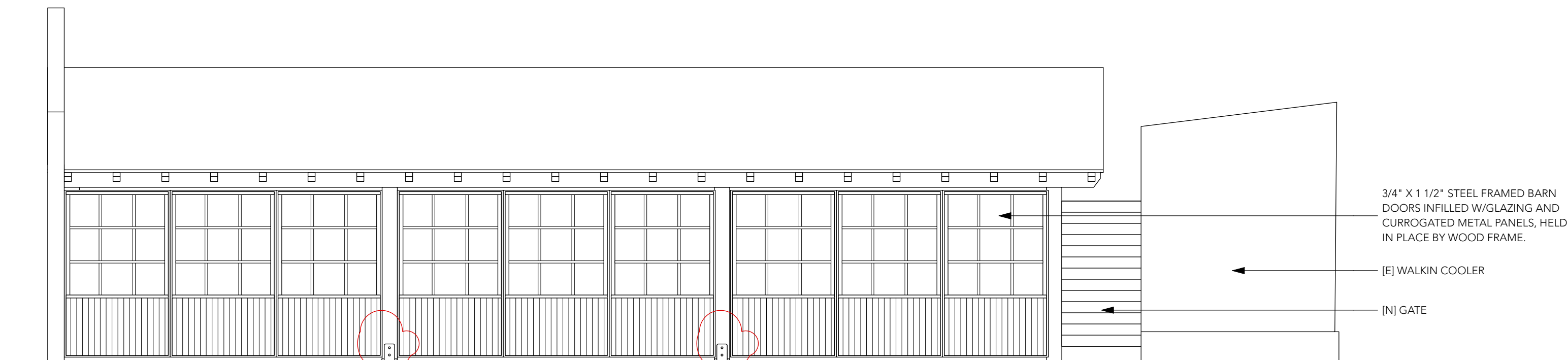
A3.0



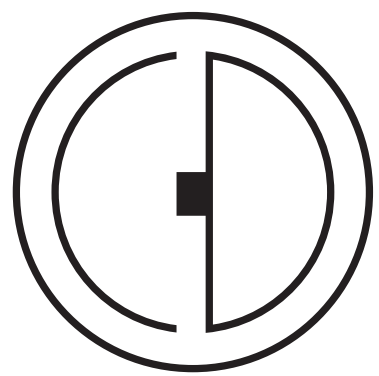
1 AS BUILT WEST ELEVATION  
A3.0 1/4" = 1'



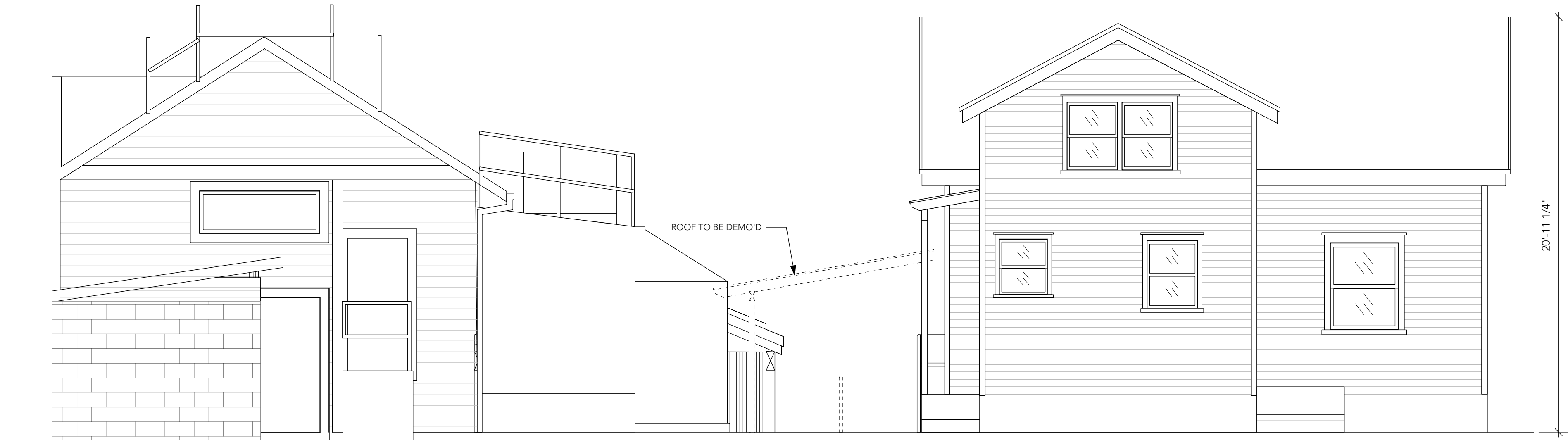
2 PROPOSED WEST ELEVATION  
A3.0 1/4" = 1'



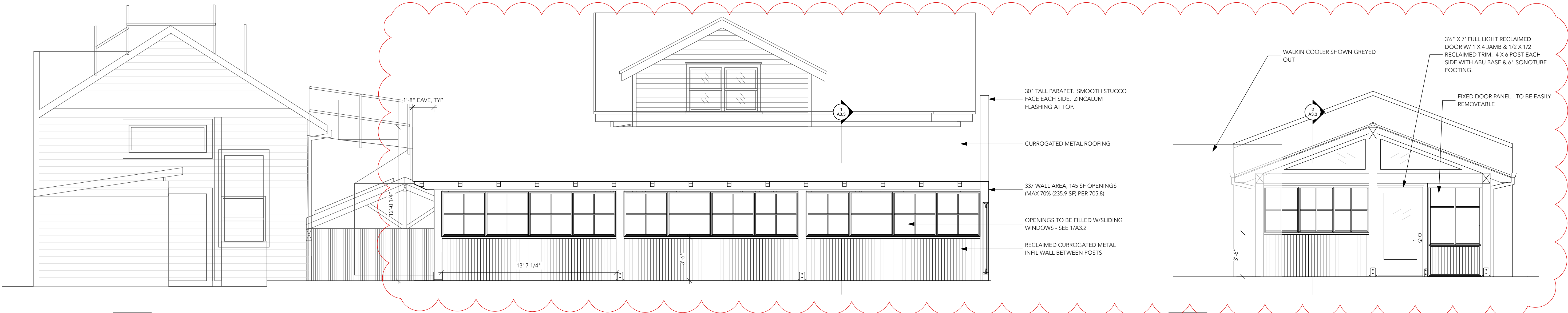
3 PROPOSED WEST ELEVATION (PATIO ONLY)  
A3.0 1/4" = 1'



CADIUM DESIGN  
Annabelle Lee 907.209.7879  
cadiumdesign.com PDX, OR



1	AS BUILT EAST ELEVATION
A3.1	1/4" = 1'



2	PROPOSED EAST ELEVATION
A3.1	1/4" = 1'

3	PROPOSED SOUTH ELEVATION
A3.1	1/4" = 1'

ZONING COMPLIANCE PAGE - Case File LU 23-094703 DZ  
No Field Changes Allowed

P Q N M P A T I O  
3524 & 3530 N MISSISSIPPI AVE., PORTLAND, OR 97227

APPEAL

DATE: 5.14.24

FULL SIZE DRAWING IS  
22" X 34"  
DRAWING:  
ELEVATIONS

A3.1