



**CITY OF PORTLAND**  
Planning and Urban Development Department

**MEMORANDUM**

**TO:** Marge Schmuckal, Zoning Administrator  
**FROM:** Kevin Carroll, Code Enforcement Officer, District 7  
**SUBJECT:** 168 Curtis Road  
**DATE:** January 21, 1997

Following are my responses to the five items mentioned in memo titled "Miscellaneous Appeal Application Attachment" regarding subject property.

1. I inspected the site in question and all setbacks meet the criteria stated on the approved building permit. Due to the sensitivity of this case, I had the measurements verified and signed off by E. Lawrence, PLS.
2. The question of encroachment into the sewer easement was resolved in a memo from Kathy Staples, City Engineer. All requirements set forth in Ms. Staples' memo of December 10, 1996 have, so far, been met to her satisfaction.
3. See #2 above
4. This structure is a 1 1/2 - 2 story building which, when placed on the foundation, as designed, will meet the height requirements.
5. I inspected the building in early December 1996 and when completed it will meet the City of Portland code requirements for a single family dwelling unit in an R-2 Zone. When completed, I shall inspect again to assure code compliance before issuing a certificate of occupancy.

cc: Joseph Gray, Dir, PUD  
P. Samuel Hoffses, C, Insp Svcs Div

RE: 168 Curtis Rd

**3404.2.3 Structural loads:** The structural loads shall comply with Sections 1614.4 and 1614.5.

**3404.2.4 Electrical:** The design and construction of alterations to existing wiring systems shall comply with Section 2701.1.

**3404.2.5 Sewer and water supply:** The design and construction of alterations to existing plumbing systems shall comply with Section 2903.0.

**3404.2.6 Signs:** Alterations to signs shall comply with Section 3102.4.2.

**SECTION 3405.0 CHANGE OF OCCUPANCY**

**3405.1 Approval:** A change of occupancy shall not be made to any structure which will subject the structure to any special provisions of this code without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy, and that such change of occupancy does not result in any greater hazard to the public health, safety or welfare.

**SECTION 3406.0 HISTORIC STRUCTURES**

**3406.1 Compliance:** The provisions of this code relating to the construction, repair, alteration, addition, restoration and movement of structures shall not be mandatory for existing buildings and structures identified and classified by the federal, state or local government authority as historic buildings where such buildings are judged by the code official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, alteration, repair, addition and relocation.

**SECTION 3407.0 MOVED STRUCTURES**

**3407.1 Compliance:** Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures or shall comply with Section 3408.0, provided that the siting and fire separation distance comply with the requirements for new structures.

**SECTION 3408.0 COMPLIANCE ALTERNATIVES**

**3408.1 Compliance:** The provisions of this section are intended to maintain or increase the current degree of public safety, health and general welfare in existing buildings while permitting repair, alteration, addition and change of occupancy without requiring full compliance with Chapters 2 through 33, or Sections 3403.0 through 3407.0, except where compliance with other provisions of this code is specifically required in this section.

**3408.2 Applicability:** Structures existing prior to [DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION], in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0.

The provisions in Sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are

proposed to be, in Use Groups A, B, E, F, M, R and S. These provisions shall not apply to buildings with occupancies in Use Group H or I.

**3408.2.1 Change in use group:** Where an existing building is changed to a new use group classification and this section is applicable, the provisions of this section for the new use group shall be used to determine compliance with this code.

**3408.2.2 Part change in use group:** Where a portion of the building is changed to a new use group classification, and that portion is separated from the remainder of the building with fire separation assemblies having a fire resistance rating as required by Table 313.1.2 for the separate use groups, or with approved compliance alternatives, the portion changed shall be made to conform to the provisions of this section.

Where a portion of the building is changed to a new use group classification, and that portion is not separated from the remainder of the building with fire separation assemblies having a fire resistance rating as required by Table 313.1.2 for the separate use groups, or with approved compliance alternatives, the provisions of this section which apply to each use group shall apply to the entire building. Where there are conflicting provisions, those requirements which secure the greater public safety shall apply to the entire building or structure.

**3408.2.3 Additions:** Additions to existing buildings shall comply with all of the requirements of this code for new construction. The combined height and area of the existing building and the new addition shall not exceed the height and area allowed by Section 503.0. Where a fire wall that complies with Section 707.0 is provided between the addition and the existing building, the addition shall be considered a separate building.

**3408.2.4 Alterations and repairs:** An existing building or portion thereof which does not comply with the requirements of this code for new construction shall not be altered or repaired in such a manner that results in the building being less safe or sanitary than such building is currently. If, in the alteration or repair, the current level of safety or sanitation is to be reduced, the portion altered or repaired shall conform to the requirements of Chapters 2 through 12 and Chapters 14 through 33.

**3408.2.5 Accessibility requirements:** All portions of the buildings proposed for change of occupancy shall conform to the accessibility provisions of Section 1110.0.

**3408.3 Acceptance:** For repairs, alterations, additions and changes of occupancy to existing buildings that are evaluated in accordance with this section, compliance with this section shall be accepted by the code official.

**3408.3.1 Hazards:** Where the code official determines that an unsafe condition exists, as provided for in Section 119.0, such unsafe condition shall be abated in accordance with Section 119.0.

**3408.3.2 Compliance with other codes:** All buildings that are evaluated in accordance with this section shall comply