PERMANENT VARIANCE

September 23, 2009

Denis Sapiro
University of Washington EH&S
PO Box 354400
Seattle, WA 98195-4400

Re: Permanent Variance FN10574

Dear Mr. Sapiro

We have approved your request for a permanent variance from Washington Administrative Code (WAC) 296-24-76519 at the Old Fire House building (ID#72001275) historic landmark, 301 Terry Street, Seattle, WA 98104. This variance regards the vertical clearance on the stairway of the Old Fire House building. It is effective September 11, 2009 and will remain in effect until the conditions you described in your application change, or until the department revokes it. Our Division of Occupational Safety and Health (DOSH) staff will be notified of this decision.

You proposed:
1. The city historic preservation ordinance (#106051 and #102229) does not permit modification to the character of the Old Fire House building.
2. The stairway passes under a main structural support beam that cannot be altered to obtain the required 7 foot vertical clearance.
3. You have installed overhead padding on the beam and clearance warning signs at the up and downward travel portions of the staircase.

Current rule(s) related to your variance request:
WAC 296-24-76519 Vertical clearance. Vertical clearance above any stair tread to an overhead obstruction shall be at least 7 feet measured from the leading edge of the tread.

Our review determined:
• The character of this historic building is preserved per city ordinance #106051 and #102229.
• There is a main structural support beam passing through the top of the staircase about midway up. An overhead pad is attached to the beam and clearance warning signs are installed at each end of the stairway.
• The overhead padding is substantially thick, supple and will cushion impact. High visibility caution tape is added making it obvious that there is a beam passing through the overhead of the staircase.
The warning signs are large, highly visible color and conspicuously placed.
These safety precautions have adequately addressed this unique situation.

Rights and requirements for you and your employees
Reporting changes: If there is a change in your workplace operation that would affect this variance such as the name of your business, the location of your operation, or the equipment, materials, or processes you are using, you must immediately report it in writing including a description of the change.

Mail this written report to:
Department of Labor & Industries
Division of Occupational Safety and Health
PO Box 44650
Olympia, WA 98504-4650

Enforcing this variance and related rules: If, in a future inspection, DOSH enforcement inspectors find you have violated the terms of this variance and the rule, you may receive a citation and a possible penalty.

Posting this letter: You must post this letter for as long as the variance is in effect in every work site affected by this variance. All affected employees must be able to easily see it.

Appealing this decision: If you or any affected employee disagrees with our decision, you, the employee or the employee’s representative, may file a petition for review to Superior Court pursuant to RCW 34.05.514(1) by filing in: (a) Thurston County, (b) the county of the petitioner’s residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. Pursuant to RCW 34.05.542, a petition for review from the Department’s variance decision must be filed within thirty (30) days of service of the Department’s decision and must be served on the Department, the Office of the Attorney General, and all parties of record.

If you have any questions, please call John Kiely, Safety and Health Specialist, at (360) 902-4928.

Sincerely,

Stephen M. Cant, CIH
Assistant Director
Division of Occupational Safety and Health

cc: Jude Van Buren
    Phyllis Niad