



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

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**Date:** August 4, 2009  
**To:** Interested Person  
**From:** Crystal Hitchings, Land Use Services  
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## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 08-175882 CU**

#### **GENERAL INFORMATION**

**Applicant:** Peter Fry  
2153 SW Main #105  
Portland, OR 97205

**Property Owner:** Mark Reinoso  
Irvington House, LLC.  
2404 N Raven Circle  
Mesa, Az 85207

**Site Address:** 2337 NE 15TH AVE

**Legal Description:** BLOCK 65 LOT 7, IRVINGTON  
**Tax Account No.:** R420414020  
**State ID No.:** 1N1E26DB 03300  
**Quarter Section:** 2832

**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.  
**Other Designations:** Irvington Conservation District

**Zoning:** R5a, Single-dwelling Residential 5,000 with an Alternative Design Density Overlay Zone

**Case Type:** CU, Conditional Use  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

#### **Proposal:**

The applicant is requesting a Conditional Use Review to allow a bed and breakfast in an existing residential duplex. Minimal interior renovation and no exterior renovation is proposed

in order to convert the residence into a bed and breakfast. The home contains 4 bedrooms on two floors. The B&B will be set up to have 3 bedrooms on the second floor for B&B guests, and the first floor will serve as the living quarters for the resident manager(s). The 3 guest rooms will each accommodate a maximum of 2 people, for a maximum potential of 6 overnight guests. On-site guest activities will be limited to overnight accommodations. Neither meals nor alcohol will be served to guests, except that complimentary snacks may be provided for newly arriving guests. Self-serve kitchen facilities are available for B&B guests. No non-resident employees are proposed, except that hired service for normal maintenance, repair, and care of the property will occur. The B&B will provide bicycles for guest use and will offer maps, schedules, and information on public transit opportunities.

A list of house rules has been drafted by the property owner. The house rules are intended to outline specific requirements for personal decorum to be practiced by the B&B guests in order to ensure that the existing quiet, safety, and privacy of the neighborhood shall be maintained. This list of house rules will be provided to each registered guest. The applicant and property owner have presented the B&B proposal at a Neighborhood Association meeting, and are in the process of working with the Neighborhood Association to draft a "Good Neighbor" agreement to address any issues or concerns that might arise in the future.

The existing home on the site is a duplex unit, and must be converted to a single-dwelling unit in order to accommodate a B&B. Accessory Dwelling Units (ADU) are allowed on a site which also contains a B&B. The property owner has indicated that they will convert the basement into an ADU.

Bed and Breakfasts are regulated by Zoning Code **Section 33.212**, which require approval through a Conditional Use review, and are subject to the approval criteria of **Section 33.815.105, Institutional and Other Uses in R Zones**.

## ANALYSIS

**Site and Vicinity:** The 5,000 square foot site is located on the west side of NE 15<sup>th</sup> Avenue, between NE Thompson and NE Brazee Streets. The site is developed with a two-story duplex, plus attic and basement, originally built in 1908. The site contains several mature deciduous trees, shrubs, and other landscaping. The rear yard contains a large patio and is fully surrounded with a sight-obscuring wooden fence.

Within 200 feet of the subject site, surrounding uses include single- and multi-dwelling residential structures and the Irvington School.

In this vicinity, NE 15<sup>th</sup> Avenue is designated as a Neighborhood Collector, a Transit Access Street, a City Bikeway, and a City Walkway. NE Thompson and NE Brazee are Local Service Streets and Local Service Bikeways and Walkways. NE 15<sup>th</sup> is developed with a 4-foot planter strip, a 6-foot sidewalk, and an additional 2-foot right-of-way. NE Thompson is developed with a 6-foot planting strip, 6-foot sidewalk, and additional 2.5-foot ROW. NE Brazee is developed with an 8-foot planting strip, 6-foot sidewalk, and additional 2-foot ROW.

**Zoning:** The site and surrounding neighborhoods are zoned R5a, Single-dwelling Residential with an Alternative Design Density Overlay Zone, with the exception of the Irvington School site occupying the next block to the west, which is zoned OS, Open Space.

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The R5 zone is a high density single-dwelling zone. The R5 zone allows attached and detached single-dwelling structures and duplexes.

The Alternative Design Density Overlay allows for increased density for development that meets additional design compatibility requirements. The proposal does not take advantage of the

provisions of this overlay zone, and therefore the standards of the Alternative Design Density Overlay are not relevant to this Adjustment request.

**Land Use History:** City records indicate one prior land use review for this site. 90-023718 ZC (PC 5480) Year of Case: 1969: A Planning Commission initiation of zone changes (A1 TO R5, A2.5 TO R5 & A1 TO A2.5) for a larger area in Irvington and West Irvington Addition.

**Agency Review:** A “Request for Response” was mailed on March 30, 2009. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Life Safety Bureau

The following Bureaus submitted additional comments:

- The **Bureau of Transportation Engineering** (Exhibit E.7): has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services. PBOT recommended 3 conditions of approval that encourage other modes of transportation. PBOT stated that the additional vehicle trips generated from the proposed B&B will be minimal and not significantly impact transportation facilities, and that, with adoption of the recommended transportation-related conditions, the transportation system will be able to safely serve the proposed use in addition to the existing uses in the area. Those conditions of approval are outlined under approval criterion D below.
- The **Bureau of Police** (Exhibit E.8): determined that the Portland Police Bureau is capable of serving the proposed use at this time, but noted that future changes in persons and vehicles using this property could result in an initial increase in calls for services. The Bureau made a recommendation to increase communication with the community, and suggested that the resident manager attend neighborhood meetings to go over guest rules of conduct and provide an opportunity for neighbors and community members to ask questions and raise issues.

**Neighborhood Review:** A “Notice of Proposal in Your Neighborhood” was mailed on March 30, 2009. Five written responses have been received from the Neighborhood Association and notified property owners in response to the proposal. Four were in opposition and one was in support of the proposal. Two additional letters of opposition were received after the comment period ended, and generally expressed the same reasons for opposition. One of these responses was signed by eleven individuals, eight of whom are nearby neighbors and 3 of whom listed SE or SW Portland addresses.

The first letter of opposition was written by an adjacent neighbor, and stated that livability is the biggest concern with the proposal. The respondent expressed concern that the property owner does not reside in Oregon and is not present to regulate the occupants of the house, and described late-night parties and many instances where “tenants” of the subject property came to the respondent’s home asking for a key or to borrow equipment. The respondent expressed concern that, unlike renters, rotating residents of a B&B do not have to go through background checks and that the safety of their children could be compromised. Adequacy of public services was also stated as a concern with the proposal. Lack of available parking along NE 15<sup>th</sup> Avenue and blocking of driveways were cited as concerns, as well as the safety of pedestrians, bikers, and children with additional traffic and reduced sightlines from blocked driveways.

The second letter of opposition was written by nearby neighbors, and stated several concerns. The respondents believe that “by not serving breakfast [the proposed B&B] becomes little more than a hotel/motel.” The respondents noted existing problems with the short-term rental currently occurring on the site, including difficulty parking near their home and their driveway being blocked by parked cars; nighttime noise from arriving guests unloading and wheeling luggage; trash left on the walkway or in their garbage can; compromised privacy; and safety concerns for their children. The respondent also stated concern about the fact that the property owner does not reside in Oregon.

The third letter of opposition was written by a nearby neighbor on the same block. Concerns listed in the response were that without the property owner present to oversee and care for the establishment, and without breakfast being served, the proposal seems more like a hotel than a B&B. Additional traffic and parking congestion were also cited as concerns.

The fourth letter of opposition was written by the Irvington Community Association (ICA), and noted that, although not unanimous, the neighborhood response to the proposal is generally negative. The response stated that the ICA does not approve of the proposal, and noted that they have not received any complaints from neighbors regarding the existing short-term rental activity on the subject site. People have expressed concerns to the ICA in response to the B&B proposal. Concerns cited in the ICA response included a statement that a B&B without breakfast “seems odd”; questions about who is caring for the property and who can be contacted regarding neighborhood concerns; and questions about how the encouragement of public transportation use will actually be implemented. The ICA response offered comments about the proposed B&B operation from the past experience of a B&B operator, including questions about the legality of allowing guests to prepare their own meals; concerns about stack parking versus street parking; and questions about enforcing the use or encouragement of using public transportation. The response also noted that neighbors were divided in their opinion about whether a duplex or B&B use would offer more stability and the least amount of negative activity to the neighborhood. The ICA concluded that the proposal should be denied, expressed concern about evidence of the proposed use of the attic and basement, and requested information about the legality and regulation of cooking by B&B guests. The conclusion also stated that if the proposal were approved, a Good Neighbor agreement should be established prior to operation of the B&B in order to outline some enforcement tools for the neighborhood.

The fifth response, which is a letter of support written by an adjacent neighbor, is a general statement of support commending the good management provided by the property owner over the past three years. The response states “They have all been good neighbors. I am appreciative of the way it has allowed the property to be maintained.”

*Staff comments: All public comments have been shared with the applicant and property owner, who have met with the Neighborhood Association and have revised some aspects of their original proposal in an effort to address the neighborhood’s concerns. Those of the above listed issues that are relevant to the Conditional Use approval criteria are addressed in detail throughout the approval criterion below. The question has been raised of whether or not registered B&B guests are allowed by the State of Oregon to prepare their own meals. Compliance with such state rules are not part of the approval criteria, and it is the property owner’s and applicant’s responsibility to insure that all state mandated health requirements are adhered to, and that required licenses for B&B’s are obtained. The property owner and applicant are aware that further permits or licensing beyond the city permitting and land use review process may be required in order to establish the B&B. A potential reduction of property values and the lack of in-state residency of the property owner have been raised as concerns. These are not relevant to the Conditional Use approval criteria and therefore are not addressed in this review.*

## **ZONING CODE APPROVAL CRITERIA**

### **33.815.105 Institutional and Other Uses in R Zones**

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

**A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and
2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** The subject site is located in the center of a large single-dwelling residential area accessed by local service streets (except NE 15<sup>th</sup>, which is a Neighborhood Collector). Multi-dwelling zoning begins about 600 feet to the south and 2,000 feet to the east, and commercial zoning begins about 1,500 feet to the south.

For the purposes of this review, the residential area will be more specifically defined as those properties within the boundaries noted below (Exhibit C.5 contains a graphical depiction of the inventory area). The boundaries are mainly defined by local service streets which enclose the immediate residential area most likely to be affected by this proposal.

**North:** NE Knott Street, an east/west Local Service Street and Community Transit Street, is approximately 1.5 blocks north of the site. The properties directly north of NE Knott are included in the surveyed area.

**South:** NE Tillamook Street, an east/west Local Service Street and City Bikeway, is approximately two blocks south of the subject site. The properties directly south of NE Knott are included in the surveyed area.

**East:** NE 12<sup>th</sup>, a north/south local service street, is approximately 3 blocks east of the subject site. The properties directly east of SE 12<sup>th</sup> are included in the surveyed area.

**West:** NE 19<sup>th</sup> Avenue, a north/south local service street, is approximately 4 blocks west of the subject site. The properties directly west of SE 19<sup>th</sup> are included in the surveyed area.

Within this area, the zoning is R5 and R5a, and most lots are 5,000 or 7,500 square feet in size and are developed with single dwelling homes. Some lots are smaller or larger, and there are several multi-dwelling homes throughout the residential area. The four lots immediately adjacent to the subject site are 5,000 square feet in area and are developed with two single-dwelling and two duplex homes. The site immediately across the street from the subject site is 7,500 square feet and developed with a single-dwelling home. The site to the north of that is 7,500 square feet and developed with a duplex, and the site to the south is 5,000 square feet and developed with a single-dwelling home. Homes are set back from the street with generous front porches, and most lots and street planting strips are extensively landscaped, creating a lush residential streetscape.

Four non-household living uses exist in the surveyed area. These include the Augustana Lutheran Church on NE Knott and NE 15<sup>th</sup>, Lutheran church offices on NE Knott and NE 17<sup>th</sup>, the 15<sup>th</sup> Avenue Market place on NE Brazee and NE 15<sup>th</sup>, and the Irvington School, on NE Brazee and NE 14<sup>th</sup>. In the surveyed area, the applicant inventoried 402 houses, 7 apartment complexes, and 4 non-household living uses, which constitutes less than 1% of the total uses. Adding the B&B to the area would mean that just over 1% of the uses are non-household living uses.

The proposal is for a B&B facility that offers overnight accommodations only and a self-serve kitchen facility, with no proposal for external changes to the existing home. The existing

residential structure, currently a duplex, must be converted into a single-dwelling home in order to contain a bed and breakfast. The applicant has proposed that the basement may be converted into an Accessory Dwelling Unit (ADU). If that is the case, the highest proposed capacity of the B&B is 6 guests plus the resident manager(s) of the home plus the potential ADU occupants, and a potential for up approximately 5 vehicles (one for the B&B resident managers, one for the ADU occupants, plus up to 3 guest vehicles, one per room).

Parking for guests will be provided on-street, with bicycles provided for use by guests, and other modes of transport will be encouraged through transit information and maps provided on-site. The B&B is expected to attract guests of neighborhood residents or guests who specifically want to experience or conduct business in the Irvington area.

Existing non-household uses (church, school, food market and café) support and enhance the greater Irvington neighborhood and are not likely to be large attractants of outside traffic. The intensity of the use will include daily comings and goings of up to 6 guests, the resident manager(s), and ADU occupants, including foot traffic, vehicle traffic, outdoor activity, and guests. The resident manager is allowed to host private social gatherings as provided in Zoning Code Section 33.212, which regulates Bed and Breakfast facilities. Considering that the existing duplex contains 4 bedrooms, and could potentially contain additional bedrooms in the basement, it is feasible that two large families could occupy the site by right and could potentially produce a similar intensity of use, including the same activities but to a more unregulated degree. However, because the proposal includes a primary residence, an ADU, and a B&B, there is potential for the intensity of use at this site to expand beyond what could occur with only a duplex or only a primary structure and a B&B.

Therefore, to ensure that the cumulative intensity of the proposed non-household use in conjunction with the proposed household uses on the site remains compatible and with the single-dwelling residential area, a condition of approval (Condition G) is warranted to require that if the basement is converted to an ADU, that unit shall be limited to a one bedroom occupancy. The basement may not be utilized as any part of the B&B operation, including use by guests or the resident manager. Another condition of approval is warranted to help limit the intensity of use on the site (Condition J) stating that the maximum amount of private social gatherings for more than 8 guests or visitors that are allowed to be hosted by and for the enjoyment of the residents of the B&B facility shall be limited to a total of 12 gatherings per year, cumulatively, for both the resident managers of the B&B and the residents of the ADU. All such gatherings of more than 8 private guests held by either the resident managers or ADU occupants must be logged as per zoning code Section 33.212.040.E.

With these conditions of approval, the intensity and scale of the proposed use will not introduce a significantly higher intensity of use of the site than could potentially occur by right in a large duplex. Because no exterior changes are proposed and any interior changes will retain the residential function of the home, the proposed B&B, alone and in combination with the existing non-household uses, will not significantly lessen the residential appearance or function of the area. This criterion is met.

**B. Physical compatibility.**

1. The proposal will preserve any City-designated scenic resources; and
2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or
3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

**Findings:** The site is located within the Irvington Conservation District, and the subject home is listed in the Irvington Historic Design Zone as being of primary historical significance. City designated resources are shown on the zoning map by the 's' overlay; historic resources are

designated by a large dot, and by historic and conservation districts. There are no such resources present on the site.

The existing home is a duplex unit with a total of 4 bedrooms, 2 in each unit, and the potential for legally established bedrooms in the basement. The duplex must be converted to a single-dwelling residential structure in order to accommodate the proposed B&B. The applicant has stated that the property owner's intent is to convert the basement into an accessory dwelling unit (ADU), which by definition will be a separate living unit from the main residence and B&B. The structure can be converted through simple interior alterations that allow an open access between the first and second floors of the home. The existing home will provide the primary residence for the property manager. The applicant has proposed converting the basement into an ADU. The conversion is not likely to require any significant exterior changes to the existing structure, and any changes are expected to be compatible in scale and appearance with the existing structure.

Building scale, setbacks, and landscaping are all consistent with the type and scale of development that is allowed in the R5 zone, and none of these characteristics will change with this proposal. No exterior changes are proposed to the existing home, therefore the appearance and size of the residence will remain unchanged. The proposal will remain physically consistent with the adjacent residential development in the area. No mitigation is necessary. This criterion is met.

**C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

**Findings:** The proposal does not include exterior lighting or odors. No odors or significant litter beyond that generated by a large household use are anticipated from this proposal. Regular recycling and garbage service is expected to be sufficient. Late night operations could include occasional check-ins, check-outs, or guests returning or departing from outside activities. No commercial meetings or social gatherings are allowed on the premises (private social gatherings are allowed to be hosted by and for the resident manager(s) and ADU residents, with limitations outlined under 33.212.E).

As noted above, the existing home contains a total of 4 bedrooms, and the structure has the potential to contain additional bedrooms in the basement, either as a separate ADU or as part of the single-dwelling unit. The potential residential use of this home could realistically include as few as two or potentially as many as 10 people engaging in normal household activities, such as on-street parking, outdoor use of the yard, comings-and-goings of a number of people, and private social gatherings, among other things. Use of the B&B is proposed for registered guests for overnight accommodations only. The proposed B&B includes 3 bedrooms on the second floor with a potential for up to 6 guests per night (two per room) plus the resident manager(s), and the total use for the structure also includes the potential ADU occupants, which would not result in a significant increase in activities from what could normally be generated by a residential home of this size (at least 5 bedrooms). At least one resident manager will reside on the site and in the main residence, whose primary function will be to oversee the B&B guests and operations. The resident manager position is a full-time occupation, and the manager(s) will generally be on-site and available to greet guests; oversee guest activities; respond to guest questions, concerns, or needs; and generally insure smooth business operations and safe and satisfactory guest experiences; and to ensure that the B&B operations will not have significant adverse impacts on the livability, specifically including safety, privacy, and quiet, of the nearby residential area.

Noise generated at the site by B&B guests may increase to the point that a maximum of 6 guests per day could be entering or leaving the home, bringing luggage to or from vehicles on the street, talking as they walk or bike through the streets, or operating motor vehicles in the

neighborhood, all of which are activities that occur with a residential use. The anticipated increases in noise generated from outdoor use by the guests are not out of character with a larger family or a multi-dwelling home, of which there are several in the nearby area. The main concern about noise raised by neighbors is related specifically to noise generated in outdoor areas, and to parties hosted by B&B guests. Guests may or may not use the backyard for quiet enjoyment, but no specific guest-related activities are proposed for outdoor areas. The applicant has stated that the B&B will impose quiet hours, which are included in the "house rules." Alcohol is not proposed to be served to guests as a function of the B&B service. Because the B&B is located in a single-dwelling residential zone, parties are not allowed to be held by or for B&B guests, and this is stated in the "house rules".

To ensure that noise generated from the B&B remains in character with the residential area, a condition of approval (Condition L) is warranted to restrict outdoor noise to between the hours of 8 a.m. and 9 p.m. Sunday through Thursday, and to between the hours of 8 a.m. and 10 p.m. Friday and Saturday. This condition does not prohibit outdoor use, nor does it prohibit quiet outdoor noise, such as quiet talking, and it does not apply to private social gatherings hosted by and for the enjoyment of the resident managers of the B&B or ADU occupants, as allowed by right under section 33.212 of the Zoning Code, and as restricted under Condition J. The resident managers will be the first line of enforcement, and therefore should provide their contact information to all abutting property owners and to those property owners directly across NE 15<sup>th</sup> Avenue from the site.

Neighbors have expressed concern about degree of late night noise that is generated by guests checking in or out and their associated luggage, vehicle, and voice noises. In order to limit the amount of late night disturbance associated with B&B guest check-in/check-out operations, a condition of approval (Condition M) is warranted requiring that check-in and check-out times for registered guests shall be restricted to the hours of 8 a.m. to 8 p.m. as a standard practice, with exceptions made only when necessary and by prior arrangement, and business advertising should include a statement to this effect.

The rear yard on the subject site abuts two other back yards directly, and touches one other rear yard at the very corner. A garage on the southwest corner of the subject site and a garage straddling the lot lines of the adjacent lot to the rear and the lot just north of that obscure views and reduced noise between those rear yards and that of the subject site. The yard is fully fenced with a 6-foot wooden fence, obscuring views between the yards and providing privacy between the subject site and adjacent sites. The resident manager(s) will live in the home, and will be charged with addressing any livability issues that arise to ensure that quiet, safety and privacy are maintained for neighbors, residents, and guests. The Bureau of Transportation has reviewed the proposal and stated that safety will not be decreased by the additional vehicles, bicycles, or pedestrians using the street.

A list of house rules has been drafted by the property owner. The house rules are intended to outline specific requirements for personal decorum to be practiced by the B&B guests in order to insure that the existing quiet, safety, and privacy of the neighborhood shall be maintained. This list of house rules will be provided to each registered guest. The applicant and property owner have presented the B&B proposal at a Neighborhood Association meeting, and are in the process of working with the Neighborhood Association to draft a "Good Neighbor" agreement to address any issues or concerns as they arise in the future. In order to insure that this agreement is met, a condition of approval (Condition H) requires that this Good Neighbor agreement shall be completed and active prior to final permitting and operation of the B&B. This Good Neighbor Agreement shall be reenacted should ownership of the B&B change within three years of the date of the issuance of the final decision. A time frame for completing the Agreement and a maximum duration of the agreement is established in the condition in order to ensure timely completion of the process.

To ensure that livability is not significantly adversely impacted by the location of a B&B within a residential area, a condition of approval (Condition K) is warranted requiring that a list of

“house rules” shall be provided to each registered guest. The house rules shall be distributed to registered guests via mail or email prior to their arrival, once again upon check-in, and shall be posted in each guest room and in common areas of the B&B, and on the business website. The house rules shall at a minimum include the following:

- A. **Check-in hours** are from 8 a.m. to 8 p.m. When it is necessary to arrive outside of the normal check-in hours, please make prior arrangements with the resident manager.
- B. **Quiet hours** are between the hours of 8 a.m. and 9 p.m. Sunday through Thursday, and from 8:00 a.m. and 10:00 p.m. on Friday and Saturday. When coming or going during quiet hours, please be respectful of our residential neighbors and other guests.
- C. Up to two **visitors** per guest room are welcome, except during quiet hours.
- D. No **parties** are allowed to be held on the premises by B&B guests, either in the backyard or in the units.
- E. A **full kitchen** is available for self-serve food preparation. Cooked meals are to be prepared for B&B guests only, and not for visitors of guests.
- F. **Laundry hours** are from 10 a.m. to 6 p.m. The laundry room shall be locked outside of these hours.
- G. No **pets** are allowed.
- H. On-street **parking** is available directly in front of the Irvington House. Please be aware that other people must also utilize on-street parking spaces, and attempt to make the most efficient use of curb space.

No non-residential employees are proposed. Zoning Code section 33.212 allows non-resident employees, if approved as a part of the conditional use review, and allows the number and frequency of B&B employees to be restricted. Although the applicant does not propose employees, an occasional, paid employee may be required to assist or replace the resident manager during manager vacations or unforeseen situations. Additionally, hired service for normal maintenance and repair will likely be required. Therefore, a condition of approval (Condition I) is warranted to allow 1 occasional and temporary non-resident employee, and to allow hired service for normal maintenance and repair of the site. The duration of the employment of an occasional, temporary non-resident employee shall not exceed the length of the resident manager’s normal vacation or personal leave.

For the reasons described above and in conjunction with the above listed conditions of approval the proposal will not have significant adverse impacts on the livability of nearby residential zoned lands. Therefore, this criterion is met.

**D. Public services.**

- 1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
- 2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

**Findings:** The site has a shared 14-ft wide driveway with reciprocal easements with the adjacent home. Therefore, there is only room for one on-site parking space in front of the existing garage. With three rooms proposed for rent, it can be assumed that the project will create a demand for three on-street parking spaces. Most streets in the area are local service streets, with the exception of SE 15<sup>th</sup>, which is a Neighborhood Collector. All streets within the area are either City bikeways and walkways or Local Service bikeways and walkways.

Alternative transportation methods are supported by the street designations, and several options are available nearby to the site. The #8 busline, stops on either end of the block on which the subject site is located, and offers frequent daytime service connecting with NE Broadway to the south and NE Fremont to the north, which both offer east/west connections. Approximately ½ mile to the east is MLK, and approximately ½ mile to the west is NE 24<sup>th</sup> Ave, both offering further transportation connection options. Three Zip Cars are located within 2 blocks of the site, and four more are located along NE Broadway and NE Weidler. The location of the site makes walking, biking, and public transport to many destinations feasible and attractive options. The applicant states that the B&B will provide bicycles for use by the guests and will provide maps to guests who use Tri-Met, bikes, or walk. The proposed B&B use would typically not generate more than 3 additional vehicles, and, with bikes provided to the guests and the close proximity to bus lines and Zip Cars, vehicles may not always be used in the immediate neighborhood by guests.

An informal parking survey was conducted on two consecutive evenings, Thursday February 12<sup>th</sup> and Friday February 13<sup>th</sup>, from 5 PM to 7 PM. The survey included available on-street parking within 500 feet of the subject site, and the number of parked cars was counted along the study area every ½ hour starting at 5 PM. Within the study area, approximately 210 non-restricted on-street parking spaces were identified. Another 22 spaces are restricted during school hours, and another 1 space is designated as an ADA parking space. During the study period, the number of parked vehicles ranged from 98 to 121. This means that the range of on-street parking available ranged from 43% to 53% of the available during the typical peak demand. The addition of three more parked vehicles from the proposed bread and breakfast will have a minimal impact on the supply of on-street parking. It is reasonable to say that adequate parking opportunities remain in the nearby vicinity to accommodate the potential 3 additional vehicles.

PBOT has reviewed the proposal and expressed no concerns with on-street parking availability or the capacity of the neighborhood to handle up to three extra vehicles. PBOT further stated that there is no reason to believe there will be any negative effects on pedestrian, bicycle or transit circulation, or safety, based on the anticipated traffic generated by the proposed use. Transportation Engineering/Development Review recommended three conditions of approval that encourage other modes of transportation, and stated that, with these conditions, the proposed conditional use can be supported.

Therefore, to ensure that alternative transportation modes are promoted for this site, the following conditions of approval (Conditions N-P) are warranted:

- Transit day passes (TriMet) must be offered, free of charge, to all registered B&B guests for the duration of their stay. In addition, public transit information, including current schedules, routes and maps, for TriMet buses and light rail, and information about Zip Cars, must be offered to all guests at the time of registration. Advertising for the B&B should indicate the availability of public and alternative transit.
- Free shuttle service between the B&B and a nearby public transportation option shall be offered to registered guests for arrivals and departures, and this offer shall be advertised on websites and all business fliers.
- A minimum of three bicycles shall be provided free of charge for use by registered guests.

With these conditions, and for the reasons described above, this criterion is met.

**E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

**Findings:** The project site is located in the Irvington neighborhood, which does have an adopted neighborhood plan. The Irvington Neighborhood Plan vision statement describes retaining the neighborhood's diverse population and emphasizes retaining the present physical character of the neighborhood.

Goals for Irvington's future outline desired attributes such as livability, vitality, and diversity. Goal 1, Neighborhood Livability, describes Irvington as a neighborhood where distinctive residential properties are preserved and enhanced, property is cared for and maintained, residents and businesses have access to private services and amenities, and neighbors have a sense of security and confidence in the future of their neighborhood. Goal 2, Neighborhood Diversity, describes Irvington as a neighborhood composed of diverse people. Goal 4, Neighborhood Safety, describes Irvington as a peaceful place where residents can walk, play, and travel safely. Goal 5, Neighborhood Vitality, describes Irvington as a place where businesses serving the neighborhood are patronized by residents thereby supporting the economic health, well-being, and stability of the neighborhood.

Policies applicable to this proposal include Policy 2: Historic and Neighborhood Preservation; Policy 3: Housing; Policy 5: Transportation; and Policy 6: Retail and Commercial. Policy 2 calls for promoting, restoring, and maintaining architecturally or historically significant resources. Policy 3 calls for ensuring the maintenance of at least the amount of housing opportunity presently available in Irvington. Policy 5 calls for encouraging the use of bicycles and mass transit. Policy 6 supports commercial development that serves the neighborhood and is compatible with Irvington's scale and character.

The proposed B&B meets the plan goals because it preserves the existing architecture of the historically significant home, retains a primary resident manager to oversee the maintenance of the home, potentially brings diverse people into the neighborhood, does not adversely affect transportation safety, and offers a business that serves the neighborhood as well as providing potential customers for neighborhood businesses and providing a local employment opportunity.

The proposed B&B also meets these policies because it maintains an architecturally and historically significant residential structure, does not remove housing opportunities from the neighborhood, encourages bicycle and mass transit use, and serves the neighborhood. The proposal does not increase the maximum potential occupancy of the existing duplex, maintains the use as a primary residence, and therefore does not significantly change the residential scale and character of the property.

For these reasons, the proposal is compatible with the Irvington Neighborhood Plan. Therefore, this criterion is met.

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

### **33.212.010 Purpose**

This chapter provides standards for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of large, older houses in residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

### **33.212.030 Where These Regulations Apply**

The regulations of Sections 33.212.040 through 33.212.080 apply to bed and breakfast facilities in the R zones. In the RX and RH zone, where a limited amount of commercial uses are allowed by right or by conditional use, a bed and breakfast facility may be regulated either as a Retail Sales And Service use, or as a bed and breakfast facility under the regulations of this chapter. The decision is up to the applicant.

### **33.212.040 Use-Related Regulations**

- A. Accessory use.** A bed and breakfast facility must be accessory to a Household Living use on a site. This means that the individual or family who operate the facility must occupy the house as their primary residence. The house must be at least 5 years old before a bed and breakfast facility is allowed.

**Findings:** A resident manager will reside in the home, which will serve as their primary residence. The house was built in 1908 and therefore is more than 5 years old.

- B. Maximum size.** Bed and breakfast facilities are limited to a maximum of 5 bedrooms for guests. In the single-dwelling zones, a bed and breakfast facility over this size limit is prohibited.

**Findings:** The applicant notes that three bedrooms will be utilized for guests.

- C. Employees.** Bed and breakfast facilities may have nonresident employees for such activities as booking rooms and food preparation, if approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

**Findings:** The applicant notes that no non resident employees will be utilized for the bed and breakfast, except that hired service for normal maintenance, repair, and care of the residence or site will be utilized. Temporary and occasional nonresident employees may be needed during the resident manager's vacation or other leave or to perform routine property maintenance.

- D. Services to guests and visitors.** Serving alcohol and food to guests and visitors is allowed. The proprietor may need Oregon Liquor Control Commission approval to serve alcohol at a bed and breakfast facility.

**Findings:** The applicant notes that food and alcohol will not be offered to guests and has provided one group kitchen for guest use to prepare their own food.

### **E. Meetings and social gatherings.**

1. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or

other gatherings for direct or indirect compensation. Commercial meetings in bed and breakfast facilities are regulated as follows:

In the single-dwelling zones, commercial meetings are prohibited at a bed and breakfast facility;

In the multi-dwelling zones, the residents of a bed and breakfast facility may request up to 24 commercial meetings per year as part of a Conditional Use Review. The maximum number of visitors or guests per event will be determined through the Conditional Use Review. Adjustments to the maximum number of meetings per year are prohibited.

2. Private social gatherings. The residents of a bed and breakfast facility are allowed to have only 12 private social gatherings, parties, or meetings per year, for more than 8 guests or visitors. The private social gatherings must be hosted by and for the enjoyment of the residents. Private social gatherings for 8 or fewer guests are allowed without limit as part of a normal Household Living use at the site.
3. Historical landmarks. A bed and breakfast facility which is located in a historical landmark and which receives special assessment from the State, may be open to the public for 4 hours one day each year. This does not count as either a commercial meeting or a private social gathering.
4. The bed and breakfast operator must log the dates that private social gatherings for more than 8 visitors or guests are held, and the number of visitors or guests at each event. The operator must also log the dates of all commercial meetings held, and the number of visitors or guests at each event.

**Findings:** Because the property is located within a residential zone, no commercial meetings are allowed. Private social gatherings hosted by and for the enjoyment of the resident manager and ADU occupants will be limited to 12 per year for more than 8 guests or visitors. Private social gatherings hosted by and for the enjoyment of the resident manager and ADU occupants with 8 or less guests are not regulated by the Zoning Code.

### **33.212.050 Site-Related Standards**

- A. Development standards.** Bed and breakfast facilities must comply with the development standards of the base zone, overlay zone, and plan district, if applicable.
- B. Appearance.** Residential structures may be remodeled for the development of a bed and breakfast facility. However, structural alterations may not be made which prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.
- C. Signs.** The sign standards are stated in Title 32, Signs and Related Regulations.
- D. Accessory dwelling units.** Accessory dwelling units must meet all requirements of Chapter 33.205, Accessory Dwelling Units.

**Findings:** Any signage will be required to meet the applicable regulations. No structural alterations are proposed that would prevent the structure being used as a residence in the future, and no external or internal changes are proposed that would result in the dwelling being less residential in nature or function.

## CONCLUSIONS

The proposed use is for a B&B that provides overnight accommodations and self-serve kitchen facilities only. No exterior changes are proposed to the existing home. Interior changes will include converting the existing duplex to a single-dwelling home, with the first floor serving as the primary residence of the resident manager(s) and the second floor serving as quarters for the B&B guests, some alteration of the second level floor plan, and potentially conversion of the basement into an ADU. No permanent non-resident employees are proposed. A resident manager must reside in the home as their primary residence, and will oversee the operations of the facility as a full-time occupation. The use brings to the neighborhood up to a maximum of six guests and their associated transportation needs, which will include a combination of vehicles, public transport, bicycling, and walking. Local streets and public services can accommodate the proposed use.

In order for the proposal to meet all of the applicable approval criteria, and to insure that the proposal remains small in scale and intensity and does not significantly alter the existing privacy or residential character of the neighborhood beyond what could occur in the existing duplex, 17 Conditions of Approval are necessary. These conditions are listed below under the Administrative Decision, and generally address the scope of the use, employees, noise, safety, privacy, and transportation. With these conditions, and for the reasons listed above, this proposal meets the development standards for Bed and Breakfasts, and meets the approval criteria for Conditional Uses. With these conditions, all approval criteria are met and this proposal should be approved.

## ADMINISTRATIVE DECISION

Approval of a B&B that provides overnight accommodations for up to 6 registered guests in 3 guest rooms, in significant conformance with the approved plans, Exhibits C-1 through C-3, signed and dated July 31, 2009, subject to the following conditions:

- A. Use of the B&B shall be limited to registered guests for overnight accommodations only. Guest accommodations may include up to 3 rooms with a maximum total of up to 6 guests occupying the second floor of the home; and a kitchen, bathroom, and dining area on the second floor.
- B. The B&B may not operate until such time that each of the following conditions of approval (Conditions C through P) are met.
- C. To establish the Bed and Breakfast, the existing duplex must be converted to single-dwelling home through the building permit process. The Building Permit application submittal must include the approved site plan (Exhibit C.1) and the approved floor plans (Exhibit C.2-C.4), and conditions A through F must be noted on the plans or included as a separate sheet in the plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-175882 CU." All conditions must be labeled "REQUIRED."
- D. A second-kitchen agreement must be submitted with the building permit application. If the basement of the home is to be converted to an ADU, plans for this conversion must be submitted as part of the single-dwelling establishment building permit referred to in Condition C. If the basement is not going to be converted to an ADU, the kitchen that is currently located in the basement must be decommissioned as part of the single-dwelling establishment building permit application referred to in Condition C.
- E. A resident manager or property owner must occupy an area within the B&B as their primary residence at all times.

- F. All printed and web advertising of the B&B shall portray the accommodations and services proposed and approved within this Decision, and shall portray all programmatic restrictions set forth by Conditions of Approval I through P. For the duration of the Good Neighbor Agreement, all printed and web advertising for the B&B shall be reviewed by the Irvington Community Association to insure compliance with the proposal and conditions of approval set forth herein.
- G. If the basement of the home is converted to an accessory dwelling unit (ADU) in addition to establishment of a B&B in the primary dwelling unit, the maximum amount of bedrooms allowed in the ADU is one. The ADU shall be rented at a minimum lease time of month-to-month. The ADU may not be used in any manner as part of the B&B by either the guests or resident manager. Conversion of the basement to an ADU is subject to the standards of zoning code Section 33.205, Accessory Dwelling Units.
- H. Prior to operation of the B&B, a “Good Neighbor Agreement” shall be established between the property owner, resident manager, and Irvington Community Association (ICA). The agreement should at a minimum outline a schedule of regular meetings between the owner and operator of the B&B and the ICA as a method of communicating about concerns or issues that arise during the initial establishment of the business, and shall include ICA review of all printed and web advertising. Contact information for the resident managers and property owner shall be provided to all members of the ICA. The frequency and duration of these meetings and other aspects of the agreement shall be determined by the property owner and the ICA. However, the term of the Agreement shall not exceed a period of 2 years from the date of the final decision, and the Agreement must be finalized no later than 2 months from the date of the final decision. This Agreement shall be reenacted should ownership of the B&B change within three years of the date of the issuance of the final Conditional Use decision.
- I. One occasional and temporary non-resident employee is allowed, and hired service for normal maintenance and repair is allowed. The duration of the employment of an occasional, temporary non-resident employee shall not exceed the length of the resident manager’s normal vacation or other personal leave.
- J. The maximum amount of private social gatherings for more than 8 guests or visitors that are allowed to be hosted by and for the enjoyment of the residents of the B&B facility shall be limited to a total of 12 gatherings per year, cumulatively, for both the residents of the B&B and the residents of the ADU. All such gatherings of more than 8 private guests held by either the resident managers or ADU occupants must be logged as per zoning code Section 33.212.040.E.
- K. A list of “house rules” shall be provided to each registered guest that outlines requirements for personal decorum to ensure the quiet, safety, and privacy of the neighborhood. The house rules shall be distributed to registered guests via mail or email prior to their arrival, once again upon check-in, and shall be posted in each guest room and in common areas of the B&B, and on the business website. The house rules shall at a minimum include the following as required conditions of approval:
- 1) **Check-in hours** are from 8 a.m. to 8 p.m. When it is necessary to arrive outside of the normal check-in hours, please make prior arrangements with the resident manager.
  - 2) **Quiet hours** are between the hours of 8 a.m. and 9 p.m. Sunday through Thursday, and from 8:00 a.m. and 10:00 p.m. on Friday and Saturday. When coming or going during quiet hours, please be respectful of our residential neighbors and other guests.
  - 3) Up to two **visitors** per guest room are welcome, except during quiet hours.

- 4) No **parties** are allowed to be held by B&B guests on the premises, either in the backyard or in the units.
  - 5) A **full kitchen** is available for self-serve food preparation. Cooked meals are to be prepared for B&B guests only, and shall not be prepared for visitors of guests.
  - 6) **Laundry hours** are from 10 a.m. to 6 p.m. The laundry room shall be locked outside of these hours.
  - 7) No **pets** are allowed.
  - 8) On-street **parking** is available directly in front of the Irvington House. Please be aware that other people must also utilize on-street parking spaces, and attempt to make the most efficient use of curb space.
- L. Outdoor noise generated by B&B guests shall be restricted to between the hours of 8 a.m. and 9 p.m. Sunday through Thursday, and shall be restricted to between the hours of 8 a.m. and 10 p.m. Friday through Saturday. Quiet outdoor use is allowed during quiet hours. This condition is intended to limit the impacts to the residential area generated from the B&B use and does not apply to private social gatherings hosted by and for the enjoyment of the resident manager or ADU occupants, as allowed by Zoning Code section 33.212. The resident manager and property owner shall be the first line of enforcement, and shall provide their contact information to all abutting property owners and to those property owners directly across NE 15<sup>th</sup> Avenue from the site.
- M. Check-in and check-out times for registered guests shall be restricted to the hours of 8 a.m. to 8 p.m. as a standard practice, with exceptions made only when necessary and by prior arrangement, and business advertising should include a statement to this effect.
- N. Transit day passes (TriMet) must be offered, free of charge, to all registered B&B guests for the duration of their stay. In addition, public transit information, including current schedules, routes and maps, for TriMet buses and light rail, and information about Zip Cars, must be offered to all guests at the time of registration. Advertising for the B&B should indicate the availability of public and alternative transit.
- O. Free shuttle service between the B&B and a nearby public transportation option shall be offered to registered guests for arrivals and departures, and this offer shall be advertised on websites and all business fliers.
- P. A minimum of three bicycles shall be provided free of charge for use by registered guests.

**Staff Planner: Crystal Hitchings**

**Decision rendered by:**  **on July 31, 2009.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 4, 2009**

**About this Decision.** This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

**Procedural Information.** The application for this land use review was submitted on November 5, 2008, and was determined to be complete on March 26, 2009.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on November 5, 2008.

*ORS 227.178* states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended for a total of 95 days, beginning April 20, 2009 and ending July 24, 2009, as stated with Exhibits G.8-G.9.

**Some of the information contained in this report was provided by the applicant.**

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

**Conditions of Approval.** If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

**Appealing this decision.** This decision may be appealed to the Hearings Officer, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 18, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some

information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **August 19, 2009 – (the day following the last day to appeal).**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;

- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Draft House Rules
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. First and Second Floor Plans (attached)
  - 3. Basement Floor Plan (existing) (attached)
  - 4. Survey of Non-residential Living Uses
  - 5. Existing conditions floor plans
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
- F. Correspondence:
  - 1. Kubiaczyk Household; April 17, 2009; opposition to proposal (livability, public services, physical compatibility)
  - 2. Brad and Mary Stemple; April 18, 2009; opposition to proposal (parking, trash, lack of on-site supervision)
  - 3. Robert Hodgson; April 20, 2009; opposition to proposal (lack of owner occupation, traffic and parking)
  - 4. Irvington Community Association; April 20, 2009; opposition to proposal (on-site cooking, parking, public transit, negative impact to neighborhood, good neighbor agreement, use of basement and attic)
  - 5. Anne Kari Wortmann; April 20, 2009; general support of proposal and past management
  - 6. Kathleen Harrison; April 20, 2009; opposition to proposal (out-of-state ownership, strangers for neighbors, late-night noise)
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Incomplete Letter
  - 4. Parking Study submitted by Lancaster Engineering
  - 5. Irvington Historic Design Zone map
  - 6. Letter from Joe Chamberlain, Zoning/Noise Inspector, providing notice of a time extension on the Notice of Zoning Violation; dated November 24, 2009
  - 7. Notice of Enforcement Penalty; dated May 6, 2009
  - 8. Request to place 120-day review process on hold; dated April 20, 2009
  - 9. Request to resume 120-day review process and issue decision; dated July 23, 2009
  - 10. Report of Building Inspection, dated March 18, 1954, showing approval for duplex



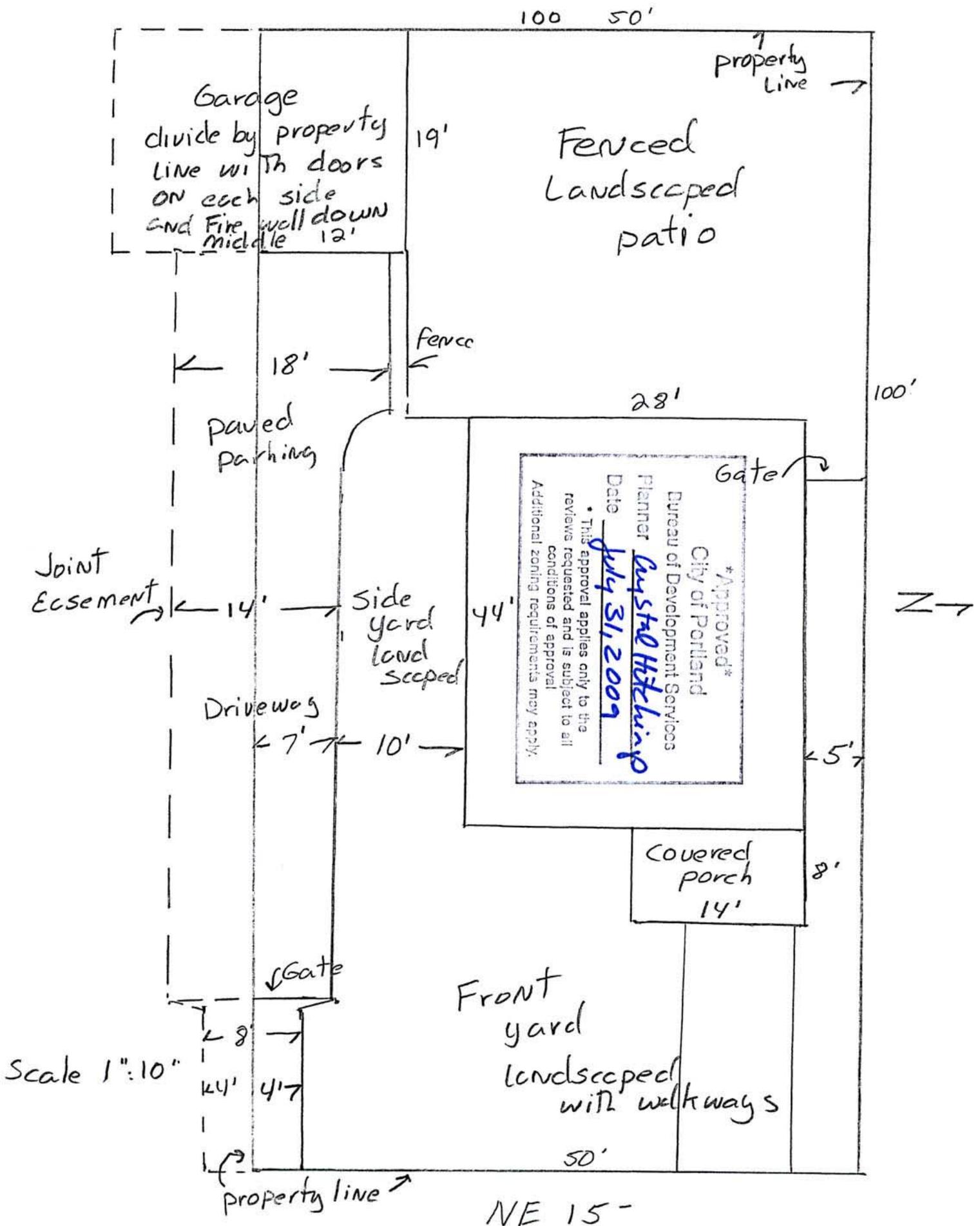
# ZONING

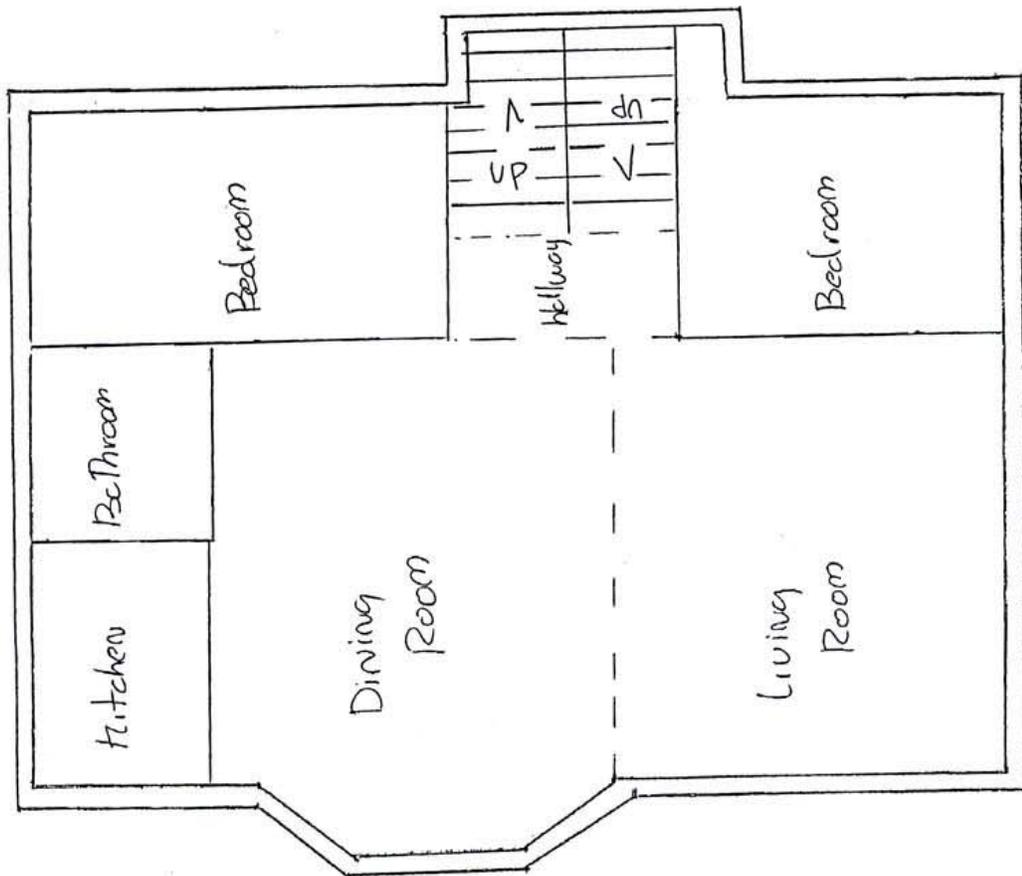
 Site



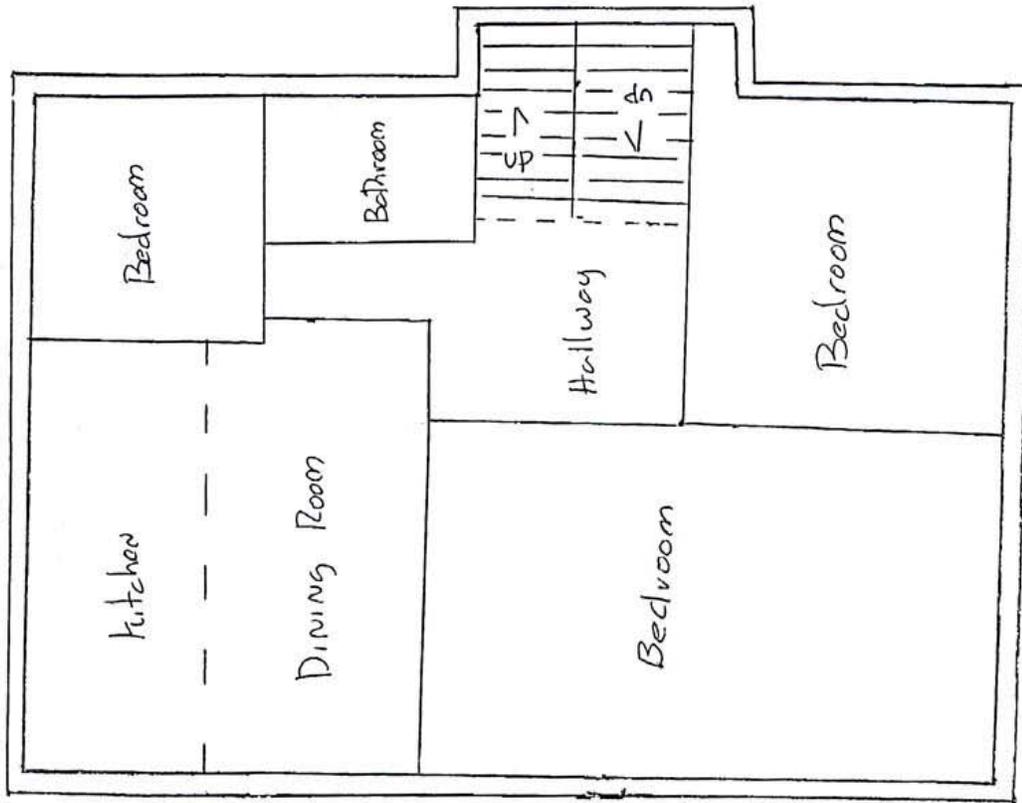
This site lies within the:  
 IRVING TON CONSERVATION DISTRICT CONSERVATION DISTRICT

File No.	LU 08-175882 CU
1/4 Section	2832
Scale	1 inch = 200 feet
State_Id	1N1E26DB 3300
Exhibit	B (Nov 10,2008)





1st Floor - Resident Manager's Suite



2nd Floor - B + B Guest Suite

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner Crystal Hitchings Date July 31, 2009  
 All approvals apply only to the reviews requested and is subject to all  
 regulations of approval. Additional zoning requirements may apply.

REVISIONS  
MAR 24 2009  
By

32.5'

44'

bath

storage

utilities

Rec.  
Room

EXISTING  
STAIRS

Office

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner Crystal Hitchings  
Date July 31, 2009  
\* This approval applies only to the  
reviews requested and is subject to all  
conditions of approval  
Additional zoning requirements may apply.

Basement, EXISTING

NE 15'

Scale: 50