



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** April 24, 2014  
**To:** Interested Person  
**From:** Matt Wickstrom, 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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 14-121707 CU**

#### **GENERAL INFORMATION**

**Applicant/Owners:** Ethan Knight and Grant Williams  
710 N Alberta St / Portland, OR 97217-2604

**Site Address:** 710 N ALBERTA ST

**Legal Description:** BLOCK E 1/2 N LOT 6, M PATTONS & SUB  
**Tax Account No.:** R520706910  
**State ID No.:** 1N1E22BD 20600  
**Quarter Section:** 2529  
**Neighborhood:** Humboldt, contact Brian Murtagh at 503-962-9194  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030

**Zoning:** R2.5a (Residential 2,500 with an Alternative Design Density Overlay)  
**Case Type:** CU (Conditional Use Review)  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

#### **Proposal:**

The applicants request conditional use approval to operate a Bed and Breakfast (B&B) in the existing duplex. The proposed B&B will provide five rooms for guests. The applicants will host and operate the facility. One part-time housekeeping employee is proposed and no commercial meetings are proposed. Bed and Breakfasts are only allowed as accessory to an existing house. Therefore, the duplex will be converted to a single-dwelling house with a second kitchen and one of the exterior entrances will be removed. A small sign, one square foot or less, will identify the house as a B&B. Check-in is planned for 2-4 PM, with quiet time from 10 PM-8 AM. Check-out time is planned for 11 AM. Guests will be encouraged to use public transportation or public taxis when arriving and departing. In addition, a variety of measures are proposed to promote travel by means other than personal automobiles during their stay.

Bed and Breakfast facilities are allowed in residential zones when the proposal meets the approval criteria and applicable standards. The regulations are intended to allow for a more efficient use of large, older homes in residential areas if the residential appearance and function is preserved. These regulations enable owners to maintain large residential structures

in a manner that keeps them primarily in residential uses. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.815.105, Conditional Use Approval Criteria for Institutional and Other Uses in a Residential Zone
- 33.212, Bed and Breakfast Facility Regulations

## ANALYSIS

**Site and Vicinity:** The 5,000 square foot site is developed with an existing duplex. The site is located on N Alberta Street, near the intersection with N Albina Avenue. The surrounding vicinity contains a mix of uses including houses, small apartments, single-story commercial buildings and Jefferson High School.

**Zoning:** The site is zoned R2.5 (Residential 2,500). The R2.5 zone is intended to foster single-dwelling residences. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is 1 unit per 2,500 square feet. Bed and Breakfasts require approval through a Conditional Use Review in the R2.5 zone. Bed and Breakfasts are not allowed to be added to a duplex; therefore, the applicants are converting the duplex to a single-dwelling residence with an accessory kitchen. The lots to the west of the site and across the street are zoned commercial. Bed and Breakfasts are an allowed use in commercial zones.

**Land Use History:** City records indicate there are no prior land use reviews for this site.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **March 18, 2014**.

The following Bureaus have responded:

- The Bureau of Environmental Services responded with information on sanitary service and stormwater management. The response notes no necessary BES conditions of approval (Exhibit E-1).
- The Water Bureau responded with information on water service and noted no necessary Water Bureau conditions of approval (Exhibit E-2).
- The Police Bureau responded that the North Precinct is capable of serving the proposed use. The comments include recommendations to adapt the site address and Bed and Breakfast sign so they are easily identified and to maintain foliage and trees to provide greater visibility for officers (Exhibit E-3).
- The Fire Bureau responded that all applicable Fire Code requirements will apply at the time of permit review and development (Exhibit E-4).
- The Site Development Section responded with no concerns (Exhibit E-5).
- The Life Safety Section of the Bureau of Development Services responded with information on obtaining a building permit (Exhibit E-6).
- The Development Review Section of the Bureau of Transportation Engineering and Development responded with information concerning how the proposal meets transportation-related approval criteria. Details of this response are included under Zoning Code Approval Criteria below (Exhibit E-7).
- The Urban Forestry Section of Portland Parks & Recreation provided information on tree preservation and stated no objections to the proposal (Exhibit E-8).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 18, 2014. One written response has been received from the Neighborhood Association. The response states support for the Bed and Breakfast proposal and no concerns about parking impacts (Exhibit F-1).

## ZONING CODE APPROVAL CRITERIA

### Conditional Uses

**33.815.010 Purpose**

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

**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:** For the purposes of this review, the area around the proposed Bed and Breakfast (B&B) is defined as a 400-foot radius. Four different zoning designations are present within this area – CG (General Commercial), R1 (Residential 1,000), R2.5 (Residential 2,500) and IR (Institutional Residential). The proposed Bed and Breakfast is located in the R2.5 zone and the site borders the CG zone. As reflected by the varying zoning designations, the area has a mixed character, containing single-dwelling residential uses, small apartments, stores, a warehouse-type building and a public high school and practice fields. Based on staff's visual analysis of the area, no non-residential uses are located on residentially zoned properties in this area. In fact, the single-dwelling residence next door is located on a commercially zoned property.

The addition of a B&B to the existing duplex (to be converted to a single-dwelling residence with an accessory kitchen) will not have an impact on the function or appearance of the residential area. The only proposed changes to the exterior of the duplex is the removal of one main entrance to convert the home to a single-dwelling residence and a small sign. Neither change will impact the intensity or scale of the structure. The structure will remain compatible with the existing Household Living uses in the area. The one non-resident housekeeping employee will also not disrupt the proportion of Household Living uses in the area.

Bed and Breakfast Facilities in residential zones are only allowed to be added to existing homes, not duplexes. The applicants have proposed to convert the existing duplex to a single-dwelling residence through the removal of one main entrance and some minor interior changes. They have also executed a covenant to allow the second kitchen to remain. In order to ensure the duplex is converted to a single-dwelling residence, a condition of approval is necessary.

Based on the information above and with the condition of approval, this criterion is met.

**B. Physical compatibility.**

1. The proposal will preserve any City-designated scenic resources; and  
**Findings:** No City-designated scenic resources are present at the site, therefore, this criterion does not apply.
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

**Findings:** The existing duplex (to be converted to a single-dwelling residence with second kitchen) is very similar in appearance to three of the neighboring homes on N Alberta Street. With the exception of the removal of one main entrance and the addition of a small sign, the appearance of the structure will not change. It will remain compatible with adjacent residential development in terms of site size, building scale, style, setbacks and landscaping. This criterion is met.

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

**Findings:** No mitigation is necessary. There are minimal differences in scale and appearance between the structure proposed to contain the B&B and the adjacent homes. 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

**Findings:** The regulations of Chapter 33.212, Bed and Breakfast Facilities, limit the number of guests allowed per night and the number of social events and meetings allowed per year at the facility. The proposed B&B will comply with the regulations and limits.

The applicant notes that there will be no changes to the existing exterior lighting, which includes two front porch lights, motion sensor side and rear lights as well as a third light at the rear entrance. No lighting currently spills over onto other properties and is not expected to do so when the B&B is operational. Additionally, the applicant proposes to have set quiet hours between 10:00 PM and 8:00 AM. Check-in time will be scheduled to occur between 2:00 and 4:00 PM with check-out scheduled for 11:00 AM to avoid inconveniencing neighbors or coinciding with peak travel times.

No odors or litter are anticipated to result from the B&B operation, but should such situations occur, they will be quickly dealt with to avoid inconveniencing neighbors or other guests. This criterion is met.

2. Privacy and safety issues.

**Findings:** There are no anticipated impacts in terms of privacy or safety. The Bed and Breakfast will have a small sign added to the porch area to ensure that guests will not disturb neighbors looking for the B&B facility. Therefore, this criterion is met.

**D. Public services.**

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

**Findings:** At this location, N Alberta is classified in the Transportation System Plan (TSP) as a Community Transit street, City Walkway and a Local Service street for all other modes. The proposed bed and breakfast is supportive of the various street designations of this street. The TSP states that, "Transit Access streets are intended for district-oriented transit service serving main streets, neighborhoods and commercial, industrial and employment areas". Further, "Local Service streets provide local circulation for traffic, pedestrians and bicyclists". The proposed development on the site supports or enhances the above referenced street designations. The TSP also states that, "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The development of the site with a bed and breakfast will not impact the distribution of local traffic throughout the area.

2. The transportation system is capable of supporting the proposal 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;

**Findings:** The Portland Bureau of Transportation submitted the following response:

**Street capacity/level of service**

A transportation impact study (TIS) was not prepared and submitted in conjunction with the proposed Conditional Use application. The Trip Generation Manual from the Institute of Transportation Engineers does not have any comparable trip generation data for the proposed use, only for larger and more traditional hotels and resorts. However, with a general accommodation of guests in five rooms, one part-time employee (other than the applicants), and no commercial meetings, the number of vehicles likely to access the proposed facility at any given time, and especially during the morning or afternoon peak hour times will be minimal. Assuming the worse case scenario, that all of the rooms are occupied by individuals or couples who arrived to the site in five separate vehicles, the probability of those vehicles arriving at the site during either the morning or afternoon traditional peak periods of operation on the same day and at the same time via the same route and through the same intersections from throughout the broader transportation system, would be rather unlikely given the nature of the proposed use. Accordingly, the resulting insignificant number of vehicle trips to the area during the traditional morning and afternoon peak hours of travel, will not impact the existing transportation system. Any services for the facility (landscaping, cleaning, regular maintenance, etc.) will not be done on a daily basis and generally not during peak hour times of travel.

**Access to arterials**

The subject site is located in close proximity to primarily Local Service classified streets. However, these multiple Local Service streets direct motorists to other nearby arterial streets throughout the broader transportation system.

**Connectivity**

The subject site is located within a robust street grid pattern that generally meets City connectivity spacing goals. There are established block patterns and existing development that precludes any improvement upon the current connection spacing. PBOT has no concerns relative to connectivity and the proposed Conditional Use request.

**Transit availability**

The site is currently directly served by Tri-Met bus route #4 (Division/Fessenden) along N Albina, a short distance west of the subject site. Further to the east of the subject site, along N Vancouver, Tri-Met offers bus service via route #44 (Capitol Hwy/Mocks Crest).

**On-street parking/neighborhood impacts**

A survey of the neighborhood and general vicinity of the subject site suggests that there is a reasonable demand for on-street parking. Accordingly, and to obtain a better understanding of the on-street parking supply/demand in vicinity to the subject site and proposed bed and breakfast, PBOT staff requested that the applicant conduct a parking survey to determine the potential impacts of the proposed project. The applicant's survey area included the north and south sides of N Alberta between N Albina and N Kerby. The survey area also included the east and west sides of N Kerby between N Humboldt and N Webster.

As the on-street parking spaces are not striped or otherwise delineated, defining the number of available on-street parking spaces is an estimation. Taking into consideration fire hydrants, any restricted parking areas and driveways/curb cuts of varying widths also limits the number of parking spaces in the survey area. Accordingly, there is curb length available along the north and south sides of N Alberta to accommodate approximately 13-14 vehicles (total approximate supply along both sides of the street of 26-28 vehicles. Along N Kerby between N Humboldt and N Webster, there is a total parking supply of approximately 42-44 vehicles (it should be noted that along the east side of N Kerby there is no obstruction or hindrance to parking along these entire segments due to the absence of any curb cuts/driveways as a result of the abutting Jefferson High School campus).

To obtain an overall sense of the parking demand in the survey area, the applicant conducted his surveys on different days of the week and at different times of the day (representing the peak residential demand period for on-street parking, representing the morning period when commuters are arriving for the commencement of regular work hours and representing the weekend demand period).

As evidenced by the submitted survey information, even with the highest utilization of available on-street parking spaces in the defined survey area associated with the proposed bed and breakfast, there remains an abundance of parking spaces available for use. Further, each house or apartment building has at least a driveway of sufficient length to accommodate one vehicle, many of these residences have lengthier driveways which can accommodate two or more vehicles, and several of these residences have a lengthier driveway plus a garage for potential multiple vehicle storage.

Further, the applicant has indicated that the driveway that serves the subject site will be available for guest parking. The applicant has also indicated that he regularly commutes by bicycle as will the part-time employee (neither owns a vehicle). Guests of the proposed bed and breakfast will be encouraged to arrive to the site by the ample alternative modes of travel (nearby bus lines, nearby "car-share" opportunities and available bicycles), and with on-site parking spaces available to them, as well as parking opportunities for guests to park along N Alberta and beyond, PBOT does not expect there to be any adverse impacts to on-street parking.

Due to the limited vehicle trips expected to be generated by the proposed use and the adequate operation of the existing transportation system, PBOT also does not expect there to be any transportation-related neighborhood impacts from the proposed bed and breakfast use.

**Access restrictions**

The submitted site plan shows a single driveway that serves the subject site. There is no reason to restrict access onto the site via the existing driveway, but the applicant is advised to take measures to ensure that guest vehicles that are parked on the driveway, don't extend onto the sidewalk. PBOT has no access restriction concerns.

**Impact on pedestrian, bicycle, and transit circulation**

The site's frontages are improved with sidewalks, as are the homes throughout the area. There will be no impact on pedestrian circulation in relation to the proposed bed and breakfast. The site is within an area served by several identified bicycle facilities (Portland Bike/Walk Map) including Shared Roadways along N Albina and N Killingsworth, west and north of the site, respectively. There is also a Neighborhood Greenway/Signed & Marked Route along N Blandena, south of the subject site. There is no reason to believe that the proposed bed and breakfast will have impacts to pedestrian, bicycle or transit circulation.

**Safety for all modes**

No significant negative safety impacts are expected with this proposal on any mode of the transportation system.

**Adequate Transportation Demand Management (TDM) strategies**

PBOT has not identified any transportation-related impacts expected from the proposed bed and breakfast, which is typically why a Traffic Demand Management Plan (TDMP) is proposed (or required). Therefore, PBOT *is not requiring* the applicant to develop and submit a TDMP.

In summary, PBOT staff finds that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Accordingly, PBOT has no objections to the proposed Conditional Use.

For all the reasons stated above, this criterion is met.

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 Water Bureau notes that existing water supply is adequate. Police services and fire protection services are available and capable of serving the proposed use. The Portland Police Bureau Strategic Services section has provided the applicant with two recommendations regarding the visibility of the street address and landscaping to ensure that public safety is maintained. The Bureau of Environmental Services has no objections. For these reasons, 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 proposed B&B is located within the boundary of the Albina Community Plan adopted in 1993. While the plan doesn't speak specifically to B&B proposals, it does include an objective to preserve existing housing. The B&B proposal accomplishes this objective. 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 – Bed and Breakfast Facilities**

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.

**Staff Response:** One applicant is the owner of the house and it is his primary residence. The house was built in 1910 and is therefore 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.

**Staff Response:** The applicants plan to provide 5 bedrooms for guests.

- C. Employees.** Bed and breakfast facilities may have non-resident 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.

**Staff Response:** The applicants note that one part-time non-resident housekeeping employee will work at the site. Hired service for normal maintenance, repair and care of the home and B&B is also allowed as needed.

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

**Staff Response:** The applicants do not indicate an intention to seek an OLCC approval at this time.

### **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:

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

**Staff Response:** The applicants note that there will be no commercial meetings since they are prohibited at bed and breakfast facilities in single-dwelling zones.

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.

**Staff Response:** The applicants did not indicate whether private gatherings were planned; the limit to the number of gatherings allowed is stated above.

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.

**Staff Response:** There is no historical landmark on the subject site.

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.

**Staff Response:** The log book will be the responsibility of the applicants to maintain.

### 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.

**Staff Response:** The site is not within a plan district, and the Alternative Design Density Overlay Zone provisions are not proposed to be used in this proposal.

- 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.

**Staff Response:** A structural alteration to remove one of the main entrances as part of the conversion of the duplex to a single-dwelling residence is proposed; however, this alteration will not prevent the structure from being used as a residence in the future and will not make the dwelling appear less residential in nature. A condition of approval is included to require the conversion of the duplex to a single-dwelling residence prior to operation of the B&B due to the fact that B&Bs cannot be added to an existing duplex, only an existing house.

**C. Signs.** The sign standards are stated in Title 32, Signs and Related Regulations.

**Staff Response:** Any signage will be required to meet the applicable regulations.

**D. Accessory dwelling units.** Accessory dwelling units must meet all requirements of Chapter 33.205, Accessory Dwelling Units.

**Staff Response:** An Accessory Dwelling Unit is not proposed at this residence.

## CONCLUSIONS

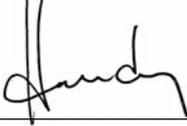
The applicants propose to operate a Bed and Breakfast facility at the current residence. The proposed B&B will provide 5 rooms for guests. One non-resident employee will provide housekeeping services. The owner will reside at the facility. No commercial meetings will be held. Exterior alterations to convert the existing duplex to a single-dwelling residence are proposed. One small sign will be displayed to identify the house as a B&B. The proposed B&B will meet all of the applicable approval criteria and therefore should be approved.

## ADMINISTRATIVE DECISION

Approval of a Bed and Breakfast with a maximum of 5 rooms for guests, per the approved site plans, Exhibits C-1 through C-2, signed and dated April 18, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-121707 CU." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. Finalized permits converting the existing duplex to a single-dwelling residence must be obtained prior to operation of the Bed and Breakfast.

**Staff Planner: Matt Wickstrom**

**Decision rendered by:**  **on April 21, 2014**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 24, 2014**

**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 February 27, 2014, and was determined to be complete on March 13, 2014.

*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 February 27, 2014.

*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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: July 11, 2014.**

**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 May 8, 2014** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **May 9, 2014.**
- 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.

**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:

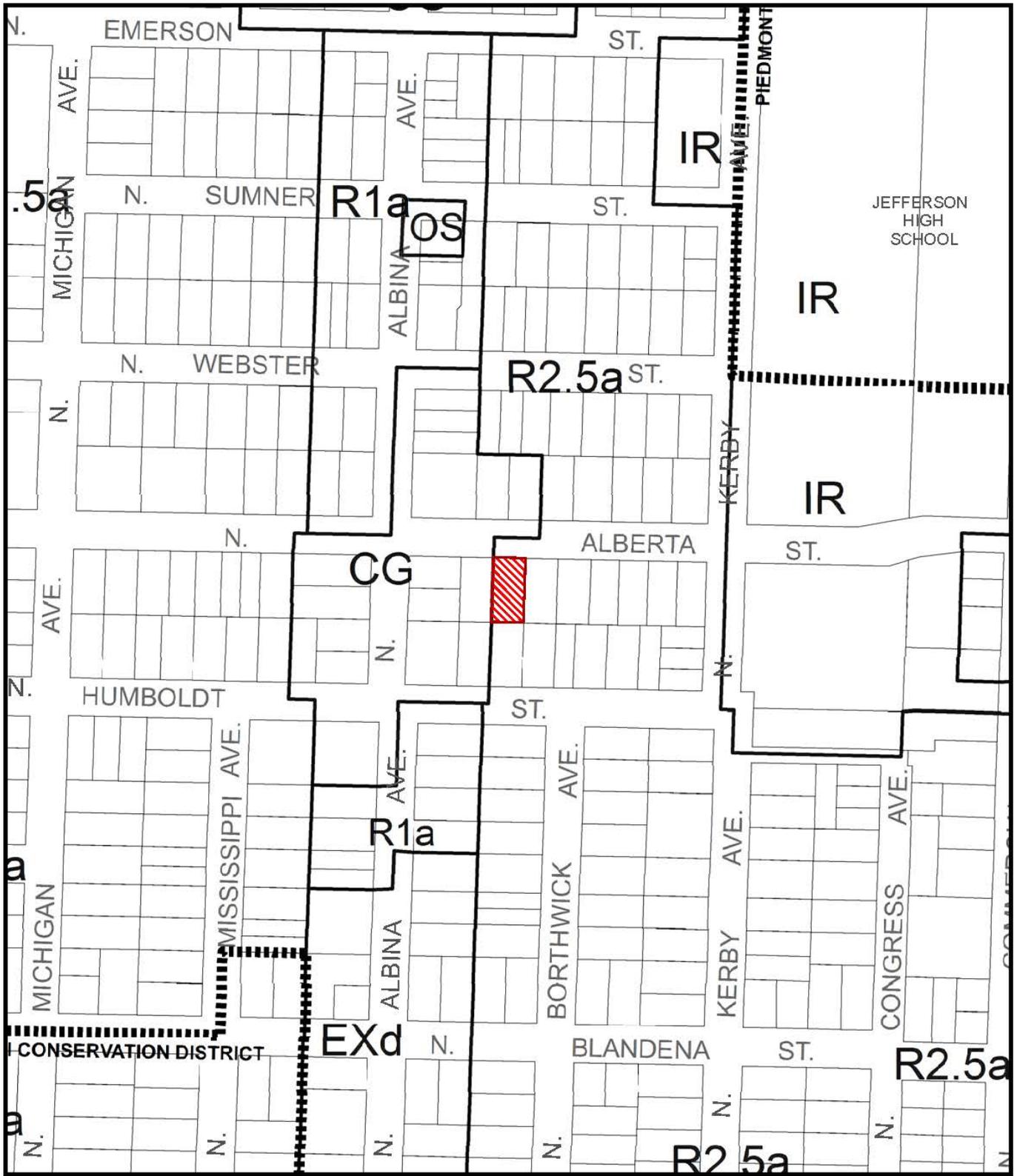
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Original LU Application
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan and Basement Plan (attached)
  - 2. Main Floor and Upper Floor Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Water Bureau
  - 3. Police Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Transportation Engineering and Development Review
  - 7. Urban Forestry Section of Portland Parks & Recreation
- F. Correspondence:
  - 1. Paul Anthony, Chair of the Humboldt Neighborhood Association, association support of proposal.
- G. Other:
  - 1. Executed Second Kitchen with Sink covenant

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



JEFFERSON  
HIGH  
SCHOOL

# ZONING



Site



NORTH

File No. LU 14-121707 CU  
 1/4 Section 2529  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E22BD 20600  
 Exhibit B (Mar 04,2014)

Proposed bed and breakfast at 710 N Alberta. Existing duplex to be converted to single dwelling residence.

CARPE DIEM EDUCATION, INC  
710 N ALBERTA ST  
PORTLAND, OR 97217

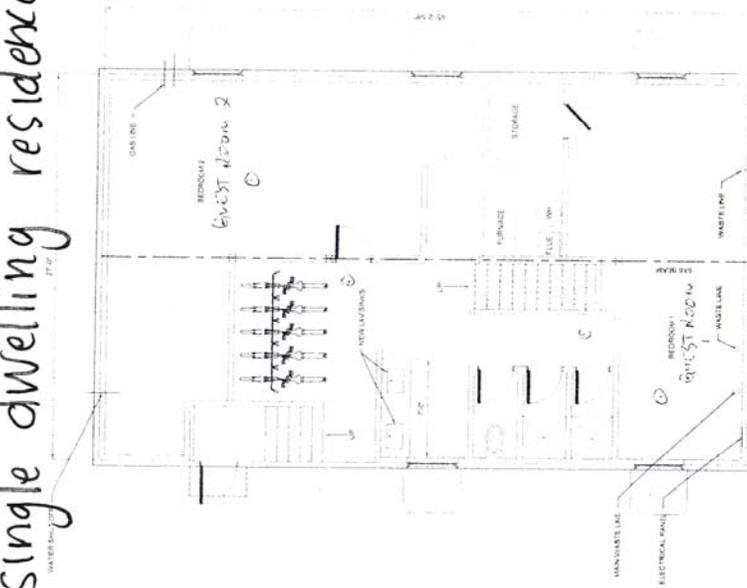


studio coop  
architects  
5101 n northwick  
portland or 97217  
503.942.9114

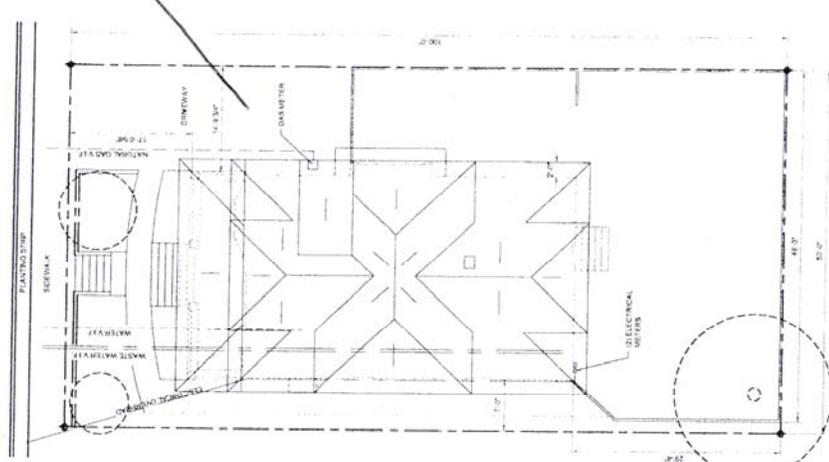
1	LUR: SRI
2	FAC: 27, 2014
3	CARP: 14097

4	
5	
6	
7	

SITE AND BASEMENT PLAN
A3.1



Basement Floor Plan



Site Plan

LOT AREA	5,000 SQ FT
IMPROVEMENT AREA	148 SQ FT
PAVING AREA	495 SQ FT
PROP. AREA	495 SQ FT
ENCLOS. DISTANCE	1,336 SQ FT
TOTAL	2,969 SQ FT
BUILDING COVERAGE	2,969 SQ FT
FLOORING	1,511 SQ FT
POURCH	1,511 SQ FT
TOTAL BUILDING SQ. FT.	1,277 SQ FT
BASEMENT	1,277 SQ FT
UPPER FLOOR	1,277 SQ FT
TOTAL	2,554 SQ FT

EXISTING CONDITION	NEW CONSTRUCTION
ADDED OUT WALL	FLOOR TO BE REMOVED

SITE PLAN SYMBOL KEY

NOTE: CONTRACTOR TO VERIFY THE LOCATION OF ALL WORKING AND ABANDONED UTILITIES PRIOR TO CONSTRUCTION.

VIF: SEE P. 10 FIELD

PROPERTY LINE	---
ELECTRICAL	---
WASTEWATER	---
NATURAL GAS	---
WATER	---
CONTENTS	---
CABLE	---
PHONE	---

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner MLW Date 4/10/14  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

W14-121707CU Exhibit C-1

City of Portland - Bureau of Development Services  
 Approved: *[Signature]*  
 Planner **MLW** Date **4/18/14**  
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CARPE DIEM EDUCATION, INC  
 710 N ALBERTA ST.  
 PORTLAND, OR 97217

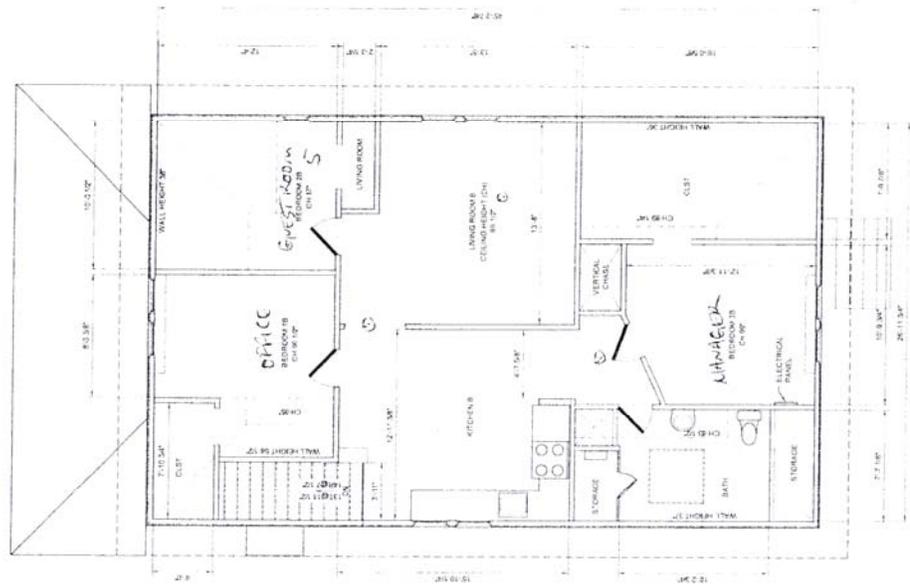


studio coop  
 architecture llc  
 5101 n bothwick  
 portland or 97217  
 503.942.1114

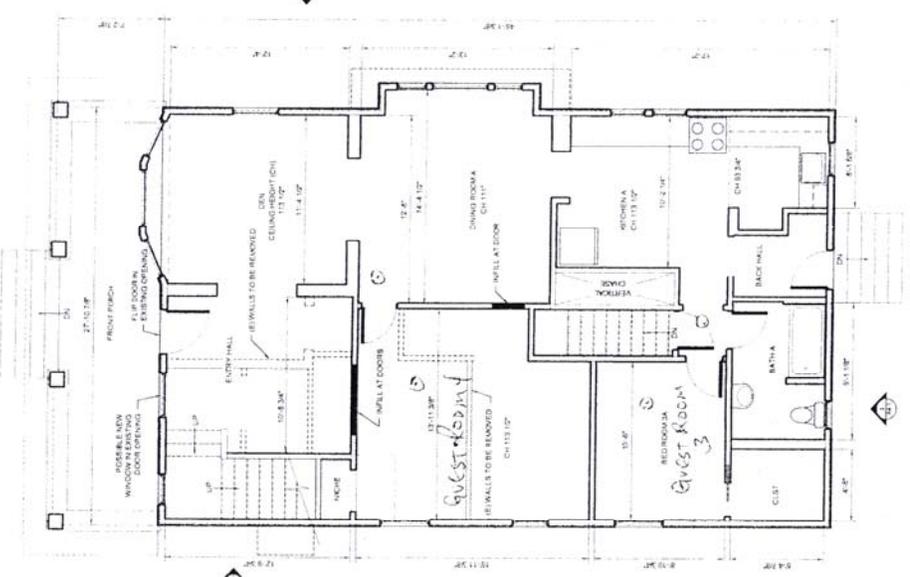
1004	DATE	Feb. 27, 2014
1004	LUP SR#	CARPE-14097

REV	
REV	
REV	
REV	

MAIN & UPPER LEVEL PLANS  
**A3.2**



Upper Floor Plan



Main Floor Plan

[Solid Line]	EXISTING CONDITION
[Dashed Line]	NEW CONSTRUCTION
[Hatched Area]	REMOVE OUT WALL
[Dotted Area]	ITEMS TO BE REMOVED

LV 14-121707CU

Exhibit C-2