



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** August 24, 2012  
**To:** Interested Person  
**From:** Sylvia Cate, Land Use Services  
503-823-7771 / [Sylvia.Cate@portlandoregon.gov](mailto:Sylvia.Cate@portlandoregon.gov)

## **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 12-123170 CU**

#### **GENERAL INFORMATION**

**Applicant:** William R Elder, Jr.  
2005 NE Multnomah St / Portland, OR 97232-2117

**Site Address:** 2005 NE MULTNOMAH ST

**Legal Description:** BLOCK 2 W 10' OF LOT 3 LOT 4, HOLLADAY PK & 1ST ADD  
**Tax Account No.:** R395500220  
**State ID No.:** 1N1E35AA 07900  
**Quarter Section:** 2932  
**Neighborhood:** Sullivan's Gulch, contact Carol Gossett at 503-449-1253.  
**Business District:** None  
**District Coalition:** Northeast Coalition of Neighborhoods, Paige Coleman at 503-823-4575.  
**Zoning:** R2: Multi-Dwelling Residential 2,000  
**Case Type:** CU: Conditional Use  
**Procedure:** Type II, an administrative decision with appeal to the Hearings Officer.

#### **Proposal:**

The applicant requests conditional use approval to operate a Bed and Breakfast in the existing house. The proposed B&B will provide four rooms for guests in the home. The owner will host and operate the facility. No employees are proposed and no commercial meetings are proposed. No exterior alterations to the primary house are proposed except for a small sign [1 foot square or less in size] identifying the house as a B&B. 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 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.

**Relevant Approval Criteria:**

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

- 33.815.105, Institutional and other uses in Residential Zones
- 33.212.040 and -.050, Mandatory Use-related and Site-Related standards

**ANALYSIS**

**Site and Vicinity:** The 6,000 square foot site is located on the north side of NE Multnomah and slopes up from the street. It is developed with a single dwelling residence and a driveway on the east side of the existing home. The surrounding vicinity is developed with single- and multi-dwelling residences, including some large residential towers to the west. Also to the west are the Lloyd Center shopping center and other commercial uses. Housing adjacent to the subject site to the east, west and south is single dwelling, with multi-dwelling to the north. The property to the east also has a driveway along the mutual property line that leads to a carport at the rear of that property.

The Transportation System Plan classifies NE Multnomah Street as a Local Traffic Street, a Transit Access Street containing Bus Route #70, a City Bikeway, a City Walkway and a Minor Emergency Response Street. NE 21<sup>st</sup> Avenue, to the east, is a Neighborhood Collector. There are 6-foot wide sidewalks on both sides of NE Multnomah, but no planting strips. There is 2 feet between the sidewalk and the property line of the subject site.

**Zoning:** The site is zoned R2, a Low Density Multi-Dwelling zone. Directly across the street to the south the area is zoned RH (High Density Multi-Dwelling and CO2 (Office Commercial). Further to the east there is an area of R2.5 (Attached Residential) zoning and to the west there are areas of R2, RH and CXd (Central Commercial with design overlay) zones.

The R2 zone allows low density multi-dwelling mixed with single-dwelling housing types. It is intended for areas with good public services and no development constraints. It may be used on larger development sites, or on smaller sites near arterials, transit service, or commercial areas. The maximum density is generally 1 unit per 2,000 square feet of site area. The allowed scale of the development is greater than that allowed in single-dwelling zones.

**Land Use History:** City records indicate that prior land use reviews include the following: Case File LU 06-124570 AD, which approved a reduced setback for a proposed new garage; however, that project was never constructed.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed June 14, 2012. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau notes that there is an existing 5/8” metered service providing water service to the site.
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- Life Safety Section of BDS notes a building permit is required

The Bureau of Transportation Engineering responded with no objections. The response contains a comprehensive analysis of applicable Transportation system adequacy analysis, excerpts of which are contained in the findings below in this decision.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on June 14, 2012. One written response from a notified neighbor was received, expressing support for the proposal. One notified neighbor has contacted city staff several times regarding concerns, but did not submit a letter in response to the proposal.

## 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 purposes of evaluating the proposal against this criterion, the residential area comprises approximately 400 feet in all directions from the subject site. In general, this area is roughly bounded by Clackamas Street to the north, mid block between NE 21<sup>st</sup> and NE 22<sup>nd</sup> to the east, I-84 to the south, and mid block between NE 17<sup>th</sup> and NE 19<sup>th</sup> Avenue to the west. Almost all properties to the north and west and directly south are zoned Multi-Dwelling Residential, directly east are properties zoned R2.5, a Single Dwelling zone. Southwest and further south are properties in the CXd and CO2 zones, which are both commercial zones. A hotel is located in the CXd zone, but more than 400 feet from the subject site. All of the lots and parcels zoned CO2 are currently undeveloped.

Because there are no other non-household uses in the immediately surrounding area, the proposed Bed and Breakfast will not have an impact on the function or the appearance of the residential area. There are no proposed changes to the existing house other than a small sign near the front door identifying the home as a Bed and Breakfast. The intensity of the proposed Bed and Breakfast is below the maximum allowed in a Multi-Dwelling residential zone. For all of these reasons, this criterion is met.

#### **B. Physical compatibility.**

1. The proposal will preserve any City-designated scenic resources; and

**Findings:** City-designated scenic resources are indicated on City zoning maps by a lowercase “s.” There are no scenic resources on the subject site, nor in the immediate neighborhood. This criterion is not applicable.

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 proposed Bed and Breakfast use would take place in an existing single dwelling house built in 1904, and renovated by the applicant to have more period appropriate materials and details than those done by previous owners. The existing home, lot, building scale, setbacks and building style are all typical of a single dwelling residential neighborhood within the city. 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:** Because the proposal meets criterion B.2., above, this criterion is not applicable.

**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 bed and breakfast complies with the regulations and limits. As a result, impacts in terms of noise should be similar to any other residential use.

The applicant notes that there will be no changes to the existing exterior lighting, which includes a front porch light and a second light next to the basement door of the home. The applicant notes that check in and check out will be scheduled to occur at 4 PM and 11 AM respectively, so there is no anticipation of late-night operations.

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 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;

**Findings:** The Portland Office of Transportation Engineering and Development Review Section reviewed the proposed B&B and notes the following comments in their analysis:

At this location, NE Multnomah is classified as a Transit Access street, City Bikeway, City Walkway and a Local Service street for all other modes in the City's Transportation System Plan.

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". Additionally, "auto-oriented land uses should be discouraged from locating on City Bikeways that are not also classified as Major City Traffic Street (SE Multnomah is a Local Service [traffic mode] street)".

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 use of the site with a bed and breakfast will not impact the distribution of local traffic throughout the area

#### **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 up to eight guests (in four rooms), no employees (other than the property owner), 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 couples who arrived to the site in four 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 NE 21<sup>st</sup> Ave to the east, which is classified as an arterial street in the City's Transportation System Plan. NE 21<sup>st</sup> Ave directs 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 #73 (33<sup>rd</sup> Ave) along NE Multnomah and NE 21<sup>st</sup> Ave. Bus route # 70 runs near the site, via NE 12<sup>th</sup> to NE Multnomah. A short distance south-west from the subject site is Lloyd Center MAX Station at Holladay Park. Travelers reserving a room at the proposed bed and breakfast could potentially take the Red Line/MAX train from the airport to the aforementioned nearby MAX station and walk to the subject site.

**On-street parking/neighborhood impacts**

A survey of the neighborhood and general vicinity of the subject site suggests that there is a high demand for on-street parking. In fact, the applicant included documentation of an effort taken on by the Sullivan’s Gulch Neighborhood Association (Sullivan’s Gulch) and Lloyd Transportation Management Assoc (Lloyd TMA) to analyze area wide parking occupancy/commuter parking estimation to potentially implement a residential parking permit program. The findings of this study, which included a much broader area beyond the subject site and its immediate vicinity, demonstrate an influx of daily commuters occupying a higher percentage of the available on-street parking supply during the standard work day hours, as compared with after work hours.

Accordingly, and to obtain a better understanding of the on-street parking supply/demand in a closer vicinity to the subject site and proposed bed and breakfast, PBOT staff requested that the applicant conduct his own parking survey to determine the potential impacts of the proposed project. The applicant’s survey area included the north and south sides of NE Multnomah between NE 19<sup>th</sup> and NE 21<sup>st</sup> Avenues. 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, a restricted parking area 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 side of NE Multnomah to accommodate approximately 14-15 vehicles and approximately 10 vehicles along the south side of NE Multnomah.

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. The applicant conducted surveys on Thursday, June 28 at 10:00 pm (representing the peak residential demand period for on-street parking), Friday, June 29 at 7:00 am (representing the morning period when commuters are arriving for the commencement of regular work hours) and on Saturday, July 21 at 10:00 am (representing the weekend demand period). It should be noted that PBOT staff also conducted a survey on Friday, August 3 at 10:30 am (representing a time frame when commuter parking demand is at its peak).

The survey results are as follows:

	6/28/12 @ 10:00 pm	6/29/12 @ 7:00 am	7/21/12 @ 10:00 am	8/3/12 @ 10:30 am
north side/Multnomah:	10	7	8	12
south side/Multnomah:	4	5	5	3

number of on-street parking spaces occupied

Therefore, utilizing the survey data, of the approximate 25 on-street parking spaces within the survey area, the highest occupancy rate identified was 60% of the available supply, on Friday, August 3 at 10:30 am. The results of the site specific survey are somewhat consistent with the broader study conducted by Sullivan's Gulch and Lloyd TMA. In that survey, it was determined that there was an increase to approximately 70% parking occupancy (throughout the broader survey area) during the morning hours and an increase in the number of block faces with occupancy rates of at least 85% during the morning hours. With the applicant's/PBOT staff's data, compared with the residential peak demand period (10:00 pm), while the morning rate only increases from 56% to 60% of capacity, the occupancy rate along the north side of NE Multnomah increases from 67% to 80%.

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 40% of the spaces available for use. PBOT's site visit of the area confirmed the abundance of on-site parking spaces available to the residents along NE Multnomah between NE 19<sup>th</sup> Ave and NE 21<sup>st</sup> Ave. 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 two on-site parking spaces will be available for guest parking. The applicant has also indicated that although he owns one vehicle, it is not often parked on the subject site (or anywhere in the vicinity) since he regularly commutes by bicycle. There appears to be sufficient curb length along the frontage of the site to accommodate 2-3 parked vehicles. With guests of the proposed bed and breakfast encouraged to arrive to the site by the ample alternative modes of travel (abutting bus line, nearby light rail stop and available bicycles), and with on-site parking spaces available to them, as well as parking opportunities for guests to park along NE Multnomah, 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 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. NE Multnomah has a regulatory speed of 25 miles per hour and there are separately delineated bicycle lanes on both sides of the street. There is no reason to believe that the proposed bed and breakfast will have impacts to either 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. However, the applicant has *voluntarily included* a TDMP as part of the proposal. The following measures are proposed by the applicant and supported by PBOT:

Multnomah House, LLC is committed to reducing Portland's VMT. As a way to reduce auto traffic demand generated by guests staying at the home, the following steps will be taken by the Owner/Operator, William R. Elder.

- Guests will be encouraged to use the MAX train when arriving from the airport.
- Bikes, helmets and locks are provided for guests use during their stay.
- Tri-Met bus information will be available at the house.
- Metro's Bike There and Walk There (documents) are available at the house.
- Walking attractions are provided to encourage people to enjoy Sullivan's Gulch's "20 minute" neighborhood.
- Two off-street parking spaces are provided for guests.
- Check-in time of 4 p.m. and check-out at 11 a.m. to minimize peak morning and evening commute times.

In summary, and as evaluated above, transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

For all of the above reasons, 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 neither the Police nor Fire Bureau note concerns. The Portland Police Bureau Crime Analysis section has provided the applicant with several recommendations regarding landscaping, lighting and addressing to ensure that public safety is maintained. The Bureau of Environmental Services has no concerns. 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 subject site is located within the boundaries of the Sullivan's Gulch Neighborhood. The City Council adopted the Sullivan's Gulch Neighborhood Plan in July 1987. A review of the adopted Goals and Policies for the Sullivan's Gulch Neighborhood Core-West found no conflicts with the proposed Bed and Breakfast Use. No other Goals and Policies within the adopted Neighborhood Plan are relevant to this proposal. For these reasons, 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.

## CONCLUSIONS

The applicant requests conditional use approval to operate a Bed and Breakfast in the existing house. The proposed B&B will provide four rooms for guests in the home. The owner will host and operate the facility. No employees are proposed and no commercial meetings are proposed. No exterior alterations to the primary house are proposed except for a small sign [1 foot square or less in size] identifying the house as a B&B.

With voluntary TDM measures as described above, the proposed B&B will meet all of the applicable approval criteria and therefore should be approved.

## ADMINISTRATIVE DECISION

Approval of:

- Conditional Use for a Bed and Breakfast with a maximum of four rooms for guests, per the approved site plan, Exhibit C-1, signed and dated August 22, 2012 subject to the following conditions:
  - A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1- The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-123170 CU."

**Staff Planner: Sylvia Cate**



**Decision rendered by:** \_\_\_\_\_ **on August 22, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: August 24, 2012**

**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 March 23, 2012, and was determined to be complete on **June 11, 2012**.

*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 March 23, 2012.

*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 a total of 42 days as stated with Exhibit A-3. Unless further extended by the applicant, **the 120 days will expire on: November 20, 2012.**

**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 September 7, 2012** 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 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 **September 10, 2012.**
- 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.

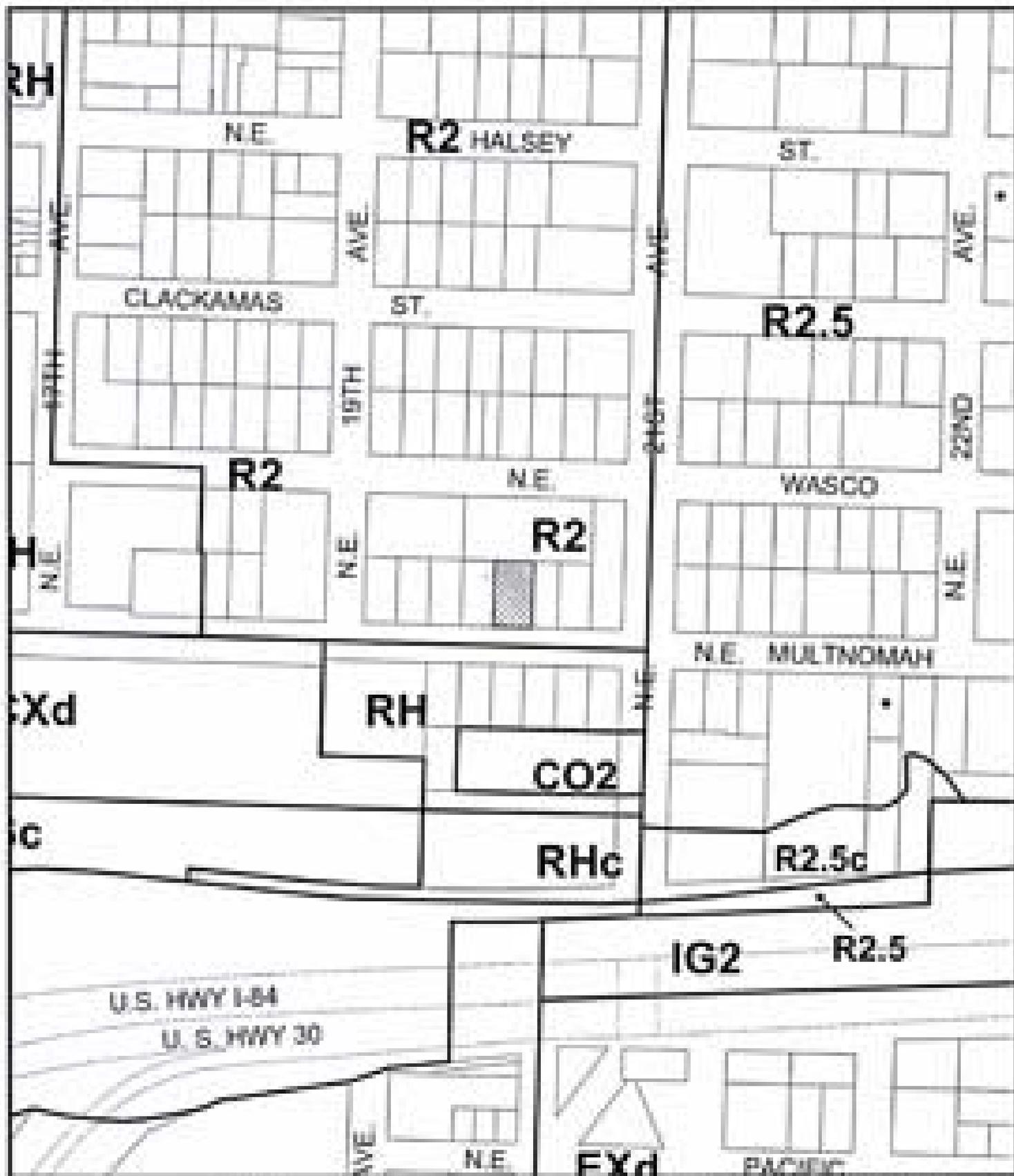
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Applicant's narrative
  2. Additional information re parking
  3. Request to extend the 120 day clock
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
- 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
  7. Life Safety Review Section of BDS
- F. Correspondence:
  1. Stein, June 15, 2012, In Support
- G. Other:
  1. Original LU Application
  2. Site History Research

3. Incomplete Letter; June 5, 2012; need more information

**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).**



# ZONING



North

File No. LU 12-123170-CU

1/4 Section 2832

Scale 1 inch = 200 feet

State Id 1N1E35AA.7000

Exhibit B 08/26/2021

