



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

FROM CONCEPT TO CONSTRUCTION

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Date: August 4, 2016
To: Interested Person
From: Andrew Gulizia, 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 mailed copy of this document is only a summary of the decision. 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 16-132959 CU

GENERAL INFORMATION

Applicants/Owners: Kerri Smith and Benjamin Smith
PO Box 4017
Beaverton, OR 97075

Site Address: 1428 SW Hall St.

Legal Description: BLOCK 293 W 50' OF E 75' OF LOT 7&8, PORTLAND
Tax Account No.: R667731580
State ID No.: 1S1E04AC 07900
Quarter Section: 3128

Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840; Goose Hollow, contact Jerry Powell at 503-222-7173.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212
Southwest Neighborhoods Inc., contact Syla Bogert at 503-823-4592.

Zoning: R2 – Multi-Dwelling Residential 2,000
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 Type B Accessory Short-Term Rental (ASTR) facility in the existing house on this site. No exterior alterations to the house are proposed. The ASTR facility will have up to five guest rooms available. The applicant proposes to rent the rooms only to families or groups traveling together, rather than renting rooms individually to different parties. A resident caretaker will reside in the lower floor of the house. No outside employees, food or beverage service, or commercial events are proposed. Proposed house rules will require quiet hours between 10:00 PM and 7:00 AM.

Type B Accessory Short-Term Rentals are allowed in residential zones when the proposal meets the approval criteria and applicable standards. The regulations are intended to allow for efficient use of houses in residential areas if the neighborhood character is maintained. 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 in Zoning Code Section 33.815.105: Conditional Use Approval Criteria for Institutional and Other Uses in a Residential Zone.

ANALYSIS

Site and Vicinity: The site is a 5,000-square-foot, steeply-sloping lot located on the south side of SW Hall Street, between SW 14th Avenue and SW 16th Avenue. The site is developed with a four-story, single-dwelling house with an attached garage. The house was built in 1914. Neighboring lots are developed with a mix of single-dwelling houses and apartment buildings. The I-405 freeway is about 500 feet east of the site, and the campus of Portland State University is on the other side of the freeway.

Zoning: The R2 zoning designation is one of the City's multi-dwelling zones, which are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. Type B Accessory Short-Term Rentals are allowed in the R2 zone when the proposal meets the approval criteria and applicable standards.

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

Agency Review: A "Notice of Proposal" was mailed June 28, 2016. The following Bureaus responded:

- The Bureau of Environmental Services stated that "BES has no issues related to the adequacy of public services approval criteria for stormwater and sanitary service." (Exhibit E-1)
- The Portland Bureau of Transportation responded with information concerning how the proposal meets transportation-related approval criteria. Details of this response are included below under "Zoning Code Approval Criteria." (Exhibit E-2)
- The Water Bureau responded with no concerns. (Exhibit E-3)
- The Fire Bureau responded with no concerns. (Exhibit E-4)
- The Police Bureau responded that the Bureau is capable of serving the proposed use. The comments include recommendations to ensure the address marker is visible and to maintain landscaping to maximize visibility for officers. (Exhibit E-5)
- The Site Development Section responded with no concerns. (Exhibit E-6)
- The Life Safety Section of the Bureau of Development Services responded with no concerns. (Exhibit E-7)
- The Urban Forestry Section of Portland Parks and Recreation responded with no concerns. (Exhibit E-8)

Neighborhood Review: In response to the mailed "Notice of Proposal," six neighbors submitted comments in opposition to the proposal during the public comment period (Exhibits F-1 through F-6). The following concerns were raised:

- Short-term rentals would be a business use that would alter the residential character of the neighborhood.
- Renting to groups or families makes it more likely that guests of the rental party will also visit the property.
- On-street parking in the neighborhood is already extremely limited, and in the past neighbors have had trouble finding parking when the subject property has been rented.
- The proposal to rent only to groups or families traveling together, rather than renting each room individually, is unenforceable.

- Guests on the subject property have disturbed neighbors before with noise, such as when a group gathered on the porch early one morning.

Staff response: The Portland Zoning Code allows Type B Accessory Short-Term Rental use in all zones, including residential zones, if the Conditional Use approval criteria in Zoning Code Section 33.815.105 are met. (See “Zoning Code Approval Criteria” discussion below.) Such use is classified as accessory to Household Living Use, rather than as a commercial use which may only locate outside of residential zones (Zoning Code Section 33.920.110).

The applicants were required to submit a trip generation and parking study prepared by a professional engineer (Exhibits A-2 and A-3). The study included a Transportation Demand Management Plan with measures intended to manage the increased demand for on-street parking. One of these measures is to require guests of the short-term rental guests not to park vehicles on neighborhood streets, but rather in off-site locations such as the Portland State University garage a few blocks away at 1631 SW 12th Avenue. The short-term rental guests themselves would be permitted to park in the street, but must be offered bicycles, transit passes, and other alternatives to driving. The Portland Bureau of Transportation (PBOT) has reviewed this application and found that the transportation system in the vicinity, including parking, is adequate to support the proposed use (Exhibit E-2). PBOT also recommended conditions of approval to require the resident caretaker to park in the attached garage rather than on the street, and to require that the Transportation Demand Management Plan is implemented and maintained. These conditions are incorporated into this decision.

This approval is also subject to conditions which require that the bedrooms are rented to a single group or family at a time, and that quiet hours are continually maintained and enforced. The applicants are also required by Zoning Code Section 33.207.060 to maintain a guest log book that includes names and home addresses of guests, license plate numbers if arriving by car, and dates of stay. If neighbors suspect violations of any Zoning Code regulations or conditions of approval listed in this document, they may contact BDS’ Compliance Services Section at (503) 823-CODE. All complaints will be investigated. Repeated violations could lead to revocation of the Conditional Use approval pursuant to Zoning Code Section 33.700.040.

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” is considered to be a 300-foot radius from the subject site. This area is roughly bounded by SW Cardinell Drive to the south, SW 16th Avenue to the west, SW Harrison Street to the north, and SW 13th Avenue to the east. Within the residential area bounded by these streets, there are currently no uses other than Household Living uses, and no other approved Type B Accessory Short-Term Rental facilities. As there are no non-Household Living uses in the immediate area, and there are no alterations proposed to the existing house on this site, staff finds the Accessory Short-Term Rental facility will not noticeably impact the function or the appearance of the residential area. The house will retain the appearance of a residence for a household. The number of occupants of the Accessory Short-Term Rental facility will be equivalent to the number of people who could reside in the house on a long-term basis, given the size of the house and the number of existing bedrooms. For these reasons, staff finds this criterion is met.

B. Physical compatibility.

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

Findings: City-designated scenic resources are identified on the official zoning maps with a lower case “s.” No City-designated scenic resources are present at the site, or within 300 feet of the site. Therefore, 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, tree preservation, and landscaping; or

Findings: The site is comparable to neighboring single-dwelling residential properties in lot size, setbacks, and landscaping. Like the house on the subject site, most neighboring single-dwelling homes are more than 100 years old, traditional in style, and fairly large. The immediate vicinity also contains a few larger lots developed with more modern apartment buildings. In any event, the proposed Accessory Short-Term Rental facility will operate inside the existing house, and no physical changes to the existing development on the site are proposed. This criterion is met.

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

Findings: The applicants are not proposing any physical changes to the house or lot to accommodate the Accessory Short-Term Rental facility. Therefore, the proposed Conditional Use will not create any differences in appearance or scale between the subject property and neighboring properties that require mitigation. 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: No commercial meetings or events are proposed, and the proposed “house rules” will require quiet hours between 10:00 PM and 7:00 AM. Therefore, no adverse impacts related to noise or late-night operations are anticipated. Furthermore, a condition of approval will require that the applicants provide contact

information for the resident caretaker to abutting neighbors, so that any issues that may arise can be dealt with quickly.

No new exterior lighting is proposed for the Accessory Short-Term Rental facility, and the applicants state the resident caretaker will maintain the grounds (such as picking up litter) daily. No aspect of the Accessory Short-Term Rental operation is likely to produce odors that are different from a standard residential use, or that would adversely impact neighbors.

With conditions of approval that quiet hours between 10:00 PM and 7:00 AM are continually implemented and enforced, and that contact information for the resident caretaker is provided to abutting neighbors, staff finds this criterion is met.

2. Privacy and safety issues.

Findings: The back yards of the subject property and of adjacent properties are steeply sloping and thickly wooded. These conditions enhance privacy for individual properties and make it less likely the back yard of the subject property will be used by guests of the Accessory Short-Term Rental facility. The site has decks on the east side of the house, but these decks look over the rooftop of the adjacent apartment building, which is lower in building height and is also built on lower grade, and are not close to other neighboring homes. For these reasons, the Accessory Short-Term Rental use is not anticipated to cause privacy impacts for neighbors.

No adverse safety impacts are anticipated, either. The Fire Bureau has reviewed the proposal and responded with no concerns (Exhibit E-4). The Police Bureau has reviewed the proposal and found that police services are adequate to serve the proposed use (Exhibit E-5). The applicant states that potential guests will be screened before reservations are accepted (Exhibit A-1). To further ensure safety, a condition of approval will require the applicant to obtain an inspection verifying the building code, smoke detector, and carbon monoxide alarm requirements in Zoning Code Section 33.207.050.B.4 are met for each bedroom to be rented.

Staff finds 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, the City's Transportation System Plan (TSP) classifies SW Hall Street as a Local Service Street for all transportation modes. The TSP states that, "Local Service streets provide local circulation for traffic, pedestrians and bicyclists" and that "Local Service Traffic Streets are intended to distribute local traffic and provide access to local residences or commercial uses." The proposed Accessory Short-Term Rental (ASTR) is supportive of the designations of the adjacent street. The development of the site with an ASTR 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 (PBOT) submitted the following response:

Street Capacity/Level of Service

To address this evaluation factor, the applicant submitted a Trip Generation and Parking Analysis prepared by Greenlight Engineering. Due to the recommendations of the PBOT traffic engineer, the analysis used the trip generation rates for a Motel use (320), from Trip Generation, 9th Edition, published by the Institute of Transportation Engineers (ITS), to estimate the trips generated by the proposed use. The Motel trip generation rate was determined by the PBOT traffic engineer to be the available trip category that is most comparable to the proposed ASTR use.

The Trip Generation and Parking Analysis that was provided by the applicant concluded that the proposed development is expected to generate a net increase of 28 weekday trips. The applicant proposed that the ASTR use will provide five rooms for rent at one time, and the rooms will not be rented separately. As a condition of Conditional Use Permit approval, the five or fewer rooms available for short-term rental shall be rented together as one unit. Therefore, the ASTR will be unlikely to house single occupants generating work trips at peak hours. Additionally, given the check-out hour of 11:00 am and the check-in hour of 3:00 pm, the trips generated are not expected to result in an increase to the AM/PM peak hour trips and are therefore not expected to negatively impact the operations of intersections in the area. Services provided to operate the ASTR -- such as landscaping, regular maintenance, or cleaning -- will be consistent with a typical single-family home.

Access to Arterials

The site is within close proximity to arterials and the greater transportation system. The entry ramp to I-405 is approximately 1,000 feet from the proposed development.

Connectivity

The proposed development is in an area with established block patterns and development. Existing development precludes any improvement upon the current connection spacing. PBOT has no concerns relative to connectivity and this proposed Conditional Use request.

Transit Availability

The proposed development is within close proximity to transit. TriMet's most frequently traveled bus corridor, along which many buses travel (including #6, #8, #12, #17, #19, #44), is 0.6 miles from the project site. The Goose Hollow MAX light rail stop is 0.7 miles from the proposed development, and a Portland Streetcar stop is 0.5 miles away from the development. Fully-improved sidewalk corridors that exceed the city standard provide direct pedestrian access from the site to area transit facilities.

On-Street Parking Impacts

To address this evaluation factor, the applicant submitted a Trip Generation and Parking Analysis, and supplementary materials, prepared by Greenlight Engineering. These materials demonstrated parking availability during both daytime and nighttime hours, within the PBOT-identified the study area. The Trip Generation and Parking Analysis states "There is ample parking capacity on the study area streets during both the weekday midday and the weekday overnight peak periods." ASTR guests with cars will use on-street parking spaces. The subject property provides one parking space in an existing garage on the subject parcel, to be used by the resident caretaker/operator of the property. As a condition of Conditional Use Permit approval, the caretaker who resides on-site must use the on-site parking garage as their parking space.

The Trip Generation and Parking Analysis that was provided estimates that the proposed development will generate “an average of 4 parked vehicles.” However, given the proposed use -- in which five rooms are provided together for rent as one unit -- the motel parking generation rate that was used to calculate the average number of parked vehicles is likely to be an overestimate of the actual parking demand. Therefore, it is likely that four or fewer spaces will be required for the proposed development.

The analysis shows that on-street parking spaces are more restricted during nighttime hours than daytime hours, based on a review of parking availability between 11 am and 2 pm and 10 pm and 12 am over two days. The analysis shows that the PBOT-identified study area, which included SW Hall, SW 14th, and SW Harrison, was 74% occupied during pm hours. With four additional cars of the ASTR parked on-street, it is expected to become 77% occupied. PBOT considers 80% approaching full (heavily parked) and 85% full. Therefore, PBOT staff finds that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area, because the study area would be 77% percent occupied and therefore not yet “approaching full.”

The applicant proposes transportation demand management measures (see below, under “Adequate Transportation Demand Management Strategies”) that will reduce demand on the transportation system, including on-street parking. These measures include providing information about the parking garage (that is assumed to be the PSU parking garage at 1631 SW 12th that is mentioned in the TDMP supplement). As a condition of Conditional Use Permit approval, the applicant is required to provide information to tenants that on-street parking in the area is limited, off-street parking garages exist (list addresses), and viable alternate modes of transportation to the car are readily available near the ASTR.

PBOT finds that, considering the parking availability and transportation demand management measures proposed by the applicant, the vicinity of the proposed development will support the demand for the four additional parking spaces of the proposed development that are not accommodated on-site.

Staff has reviewed the letters submitted in opposition of the proposed development. PBOT acknowledges that the availability of parking is becoming increasingly restricted in the area of the proposed development. However, as stated previously, based on PBOT’s review of the Trip Generation and Parking Analysis, staff finds that the on-street parking provided is sufficient to accommodate the proposed development.

Access Restrictions

Vehicle access to the existing house will continue to be provided via a driveway/curb-cut on SW Hall. PBOT has no access restriction concerns.

Neighborhood Impacts

The neighborhood in which the proposed development is located is residential use (single and multi-family), and is an area that serves as a buffer between single-family housing and institutional and commercial uses. The proposed development area is separated from downtown by I-405, less than 1,000-ft from the proposed development. As stated previously, the increase in vehicle trips from the proposed development is not expected to correspond with peak hours, and not expected to negatively impact the operations of area intersections. The applicant indicated an interest in working with the neighborhood association to “ensure the integrity of the neighborhood” and, the house rules provided to guests will encourage guests to use modes of transportation other than cars. Additionally, as discussed above (see “On-Street Parking Impacts”) the vicinity of the proposed development is expected to be able to meet the demand for four additional on-street parking spaces generated by the proposed use. As such, staff finds that the proposed use will be able to be

incorporated into the existing development pattern in the area with minimal impacts to the neighborhood.

Impacts on Pedestrian, Bicycle, and Transit Circulation

The site is located on a block that is developed with 12-ft sidewalk corridors that exceed City standards. There is no reason to believe that the proposed ASTR will result in any negative impacts to pedestrian, bicycle, or transit circulation in the area.

Safety for All Modes

Staff identified no outstanding safety issues in the vicinity, and no adverse impacts are anticipated as the result of the proposed development. No mitigation measures are needed or recommended.

Adequate Transportation Demand Management Strategies

Transportation Demand Management (TDM) strategies are actions designed to change travel behavior in order to reduce the use of single-occupant vehicles to the site and, in turn, improve the performance of transportation facilities. To reduce the use of single-occupant vehicles, the applicant proposed to provide:

- Two bicycles for use by ASTR guests;
- 6 TriMet passes for guests who stay without cars;
- Information about: transit facilities (maps and schedules), the PSU parking garage available for use by the public (at 1631 SW 12th), bikeshare, local food and grocery delivery, Uber rides to the airport; and
- City maps.

The applicant is encouraged to provide guests with additional active transportation maps, guidebooks, and local restaurant menus to encourage guests to explore the city on foot and by bicycle. The applicant is also encouraged to provide guests information about transit access to the airport and train stations, and airport shuttles that depart from downtown Portland. As a condition of Conditional Use Permit approval, the applicant shall maintain a current and active Transportation Demand Management Plan, as proposed for this land use review yet amended to provide information to tenants that on-street parking is limited and viable alternate modes of transportation are readily available near the ASTR.

PBOT acknowledges and supports the applicant's efforts to minimize single-occupancy vehicle trips to the site. 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 ASTR with five guest rooms, to be rented as one unit, and room for an on-site caretaker.

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 Bureau of Environmental Services, the Water Bureau, and the Fire Bureau reviewed the proposal and responded with no concerns (Exhibits E-1, E-3, and E-4, respectively). The Portland Police Bureau reviewed the proposal and provided advisory recommendations regarding landscaping maintenance and the visibility of the street address marker, but had no objection to the proposal (Exhibit E-5). 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 site is within the boundaries of the adopted Southwest Community Plan. However, none of the Plan's policies are specifically relevant to this type of proposal. Therefore, this criterion is not applicable.

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 applicants propose to operate a Type B Accessory Short-Term Rental facility with five guest rooms. No exterior alterations to the house or property are proposed. A resident caretaker will manage the facility, and no non-resident employees are proposed. No commercial meetings will be held. With conditions of approval, the proposed Type B Accessory Short-Term Rental facility meets all of the applicable approval criteria and therefore should be approved.


ADMINISTRATIVE DECISION

Approval of a Type B Accessory Short-Term Rental facility within the existing single-dwelling house on this site, with a maximum of five guest rooms available for rent at a time, subject to the following conditions:

- A. The five or fewer bedrooms available for short-term rental must be rented together as one unit, to a single group or family, rather than rented separately. (A bedroom for the resident caretaker is also allowed.)
- B. Any vehicle used by the resident caretaker must be parked in the garage on the site rather than on the street.
- C. The applicants must implement and maintain a current and active Transportation Demand Management Plan, as proposed in Exhibits A-2 and A-3, with the following specific elements:
 1. The applicants must make at least two bicycles available for use by guests.
 2. The applicants must provide up to six free Tri-Met passes per stay for guests who arrive without vehicles.
 3. Any guests of the short-term rental guests must be directed not to park on neighborhood streets.
 4. The applicants must provide guests and prospective guests with information about:
 - the limited availability of on-street parking and the fact that alternative modes of transportation are readily available nearby;
 - public transit maps and schedules;
 - walking maps;
 - the Portland State University parking garage available to the public at 1631 SW 12th Ave.;
 - local food and grocery delivery options;
 - taxi and ride sharing services; and
 - BIKETOWN bike share service.
- D. Quiet hours between 10:00 PM and 7:00 AM must be continually implemented and enforced.

- E. The applicants must provide contact information for the resident caretaker, including phone number and e-mail address, to neighbors abutting or directly across the street from the subject property.
- F. Before the Type B Accessory Short-Term Rental can operate, a fee paid inspection must be purchased from BDS to confirm that the building code, smoke detector, and carbon monoxide alarm requirements of Zoning Code Section 33.207.050.B.4 are met.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on August 2, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 4, 2016

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 9, 2016, and was determined to be complete on June 24, 2016.

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 9, 2016.

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 extended by the applicant, **the 120 days will expire on October 22, 2016.**

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, 2016**, at 1900 SW

Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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.

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 **August 19, 2016**.
- 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:

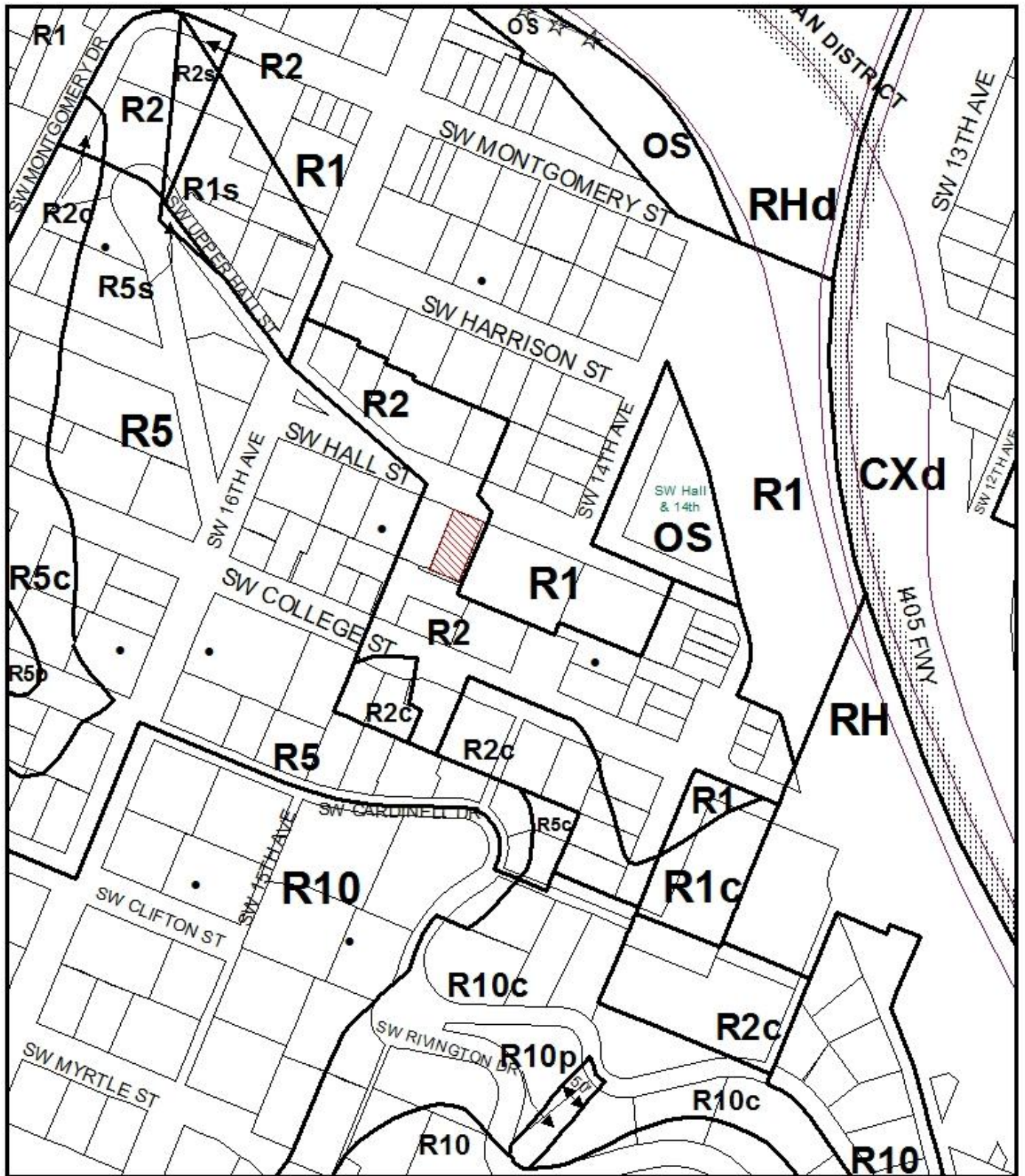
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Applicant's narrative
 - 2. Trip generation and parking analysis
 - 3. Addendum to trip generation and parking analysis
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Floor plans
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Portland Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Police Bureau
 - 6. Site Development Review Section of BDS
 - 7. Life Safety Review Section of BDS
 - 8. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Letter in opposition from Richard Didzun, received July 18, 2016
 - 2. Letter in opposition from Kara Benton and Brian de Haan, received July 18, 2016
 - 3. Letter in opposition from George and Leona Gildersleeve, received July 18, 2016
 - 4. E-mail in opposition from Kristopher Dyer, received July 18, 2016
 - 5. E-mail in opposition from Alex Talakoub, received July 18, 2016
 - 6. E-mail in opposition from Janet Cormack, received July 18, 2016
- G. Other:
 - 1. Original LU application form and receipt
 - 2. Incompleteness determination letter, dated March 23, 2016

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



- ☆ Recreational Trails
- Historic Landmark
- Site

File No.	LU 16-132959 CU
1/4 Section	3128
Scale	1 inch = 200 feet
State_Id	1S1E04AC 7900
Exhibit	B (Mar 10, 2016)