



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Rebecca Esau, Director
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TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: April 2, 2018
To: Interested Person
From: Marguerite Feuersanger, Land Use Services
503-823-7619/mfeuersanger@portlandoregon.gov

NOTICE OF A TYPE II PROPOSAL IN YOUR NEIGHBORHOOD

Development has been proposed in your neighborhood. The proposed development requires a land use review. The proposal, review process, and information on how to respond to this notice are described below. A copy of the site plan and zoning map is attached. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

Because we must publish our decision within 21 days, **we need to receive your written comments by 5 p.m. on Monday, April 23, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-118937 CU, in your letter. Please address your letter to me. You can also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 18-118937 CU

Applicant: Raymond M. Burse, Jr.
5554 NW 183rd Ave., Apt A
Portland OR 97229

Owners: Raymond Burse, Sr. and Raymond M. Burse, Jr.
2948 NE 9th Ave.
Portland, OR 97212

Representative: Melissa Wright
P O Box 14535
Portland OR 97293

Site Address: 2946 NE 9th Avenue

Legal Description: BLOCK 101, LOT 15, IRVINGTON
Tax Account No.: R420422790
State ID No.: 1N1E26BD 05800
Quarter Section: 2731

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Soul District Business Association, contact at outreach@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Zoning: R5, Single Dwelling Residential 5,000 Zone

Other Designations: Historic Resource Protection Overlay Zone, Contributing Structure within Irvington Historic District

Case Type: CU, Conditional Use

Procedure: Type II, an administrative decision with appeal to the Hearings Officer.

Proposal:

The applicant proposes a four-bedroom Accessory Short-Term Rental use (a Type B ASTR) in the single-dwelling house on the site. Three bedrooms are located on the main level and two bedrooms will be added to the basement level of the house. To create the basement bedrooms, a new egress window is proposed at the south side of the house (Permit #18-110036 RS). No other exterior changes to the house or site are proposed. Groups of up to ten people are proposed for the four-bedroom ASTR (accommodating up to 2 people per bedroom except a basement bedroom has two queen beds for up to four people). A 5th bedroom (located in the basement) is not proposed to be used for the ASTR but will be occupied by the site's long-term resident, who will live at the site at least 270 days per year. Commercial meetings are not proposed.

The resident will be the local contact for neighbors and will assist ASTR guests. A management company will oversee guest reservations and the check-in and check-out process. A covered porch and 2nd floor roof deck attached to the rear of the house will be available to guests between the hours of 8 am and 7 pm. Guests must adhere to quiet hours between 9 pm and 7 am Sunday through Thursday and 10 pm through 7 am on Friday and Saturday. A monetary fine may be assessed to guests that do not comply with the house rules. Smoking, pets or parties are not allowed on the property.

The site has an existing driveway that can accommodate up to three cars parked in tandem. The applicant states that guests will be encouraged to travel together to reduce the number of vehicles at the site. A Transportation Analysis of the proposal was included with this application (to address transportation-related Conditional Use approval criterion D cited below).

Zoning Code regulations allow ASTR use in residential zones, provided the relevant regulations of Chapter 33.207, Accessory Short-Term Rentals, are met. The Type A ASTR use allows rental of one or two sleeping rooms inside a resident-occupied dwelling unit, through an administrative permit process (note that the applicant has applied for a Type A permit on the site). The Type B ASTR use allows three to five bedrooms for rent, and may be requested through the Type II Conditional Use review procedure (Portland Zoning Code Section 33.207.050.A.2). To create the proposed four-bedroom Type B ASTR use, the applicant has requested this Type II Conditional Use Review.

Relevant Approval Criteria: To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are found in Section 33.815.105.A-E, Conditional Use Approval Criteria for Institutional and Other Uses in the Residential Zones. Find full Zoning Code chapters and approval criteria online at www.portlandoregon.gov/zoningcode. Scroll down to open the relevant chapter – in this case Chapter 33.815, Conditional Uses. The relevant area and neighborhood plans per criterion E are the *Albina Community Plan* and the *Irvington Neighborhood Plan*. Area and neighborhood plans are available on the City's website at <https://www.portlandoregon.gov/bps/34248>.

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. This application was submitted on February 7, 2018 and determined to be complete on March 26, 2018.

DECISION MAKING PROCESS

The Bureau of Development Services will make a decision on this proposal.

We will consider your comments, and

- Approve the proposal.
- Approve the proposal with conditions.
- Deny the proposal.

Note that letters and emails received to date are also part of the public record and will be considered in the decision-making process.

The neighborhood association listed on the first page of this notice may take a position on this application. They may also schedule an open meeting prior to making their recommendation to the Bureau of Development Services. Please contact the person listed as the neighborhood contact to determine the time and date of this meeting.

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 extended at the request of the applicant.

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.

APPEAL PROCESS

If you disagree with the Bureau of Development Services administrative decision, you can appeal the decision to the Hearings Officer. This review body will hold a public hearing for the appeal. When the decision is mailed, the criteria used to make the decision and information on how to file an appeal will be included. If you do not send any comments, you can still appeal the decision. There is a 14-day deadline to file an appeal beginning on the day the decision is mailed. The reason for the appeal must be specifically defined in order for the review body to respond to the appeal. If an appeal is filed, you will be notified of the time and location of the appeal hearing.

There is a fee charged for appeals. Recognized neighborhood associations may qualify for an appeal fee waiver.

APPEAL OF THE FINAL CITY DECISION

After an appeal hearing, the review body decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283. The phone number for LUBA is 1-503-373-1265. Issues that may provide the basis for an appeal to LUBA must be raised prior to the comment deadline or prior to the conclusion of the hearing if a local appeal is requested. If you do not raise an issue with enough specificity to give the Bureau of Development Services an opportunity to respond to it, that may also preclude an appeal to LUBA on that issue.

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).

Enclosures:

Zoning Map

Site Plan

Proposed ASTR Roles and Responsibilities

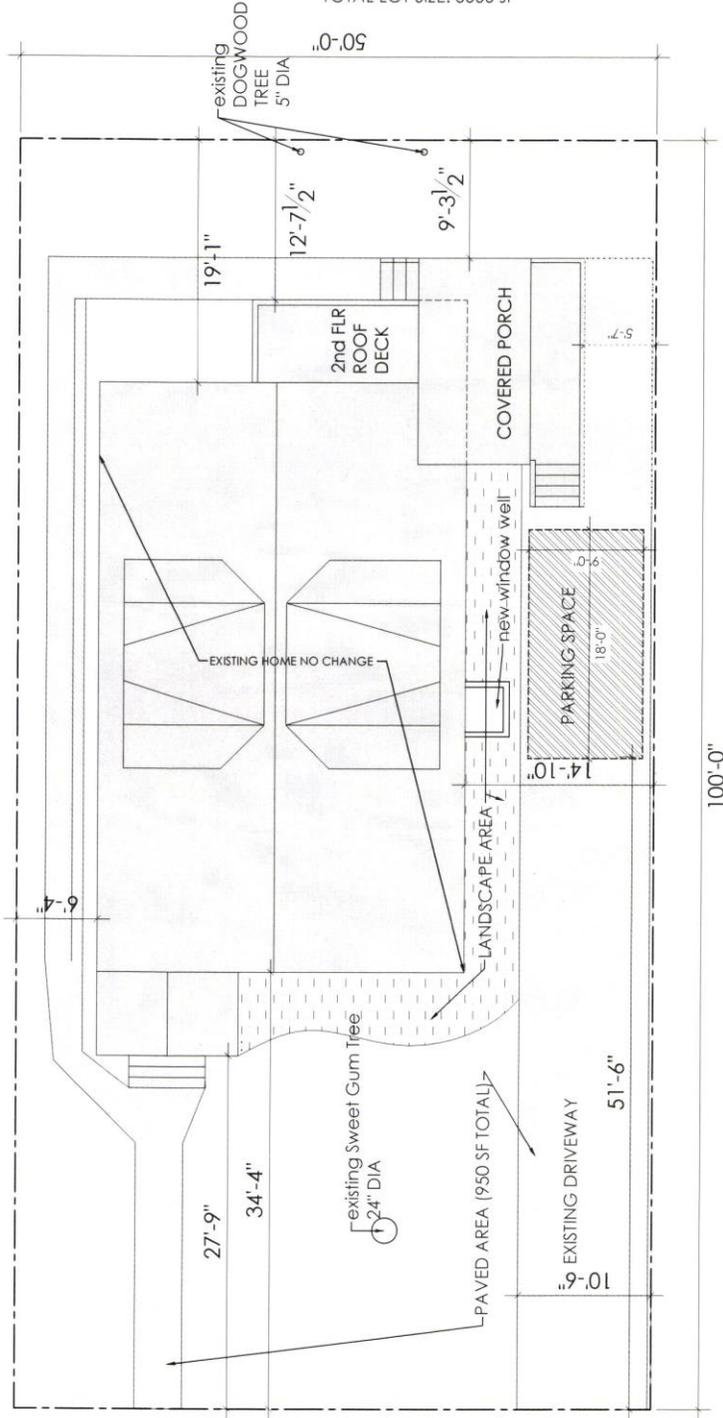


ZONING 
 THIS SITE LIES WITHIN THE:
 IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No. LU 18-118937 CU
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State ID 1N1E26BD 5800
 Exhibit B Feb 13, 2018

TOTAL IMPERVIOUS COVERAGE: 2700sf
TOTAL LOT SIZE: 5000 sf



SITE PLAN
not to scale

rec. 3/20/18

NE 9TH AVE

2946 NE 9th Ave



18-118937 cu

**Roles and Responsibilities the Management of 2946 NE
9th Ave.**

Tasks

Facilitate guest inquiries	Manage property requests	Oversee guests check in/out	Receive phone calls regarding complaints	Manage guests on-site	Business management
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Interested Parties

Management Company
Permanent Resident
Owner

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
			<input type="checkbox"/>	<input type="checkbox"/>	
					<input type="checkbox"/>

rec. 3/20/18

PROPOSED ASTR

ROLES + RESPONSIBILITIES

18-118937 cu