



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: June 11, 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 28 days, **we need to receive your written comments by 5 p.m. on July 2, 2018.** Please mail or deliver your comments to the address at the bottom of the page, and include the Case File Number, LU 18-140361 CU, in your letter. Please address your letter to me, Marguerite Feuersanger. You may also e-mail your comments to me at my e-mail address identified above.

CASE FILE NUMBER: LU 18-140361 CU

Applicant: Daniel Nowell,
4138 N Montana Ave, Apt 2
Portland OR 97217

Owner: Julie A Sparling
4042 N Michigan Ave
Portland, OR 97227-1153

Site Address: 4042 N Michigan Avenue

Legal Description: BLOCK 14, S 1/2 OF LOT 8 and N 12 1/2' OF LOT 10, MULTNOMAH
Tax Account No.: R591902170
State ID No.: 1N1E22CA 15800
Quarter Section: 2629

Neighborhood: Boise, contact boiselanduse@gmail.com
Business District: Historic Mississippi, contact mississippiavepdx@gmail.com. Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

Zoning: R2a: Low Density Multi-Dwelling zone, and within the Alternative Design Density Overlay Zone (a)

Other Designations: Historic Resource Protection Overlay Zone, Contributing Structure within the Mississippi Conservation District

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

Proposal: The applicant proposes a five-bedroom Accessory Short-Term Rental use (a Type B ASTR) in the single-dwelling house on the site. Two bedrooms are located on the main level and three bedrooms are located on the upper level. While the applicant does not identify the number of expected guests per stay, ASTRs are typically limited to no more than two people per bedroom. A sixth bedroom and living room, located in the basement, are not proposed for ASTR use but will be occupied by the site's long-term resident, who will live at the site at least 270 days per year. The resident is also the property owner and will operate the ASTR (ASTR operator); no employees are proposed. Commercial meetings are not allowed and are not proposed.

The ASTR operator will be the local contact for neighbors and will assist ASTR guests. No meals will be served to guests. A list of house rules, to be provided to guests, includes the following:

- Quiet hours are between 10 pm and 8 am weekdays and 11 pm through 9 am on weekends.
- Use of the front porch and rear deck is not allowed during the quiet hours.
- Pets are not allowed.
- Smoking within the house is not allowed but is allowed elsewhere on the site.

The site has alley access at the rear. A new paved area for up to two vehicles is proposed in the rear yard (22 feet by 22.5 feet) and a 7-foot-tall fence and vehicle gate is proposed near the rear property line. To minimize use of on-street parking, guests will be encouraged to limit the number of vehicles they bring to the site and to use the on-site spaces. 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 applicant has provided a written response to these regulations with this application. Note that the Type A ASTR use allows rental of one or two sleeping rooms inside a resident-occupied dwelling unit, through an administrative permit process. The Type B ASTR use allows three, four, or 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 five-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 *Boise 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 March 23, 2018 and determined to be complete on May 31, 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.

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



ZONING



THIS SITE LIES WITHIN THE:
MISSISSIPPI CONSERVATION DISTRICT

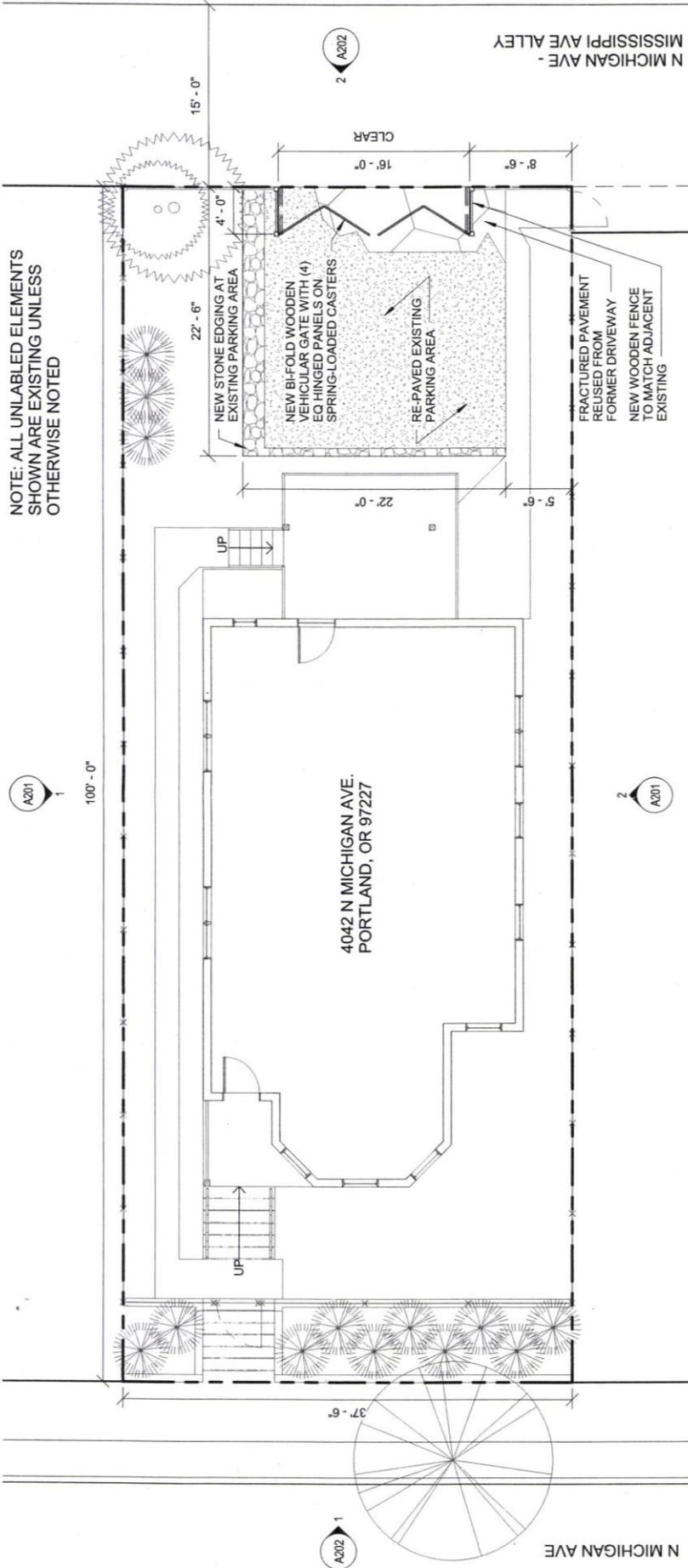


Site



Historic Landmark

File No.	LU 18-140361 CU
1/4 Section	2629
Scale	1 inch = 200 feet
State ID	1N1E22CA 15800
Exhibit	B Mar 28, 2018



NOTE: ALL UNLABELED ELEMENTS SHOWN ARE EXISTING UNLESS OTHERWISE NOTED

A202 2

N MICHIGAN AVE - MISSISSIPPI AVE ALLEY



A201 1

100'-0"

A202 1

N MICHIGAN AVE

37'-6"

15'-0"

16'-0" CLEAR

8'-6"

22'-6"

4'-0"

22'-0"

5'-6"

UP

4042 N MICHIGAN AVE.
PORTLAND, OR 97227

A201 2

NEW STONE EDGING AT EXISTING PARKING AREA

NEW BI-FOLD WOODEN VEHICULAR GATE WITH (4) EQ HINGED PANELS ON SPRING-LOADED CASTERS

RE-PAVED EXISTING PARKING AREA

FRACTURED PAVEMENT REUSED FROM FORMER DRIVEWAY

NEW WOODEN FENCE TO MATCH ADJACENT EXISTING

Project
4042 N Michigan Ave

Date
03/23/2018

Client
Julie Sparring



A100

LU18-140861CU

SITE PLAN