



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

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**Date:** August 24, 2018  
**To:** Interested Person  
**From:** Lauren Russell, 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 17-281090 CU**  
**CONDITIONAL USE REVIEW FOR ACCESSORY SHORT-TERM RENTAL**

**GENERAL INFORMATION**

**Applicant:** Kelly Maestri  
 3519 NE 15th Ave., #136 | Portland, OR 97212

**Owner:** Happy Prescott LLC  
 3519 NE 15th Ave., PMB 136 | Portland, OR 97212

**Site Address:** 1663 NE PRESCOTT ST

**Legal Description:** BLOCK 63 LOT 7, VERNON  
**Tax Account No.:** R860712420  
**State ID No.:** 1N1E23AC 22300  
**Quarter Section:** 2532  
**Neighborhood:** Sabin Community Assoc., contact Rachel Lee at 503-964-8417, [sabin@necoalition.org](mailto:sabin@necoalition.org).

**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.

**Plan District:** None  
**Zoning:** R5ah – Single-Dwelling Residential 5,000, Alternative Design Density Overlay, Aircraft Landing Overlay

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

**Proposal:**  
 The applicant, who is also the owner of the property, requests Conditional Use approval to operate a Type B Accessory Short-Term Rental (ASTR) facility within the existing 4-bedroom house on this site. No exterior alterations to the house or site are proposed as part of this review. The owner will be the full-time resident of the house and will serve as the operator managing the ASTR operation. The applicant proposes to rent up to 4 bedrooms for the ASTR operation to one group at a time no larger than 10 guests. The full-time resident will reside in

the basement-level bedroom for at least 270 days per year. No outside employees, food or beverage service, or commercial events are proposed. The proposed house rules would require quiet hours between 10:00 PM and 8:00 AM.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are: Zoning Code Section 33.815.105.A-E (Conditional Use Review).

## ANALYSIS

**Site and Vicinity:** The subject site is a 5,000 square foot lot located at the northwest corner of the intersection of NE Prescott Street and NE 17<sup>th</sup> Avenue. The site is currently developed with one-and-a-half story single-dwelling residence and a one-story detached garage. The house is located on the eastern half of the site, with the main entrance oriented toward the corner, and there is a drive accessed from NE Prescott Street just west of the house. A parking area composed of pavers provides two parking spaces to the west of the driveway. There is a low retaining wall along both street lot lines.

Adjacent properties to the west and north are similarly developed with one- to two-story single-dwelling residences. The remainder of the subject block is developed with single-dwelling residences and low-scale multi-dwelling structures. Low-scale commercial development is located two blocks to the west at the NE Prescott Street and NE 15<sup>th</sup> Avenue intersection, a park is located two blocks to the east at a Water Bureau property, and denser commercial development is located approximately four blocks to the north along NE Alberta Street.

**Zoning:** The R5 designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and provide housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

The Alternative Design Density (a) overlay zone is an optional overlay zone that provides opportunities for increased density in limited situations, provided that additional design compatibility requirements are met for the project. The overlay zone does not apply to this proposal.

The Aircraft Landing (h) overlay zone provides for safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment. In Residential zones, structures are regulated by the base zone height limits rather than the height limits of the overlay zone.

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

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed July 10, 2018. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (BES) responded with no objections to the request for conditional use approval of a Type B ASTR (Exhibit E-1);
- Bureau of Transportation Development Review (PBOT) responded with no objections to the requested conditional use subject to widening the driveway apron (Exhibit E-2);
- Water Bureau responded with no concerns (Exhibit E-3);
- Fire Bureau responded with no concerns (Exhibit E-4);
- Police Bureau responded that the Police Bureau has reviewed this land use case and has no concerns with the proposal (Exhibit E-5);
- Site Development Section of BDS responded with no concerns (Exhibit E-6);
- Bureau of Parks-Forestry Division responded with no concerns (Exhibit E-8); and
- Life Safety Review Section responded with no objections to the approval of this proposal (Exhibit E-8).

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified neighbors in response to the Notice of Proposal.

## ZONING CODE APPROVAL CRITERIA

### 33.815.010 Purpose of Conditional Use Reviews

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

**Findings:** The “residential area” for purpose of this criterion is the residentially-zoned land found within approximately 400 feet of the site. This is more than double the distance used for notifying neighbors of this Type II land use review. The boundaries of this area are a little north of NE Going Street to the north, NE 19<sup>th</sup> Avenue to the east, NE Skidmore Street to the south, and NE 15<sup>th</sup> Avenue to the west. There are only a few properties within this area that are zoned commercial at the intersection of NE Prescott Street and NE 15<sup>th</sup> Avenue. All other properties are zoned single-dwelling residential.

There is only one evident non-residential use in the defined residential area, which is a Pacific Power and Light substation located at 4341 NE 19<sup>th</sup> Avenue. This utility use is mainly passive and does not generate a lot of traffic because it is only accessible by a limited number of people.

Besides the subject house which received a permit for a Type A ASTR (17-119433 HO) to rent two bedrooms, there are two other Type A permits issued in the defined residential area at 1608 NE Prescott Street (17-249463 HO) to rent one bedroom and 4412 NE 18<sup>th</sup> Avenue (15-115858 HO) to rent two bedrooms. Generally, Type A ASTRs, which are accessory to the Household Living use onsite, are not expected to generate offsite impacts or lessen the appearance or functionality of the residential area.

For these reasons, the proposed ASTR will not be operating in an environment where the residential area is already at risk of losing its residential appearance or function due to a high proportion of uses that are not in the Household Living category. This proposal will not change the residential appearance of the area because no changes are proposed to the existing house. It will not compromise the residential function of the area because potential impacts will be limited as demonstrated in the other Approval Criteria, below. No other Type

B ASTRs or Bed and Breakfast facilities have been granted a Conditional Use in the defined residential area.

Therefore, 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 based on the number, size, and location of other uses not in the Household Living category in the residential area. This criterion is met.

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** The applicant is requesting to use all four bedrooms located within the subject house as an ASTR for a maximum of 95 days, or 96 days during leap years, annually. The applicant, who is also the owner of the house, has indicated that she will reside within the basement-level bedroom of the house at least 270 days per year, as required by the regulations, which would leave three bedrooms available for rent during this time. The applicant would like to rent out the bedrooms to just one group at a time up to 10 people in size.

The applicant provided a list of house rules, which include:

- 4:00 PM check in and 12:00 PM check out
- Quiet hours between 10:00 PM and 8:00 AM
- Guests access the house using digital locks with unique codes provided to each guest
- Guest parking available onsite within the two-space parking area to the west of the driveway
- No pets
- No smoking
- No parties

The applicant has indicated that a gardener comes to the site once per week for yard maintenance and that a cleaner will come to the site after each rental. No other hired non-resident service employees will be present. The applicant does not intend to provide any services to guests and will not serve food or alcoholic beverages. Additionally, the applicant does not intend to host any commercial meetings such as banquets luncheons, or weddings.

In order to ensure that the intensity and scale of the proposed use will not significantly lessen the overall residential appearance and function of the residential area, several conditions of approval are necessary. A condition of approval will require the implementation of the house rules establishing quiet hours, limiting parties, and prohibiting smoking and pets. A separate condition will limit the rental to one group at a time and limit the number of guests to two per bedroom, which will allow for up to 6 guests for the 270 days a year when the rental is limited to 3 bedrooms and will allow for up to 8 guests for the remainder of the year when the rental includes all 4 bedrooms. This guest limitation will ensure that the operation functions similarly to a single-dwelling residential site.

With the conditions of approval implementing the house rules and limiting the number of guests, 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 based on the intensity and scale of the proposed use. 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.” Because no scenic resources are mapped on the subject site, 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:** No changes are proposed to the exterior of the existing house as part of this proposal. The site appearance, setbacks, landscaping, and other site features will remain the same as they are today. There are no existing outdoor gathering spaces such as decks or balconies and none will be added to the site. Therefore, the site will retain the appearance of a single-dwelling residence, so it will be compatible with adjacent residential developments. 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:** Because the site will retain the appearance of a single-family residence, consistent with adjacent and nearby residential developments, there are no differences in appearance or scale that require mitigation. This criterion is met.

**C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

**Findings:** The most likely impacts of the ASTR use would be noisy guests either inside or outside the house late at night, which could affect the livability of neighbors. To address this concern, the applicant has proposed house rules that include quiet hours between 10:00 PM and 8:00 AM, to be monitored utilizing a product called Noiseaware, which registers sound levels and will send both the applicant and the guests a text message if sound levels are exceeded during the quiet hours. A condition of approval will require these quiet hours to be maintained, with the responsibility that ASTR guests abide by the quiet hours falling to the onsite resident.

No new outdoor lighting is proposed on the site and there are no lit outdoor gathering areas so it is unlikely that there will be any impacts from glare. The house rules include the prohibition of smoking on the site, which should limit potential odor impacts on neighboring properties. As stated in the findings for Approval Criterion A, a condition of approval will require the implementation of these house rules. The applicant states that sufficient garbage and recycling receptacles will be provided to guests and the property will be cleaned after each guest departure, which should limit the potential impact of litter.

Another condition of approval will require the applicant to provide contact information to abutting residential neighbors and to those across the street so that any nuisance issues that may arise can be resolved quickly. With these conditions of approval, the proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to noise, glare from lights, late-night operations, odors, or litter. This criterion is met.

2. Privacy and safety issues.

**Findings:** The existing house is located on the eastern half of the site, closest to the intersection, which helps limit potential privacy impacts on the abutting residences. The house is accessed from a main entrance facing the intersection and accessed from a walkway at the corner and also a secondary entrance located on the west side of the house near the detached garage. These entrances are more than 5 feet away from the abutting residential property to the north that contains the closest house, which is the minimum side building setback. There are no upper-story windows on the north elevation of the

house, which also limits privacy impacts on the nearest neighbor. The next nearest house is on the abutting property to the west, which is more than 50 feet away. There are no outdoor gathering spaces such as decks or balconies, and there is landscaping around the perimeter of the yard, which should also limit privacy impacts on the neighbors.

Routine safety issues of smoke detectors, carbon monoxide alarms, and egress issues will be addressed through a condition of approval requiring a fee-paid inspection for these items prior to the operation of the ASTR use.

For these reasons and with the condition of approval for the fee-paid inspection, the proposal will have no significant adverse impacts on the livability of nearby residential zoned lands due to privacy and safety issues. 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;

**Findings:** The Development Review Section of Portland Transportation (Exhibit E-2) has reviewed the proposal for conformance with street designations and provided the following information:

The City's Transportation System Plan (TSP) classifies the abutting right-of-way (ROW) as follows:

Street Name	Traffic	Transit	Bicycle	Pedestrian	Freight	Emergency Response	Street Design
NE Prescott Street	Neighborhood Collector	Local Service	Local Service	City Walkway	Local Service	Major	Civic Corridor
NE 17 <sup>th</sup> Avenue	Local Service	Local Service	Local Service	Local Service	Local Service	Minor	Local Service

The TSP states that:

- "Neighborhood Collectors are intended to serve as distributors of traffic from Major City Traffic Streets or District Collectors to Local Service Streets or to serve trips that both start and end within areas bounded by Major City Traffic Streets and District Collectors."
- "Civic Corridors serve people throughout the City and are designed to emphasize multimodal mobility between major activity centers. Civic Corridors emphasize mobility of all modes between major activity centers while also accommodating access to adjacent land uses along the corridor."
- City Walkways are intended to provide safe, convenient, and attractive pedestrian access to activities along major streets and to recreation and institutions, provide connections between neighborhoods, and provide access to transit."
- Local Service streets are intended to distribute local traffic and provide access to local residences or commercial uses."

The proposed project will have no impacts on the stated functions or objectives of the roadway classifications noted above. The proposed Conditional Use request is supportive of the aforementioned streets classifications from the Transportation Element of the Comprehensive Plan (Transportation System Plan). This criterion is met.

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 Development Review Section of Portland Transportation (Exhibit E-2) has reviewed the proposal and provided the following information regarding the transportation system:

The applicant hired a professional traffic consultant to prepare a Transportation Impact Study (TIS) to address this particular approval criterion. PBOT has reviewed the submitted TIS and offers the following assessment:

- The TIS includes typically prepared trip generation/trip distribution analyses that conclude that the minimal expected vehicle trips associated with the proposed four-room ASTR (2 AM peak trips/2 PM peak trips and 23 total daily trips) will not have adverse impacts on the operations of the studied intersections. Coincidentally, the difference in trip generation between the existing house and the proposed ASTR is only one additional trip during both the morning and afternoon peak periods. Said intersections currently operate within the City of Portland performance measures based in conducted observations and will continue to do so after the proposed ASTR is operating.
- The TIS includes a thorough on-street parking analysis which involved observations conducted during the peak parking demand period associated with the predominantly residential uses in the immediate area. During the late-night/early-morning observation period, there was a 41-percent utilization of the current on-street parking supply (86 spaces) through the parking survey area. The parking demand that will be generated as a result of the proposed ASTR was estimated using peak parking demand rates from the Institute of Transportation Engineers *Parking Generation*. Again, similar to the trip generation analysis, the data utilized to determine the parking demand of the proposed Conditional Use were for land use #320, *Motel*. Based upon the data, the 85<sup>th</sup>-percentile peak parking demand will be 1 space.

Under existing conditions, a total of 51 parking spaces remain available (out of 86 total spaces within the study area) during the late-night peak parking demand period. It is conservatively estimated (assuming all ASTR-related vehicles are parked along area streets) that 50 parking spaces will remain available within two blocks of the site once the proposed ASTR is in operation.

- The TIS adequately addressed the remaining evaluation factors, including the provision of available crash data to demonstrate that there are no safety concerns related to traffic at nearby intersections. The subject site is located near bus stops served by Tri-Met bus routes #8 (Jackson Park/NE 15<sup>th</sup> Avenue) and #72 (Killingsworth/82<sup>nd</sup> Avenue). Existing pedestrian and bicycle facilities, which are robust in the area, will not be compromised by the proposed ASTR. Sidewalks throughout the area provide a safe means for pedestrians to travel. The existing bicycle facilities are identified on the Portland Bike/Walk Map and include a "Shared Roadway" along NE Skidmore and a "Neighborhood Greenway/signed and marked route" along NE Going, south and north of the site, respectively.
- With respect to adequate transportation demand management strategies, the TIS includes a Transportation Demand Management Plan (TDMP). TDMPs are generally required when impacts to the transportation system are identified and measures must be taken to mitigate said impacts. As identified previously in this response, PBOT does not expect any adverse impacts to the transportation system in relation to this proposed Conditional Use request. Accordingly, PBOT will not require the implementation of a TDMP in relation to the proposed use. The applicant may choose to voluntarily implement the TDMP included in the TIS.

PBOT supports the conclusions reached in the submitted TIS and as required, the applicant has adequately demonstrated that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area.

With respect to the safety for all modes evaluation factor above, in order to accommodate the necessary forward-in/forward-out vehicle maneuvering onto and from the site, the applicant will be required to widen the existing driveway apron to 17 feet to match and align with the driveway width. A Minor Improvement Permit from PBOT must be obtained for said right-of-way improvement. With this condition of approval, PBOT has no objections to the requested Conditional Use.

The applicant's TIS includes a turning diagram that demonstrates that the main part of the driveway must remain clear so that guests parking in the two designated parking spaces on the pavers just west of the driveway can turn around in order to exit the driveway in a forward motion. A condition of approval will be required to ensure that ASTR guests will not park in the main part of the driveway through the use of signage on the site and also including the designated parking spaces to the house rules. With this condition of approval, safety will be ensured for all modes when guests' cars exit the site.

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 (Exhibit E-3) and Fire Bureau (E-4) have reviewed the proposal and responded without objection.

The Police Bureau (Exhibit E-5) has reviewed this land use case and has no concerns with the proposal. The proposal was evaluated on whether police can provide adequate public safety services to the proposed use. The Police Bureau is currently able to serve the existing house at the site and will be able to continue providing services to the proposed Type B ASTR use. There are no proposed alterations to the site that would impact the Police Bureau's ability to provide adequate services.

The Bureau of Environmental Services (BES) (Exhibit E-1) has no issues related to the public services approval criterion for stormwater and sanitary service. Based on this proposal, no changes are proposed to the existing building that would trigger BES stormwater requirements. Additionally, sanitary sewer service is available via the combined sewer within the site's frontage. Therefore, BES does not object to the request for conditional use approval of the Type B ASTR.

With the condition of approval that the applicant obtain a Minor Improvement Permit from PBOT to widen the existing driveway apron to 17 feet to match and align with the existing driveway width, 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 within the boundaries of the 1993 Sabin Neighborhood Plan and the 1993 Albina Community Plan. The numbered policies and objectives in these plans were adopted by the City Council as part of the Comprehensive Plan.

Among the 6 policies of the Sabin Neighborhood Plan and the 10 policies of the Albina Community Plan, none are directly related to the conditional use proposal. This criterion is satisfied.

## 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 requirements of Title 11 can be met, and 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 has proposed a four-bedroom Type B Accessory Short-Term Rental (ASTR) facility within the existing house. No commercial meetings or parties are proposed. The applicant, who is also the owner, will live at the site at least 270 days per year as required and during this time, the rental will be limited to 3 bedrooms. House rules include maintaining quiet hours between 10:00 PM and 8:00 AM and prohibiting guests from bringing their pets and smoking on the site. With conditions of approval ensuring the implementation of the house rules, limiting the number of bedrooms and guests to 3 bedrooms with 6 guests for 270 days per year and 4 bedrooms with 8 guests for the remainder of the year, maintaining quiet hours, providing neighbors with update contact information annually, obtaining an inspection to confirm the sleeping rooms are safe, widening the driveway apron per PBOT's specifications, and installing signage to limit where guest cars can park on the site, the relevant conditional use approval criteria can be met and the request must be approved.

**ADMINISTRATIVE DECISION**

Approval of a Conditional Use Review for a 3-bedroom Type B Accessory Short-Term Rental (ASTR) facility for up to a maximum of 6 guests for 270 days per year and for a 4-bedroom Type B ASTR facility for up to a maximum of 8 guests during the remainder of the year within the single-dwelling residence located at 1663 NE Prescott Street, per the approved site plan, Exhibit C-1, signed and dated August 21, 2018, subject to the following conditions:

- A. The applicant shall implement house rules, which must at a minimum include the following items:
- Quiet hours between 10:00 PM and 8:00 AM
  - Guests access the house using digital locks with unique codes provided to each guest
  - Guest parking available onsite within the two-space parking area to the west of the driveway only. No parking is allowed within the main part of the driveway, which must remain open for cars to turnaround.
  - No pets
  - No smoking
  - No parties
  - Rental is for one group at a time

These house rules must be posted within the rental and on any website on which the ASTR is advertised.

- B. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited.
- C. All advertisements for the ASTR shall prominently display in the title the maximum number of bedrooms and the maximum number of guests allowed per nightly rental. The advertisements must clearly state that the rental is limited to 3 bedrooms and 6 guests for 270 days of the year.
- D. The applicant shall annually provide to the Neighborhood Association in which the site is located and to neighbors on abutting lots and the lots across the street the name, phone number, and email address of a local point of contact for the operator or the operator's designee in the case of late night activities or other nuisances. The applicant shall maintain hard copies of these notifications, including the list of who was notified and when, for inspection by City of Portland staff upon request.
- E. The applicant shall apply for a Type B Residential Fee-Paid Inspection to confirm that each bedroom meets smoke detector, carbon monoxide alarm, and egress requirements of 33.207.050.B.4.
- F. The applicant shall obtain a minor improvement permit from PBOT to widen the existing driveway apron to 17 feet to align with the width of the existing driveway.
- G. The applicant shall post a small sign not to exceed one square foot in area or two feet in height near the side entrance to the house that is closest to the driveway stating "No parking on the driveway."
- H. The applicant shall maintain a Guest Book Log, which must include the names and home addresses of guests, guests' license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by City staff upon request.
- I. This Type B ASTR shall replace the existing Type A ASTR permit, 17-119433 HO, which is null and void.

J. If City staff obtains evidence that one or more of the situations described in 33.700.040.B exists for this proposal, the Bureau of Development Services may initiate a *Reconsideration of this Land Use Approval* per Zoning Code Section 33.700.040.

**Staff Planner: Lauren Russell**

**Decision rendered by:** Lauren Russell **on August 21, 2018.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 24, 2018**

**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 December 8, 2017, and was determined to be complete on May 8, 2018.

*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 December 8, 2017.

*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 245 days (Exhibit A-5). Unless further extended by the applicant, **the 120 days will expire on: May 8, 2019.**

**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, 2018** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing

the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Hearings Officer is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Hearings Officer an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded on or after **September 10, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

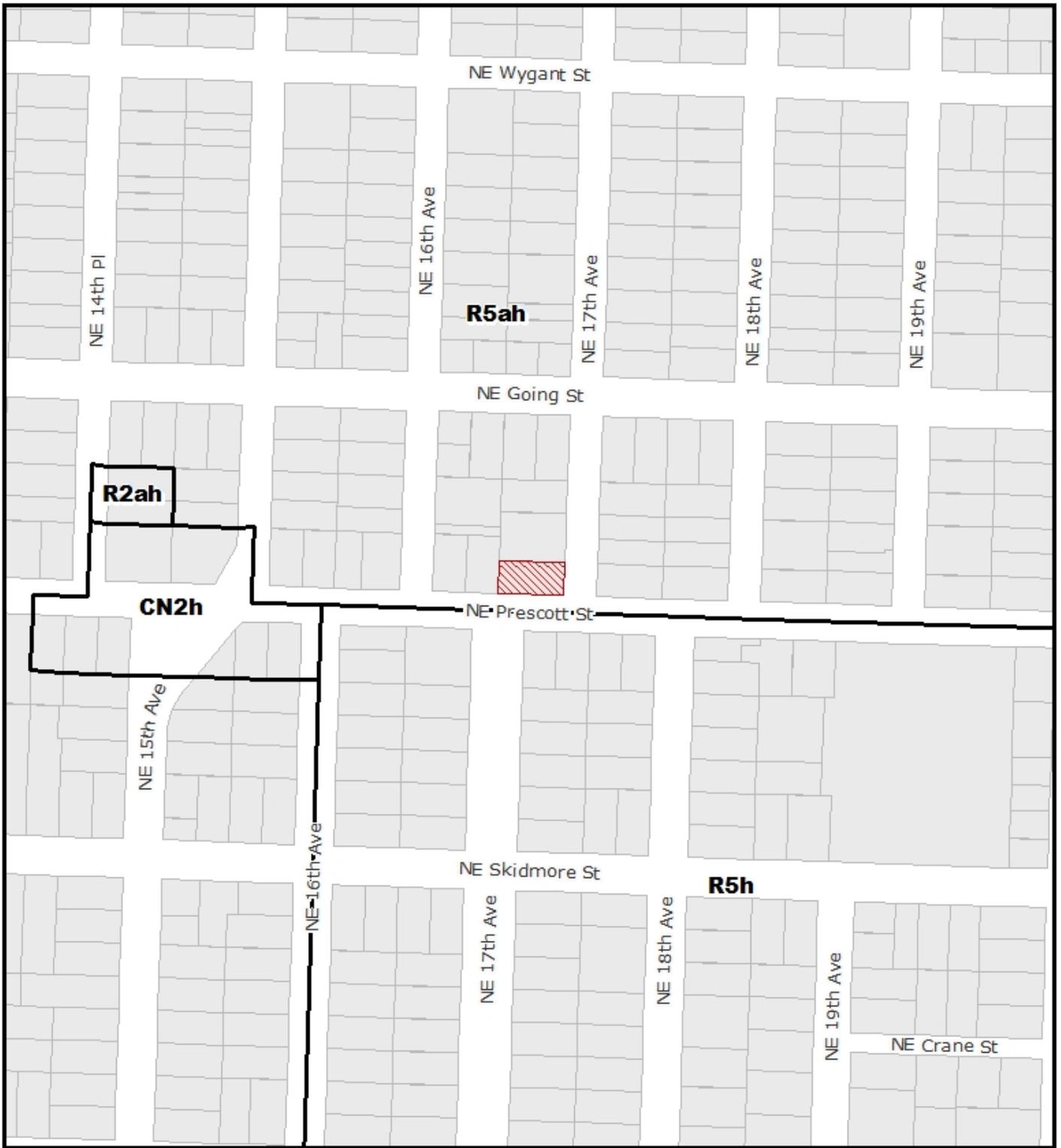
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Narrative, Site Plan, Parking Plan, and Photographs submitted 12/8/17
  - 2. Revised Narrative, Revised Site Plan, Copy of Resident's Driver's License, and Floor Plans received 12/28/17
  - 3. Transportation Impact Study received 4/3/18
  - 4. Traffic Scope Approval Form Documenting PBOT Approval received 4/13/18
  - 5. Request for Extension of 120-Day Review Period received 5/8/18
  - 6. Revised Site Plan received 6/13/18
  - 7. Revised Transportation Impact Study received 7/21/18
- 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. Police Bureau
  - 6. Site Development Review Section of BDS
  - 7. Bureau of Parks, Forestry Division
  - 8. Life Safety Section of BDS
- F. Correspondence: none received
- G. Other:
  - 1. Original LU Application submitted 12/8/17
  - 2. Incomplete Letter mailed 12/22/17
  - 3. 180-Day Notice Letter mailed 5/7/18
  - 4. Copy of Incomplete Letter Not Deliverable and Returned to Sender received 1/9/18

**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).**

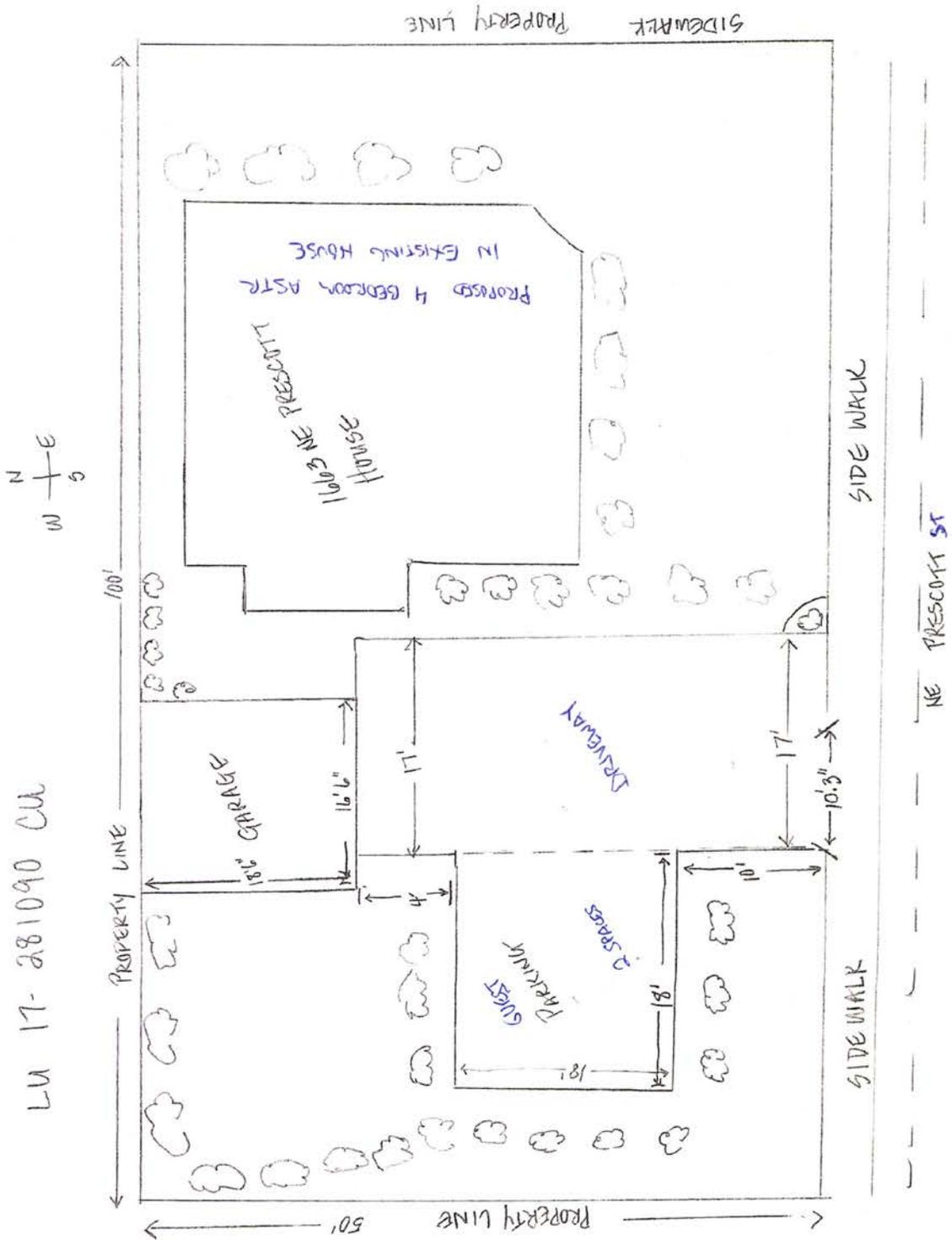


**ZONING**   
NORTH

 Site

File No.	LU 17-281090 CU
1/4 Section	2532
Scale	1 inch = 200 feet
State ID	1N1E23AC 22300
Exhibit	B Dec 14, 2017

Approved  
 City of Portland - Bureau of Development Services  
 Planner *Tanner Bessell*  
 Date 8/21/18  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LU 17-281090 CU