



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

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Date: March 16, 2020
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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 19-255448 CU AD

GENERAL INFORMATION

Owner: Ryan Jones
6255 NE 17th Avenue
Portland, OR 97211

Applicant: Ryan Jones | Golden Bear Lair Holdings LLC
774 34th Avenue
San Francisco, CA 94121

Site Address: 6255 NE 17th Avenue

Legal Description: SOUTH BLOCK 1 LOT 4 TL 14200, COLUMBIA HTS
Tax Account No.: R173104930
State ID No.: 1N1E14DB 14200
Quarter Section: 2432

Neighborhood: Woodlawn, contact Anjala Ehelebe at aehlebe@gmail.com
Business District: Soul District Business Association, contact: info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at jessica@necoalition.org.

Zoning: R5ah: Single Dwelling Residential 5,000 Zone, Alternative Design Density Overlay Zone (a) and Aircraft Landing Overlay Zone (h)

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

PROPOSAL: The applicant, representing the current resident of the subject site, requests Conditional Use approval to operate a TYPE B Accessory Short-Term Rental (ASTR) facility at this address. Four of the five bedrooms in the single-story house (all bedrooms are located on the main level) are proposed for ASTR use. Single groups of up to eight (8) guests are proposed (maximum of two guests per bedroom). The long-term resident will occupy the attached

accessory dwelling unit (ADU, with one bedroom) and will be the ASTR Operator, assist ASTR guests and be the local contact for neighbors.

No exterior alterations to the house are proposed. No outside employees, food or beverage service, or commercial events are proposed. Outdoor spaces are reserved for the long-term resident; proposed house rules do not allow guest use of outdoor spaces.

Conditional Use Review Required A Type B ASTR use allows three to five bedrooms for rent inside a resident-occupied dwelling unit 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 requests this Conditional Use Review. (A Type A ASTR use allows rental of one or two sleeping rooms inside a resident-occupied dwelling unit, through an administrative permit process.)

Adjustment Review Required The former attached garage was converted to an ADU in 2017 (Permit #17-250334 RS). Although onsite parking is not required for this site, the applicant would like to retain a parking space on the driveway. The existing driveway, however, is only 23 feet in length and is not long enough to accommodate a parking space outside the 10-foot front setback (a 28-foot long driveway is required). Therefore, the applicant requests an Adjustment to allow the onsite parking space to be located within the front setback area (Section 33.266.120.C).

The Zoning Code contains regulations for ASTR uses (Chapter 33.207). 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. The applicant has provided a written statement showing that the proposal can meet these regulations.

A Transportation Analysis of the proposal was included with this application (to address transportation-related Conditional Use approval criterion D cited below).

RELEVANT APPROVAL CRITERIA:

To be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are contained the Zoning Code:

- Section 33.815.105, A through E, Conditional Use Approval Criteria for Institutional and Other Uses in a Residential Zone; and
- Section 33.805.040, A through E, Adjustment Approval Criteria.
- Statewide Planning Goals

ANALYSIS

Site and Vicinity: The site, a 4,860 square-foot corner lot, is developed with a one-story single dwelling house constructed in 1971. The site gently slopes upward from the street frontages of NE 17th Avenue and NE Holman Street. A 10-foot-wide paved driveway, with access to NE 17th Avenue, is located within the front yard. The original attached garage was converted to an ADU and the garage door has been replaced with a large fixed window. An existing fence is located along portions of the south and west property lines and provides a gated and enclosed private outdoor area for the long-term resident of the ADU.

The surrounding residential neighborhood is developed primarily with single dwelling houses on lots averaging 5,000 square feet in area. The #8 Jackson Park/NE 15th bus line runs along NE 15th Avenue, less than 500 feet west of the site.

Zoning: The site has the following designations:

R5, Single Dwelling Residential 5,000 zone Single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The use regulations are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

Staff comment: ASTR use of 3 to 5 bedrooms is a Conditional Use in the R5 zone and requires Conditional Use review.

Alternative Design Density overlay zone (a) focuses development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

Staff comment: Regulations in this overlay zone are not relevant to the proposal.

Aircraft Landing overlay zone (h) provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures, vegetation, and construction equipment.

Staff comment: Regulations in this overlay zone are not relevant to the proposal.

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 **February 6, 2020**. The following Bureaus have responded with no issues or concerns:

- Water Bureau (Exhibit E-3);
- Fire Bureau (Exhibit E-4);
- Site Development Section of BDS (Exhibit E-6); and
- Urban Forestry Division of the Bureau of Parks and Recreation (Exhibit E-8).

The following bureaus responded with comments:

- The Bureau of Environmental Services (BES) states that there are no issues regarding provision of stormwater and sanitary sewer services (Exhibit E-1);
- The Bureau of Transportation (PBOT) responded with detailed comments about the transportation system-related approval criteria. PBOT staff reviewed the applicant’s traffic analysis (Exhibit A-2) and have no objections to the proposal, subject to a condition requiring transportation demand management (TDM) measures (Exhibit E-2);
- The Police Bureau states that police services are adequate and available to the serve the site and proposal (Exhibit E-5); and
- The Life Safety Residential Plan Review Section of BDS has no objection to the proposal and does not identify conflicts between the proposal and applicable building codes Exhibit E-7).

Neighborhood Review: No written responses to the Notice of Proposal were received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

CONDITIONAL USE

Section 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

Finding: For Criteria A.1 and A.2 below, the definition of the terms “area” and “residential area” includes all residential-zoned properties within approximately 400 feet from the site’s perimeter. This distance is reasonable as it considers all residential-zoned properties within a few blocks of the site and expands on the 150-foot notification distance for this Type II land use review.

Existing nonresidential uses in the area include four Type A ASTR uses, which are limited to rental of one or two bedrooms. Type A ASTRs do not require a land use review and are reviewed through an administrative permit process. They are considered a low-intensity use, similar with that of a residential household. The applicant states that there are no Type B ASTRs or other non-residential uses, such as schools, churches or commercial uses, within a two-block radius of the site (Exhibit A-4).

Staff concludes that because no nonresidential uses are present in the residential area, the proposal will not significantly lessen the overall appearance and function of the residential area. No alterations are proposed to the house on this site, and the house will retain a residential appearance. Based on the above, this criterion is met.

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

Finding: The proposal:

1 ASTR use of 4 bedrooms and up to 8 guests The applicant is also a property owner, the ASTR Operator and the long-term resident of the subject site. For at least 270 days per calendar days, the applicant states that the ASTR Operator will occupy ADU attached to the house, containing one bedroom, and will dedicate the remainder of the house (four bedrooms on the main level) for ASTR use.

House Rules are part of the applicant’s submittal (Exhibit A -5). Of note are the following restrictions which relate to the intensity of the ASTR use:

- Parties for guests are not allowed.
- Commercial meetings are not allowed.
- No outdoor space is available for guests.
- Quiet times for ASTR guests are between 9 pm and 8 am on weekdays and 10 pm to 8 am on weekends.
- Smoking of any substance by ASTR guests is not allowed in the house or on the property.

Limitations on parties, smoking, and quiet hours will be enforced by the ASTR Operator. Through the House Rules and communication with the ASTR Operator, guests will be required to observe these rules and to respect neighbors, thus the intensity and scale of the proposed use can be limited. Additional conditions will include restrictions on commercial meetings and use of outdoor

spaces. While the House Rules do not allow ASTR guest use of outdoor spaces, a condition need only limit this use to nighttime hours. Note that for this proposal the applicant chooses to be more restrictive regarding use of outdoor spaces. This issue is related to noise and late-night impacts and is discussed under Criterion C, Livability.

Another key limitation to the intensity and scale of ASTR uses is the overall guest limit. Typically, two guests per room is a standard intensity for these uses. Since the proposal is for four bedrooms, up to eight guests are allowed at any one time. Through the above cited conditions of approval that require posting and implementation of the House Rules regarding use of outdoor spaces, prohibition on commercial meetings, along with conditions that require neighbor notification of the ASTR Operator's name and contact information and a limitation on the number of bedrooms and guests, this criterion is met.

B. Physical compatibility.

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

Finding: There are no City-designated scenic resources on or near the site. This criterion does not apply.

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

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

Finding for 2. and 3.: The applicant is not proposing physical changes to the site or the exterior of the house. The existing house on the site complies with the zoning requirements such as building setbacks, height, and building coverage. There are no trees on the site but the existing row of evergreen shrubs along the south side property line will remain.

The Adjustment request (filed concurrently with this proposal) is considered and approved in this decision. It allows for one parking space on the site, to be located within the front setback area on the existing 10-foot wide driveway. No changes to the site are required.

Based on the above, mitigation is not proposed and is not required as the proposed ASTR use will not create differences in appearance or scale between the subject property and neighboring properties. This criterion does not apply.

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

Finding: Existing outdoor lighting locations are shown on the site plan (Exhibit C-1), including a fixture at the front entrance, the rear ADU entrance, and at the south side wall of the house facing the backyard. Fixtures and lighting levels are described in the applicant's submittal (Exhibit A-4). Each fixture accommodates a 9-watt LED bulb, equivalent to a 60-watt incandescent bulb and typical of levels used in residential settings. No upgrades or changes are proposed to the existing outdoor lighting. Additionally, a 6-foot-tall fence is located along the south and west property lines, as shown on the site plan. The fence helps to limit glare from light sources.

Impacts from odors or litter are not expected to result from the proposal.

The most common livability impacts of an ASTR use would be noisy guests using the outdoor spaces during late evening or early morning hours or causing other noise issues for abutting or nearby properties. To address this concern, and to ensure that the long-term resident is not negatively impacted, the applicant's House Rules states that guests are not allowed to use the outdoor areas, except when entering and exiting the house. A condition of approval is needed for the limitation of outdoor spaces restricted to the hours of 10 pm and 7 am, which is the typical time frame used for ASTR uses and coincides with the City's Noise Control regulations of Section 18.12.020.B. Note that the ASTR Operator may choose to be more restrictive in the hours of outdoor area use. Additionally, no parties or commercial events associated with the ASTRs will be allowed.

To ensure that ASTR guests are notified of the House Rules, conditions are needed that require the House Rules to be posted in a prominent location in the house, and the ASTR Operator must email or mail copies of the House Rules to guests in advance of their visits. Also, the statement below must be posted in a visible location within the house; it must be included in the House Rules; and included in all advertising for the ASTR:

The ASTR use must comply with City Title 18, Noise Control. Among other regulations, Title 18 sets limits on sound levels that impact residential properties. Section 18.12.020.B addresses permissible levels of sound producing or reproducing equipment. The following activities are in violation of Title 18:

Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the operating or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of sound.

If at some point during the ASTR operation the City finds that one or more of the conditions of this decision are not met, constituting a Zoning Code violation, the Bureau of Development Services may choose to initiate a *Reconsideration of this Land Use Approval* per 33.700.040. This process may result in revoking the ASTR permit. While this process is stated in the Zoning Code, a condition is needed to alert the ASTR Operator and to ensure compliance with conditions of approval.

To further address noise and other neighborhood impact issues quickly and effectively, it is imperative that neighbors can readily contact a responsible party. A condition of approval is necessary that requires the property owner/ASTR Operator to provide residents of properties adjacent to the site with contact information for the long-term resident/onsite manager, the property owner, and the management company. This information must be provided annually by the ASTR Operator.

With the conditions cited above, this criterion is met.

2. Privacy and safety issues.

Finding: The proposal calls for no changes to the existing house or exterior of the site that would impact privacy. A 6-foot tall fence is located along most of the site's north and west property lines which will minimize privacy issues for the adjacent neighbors. Further, the proposal calls for this fenced outdoor area to be used exclusively by the long-term resident. Additionally, the ASTR Operator must provide the contact information to adjacent residents if neighbors have privacy or safety concerns about the ASTR use. Lastly, both the Police and Fire Bureaus reviewed the proposal and have no concerns (Exhibits E-4 and E-5).

With the conditions cited above, this criterion is met.

D. Public services.

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;

Finding: The Development Review section of the Portland Bureau of Transportation (PBOT) reviews applications for compliance with transportation system-related approval criteria, such as this criterion. PBOT staff provide the following findings (Exhibit E-2):

At this location, the City's Transportation System Plan (TSP) classifies the streets adjacent to the site as follows:

- NE 17th Ave is designated *Local Service* for all modes, improved with a 35-ft wide paved roadway within a 55-foot-wide right-of-way, in which the existing pedestrian corridor is improved in a 3-6-1 configuration.
- NE Holman Street is designated *Major City Bikeway* and *Local Service* for all remaining modes, improved with a 28-ft wide paved roadway within a 50-foot-wide right-of-way in which the existing pedestrian corridor is also improved in a 3-6-1 configuration.

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 TSP classifications. This criterion is met.

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 applicant submitted a Transportation Impact Study (TIS) prepared by a professional traffic consultant to address this approval criterion (Exhibit A-2). PBOT staff reviewed the TIS and provided a written assessment and findings (Exhibit E-2). Below is a summary of PBOT's findings:

Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.

To estimate vehicle trips generated by the proposed ASTR, information from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers (ITE) was utilized. Data for land use code #320, *Motel*, were used to calculate trip rates for the proposed facility. ITE does not have specific data for an ASTR and the Motel use is the closest land use category for which data is available. Utilizing this data, the maximum rental scenario of a 4-bedroom short term rental is estimated to generate 14 daily trips, including two weekday morning and two weekday evening trips, in addition to the existing single-family use. Under the maximum rental scenario, the small increase of 14 trips will not pose a significant increase in traffic volumes.

Street Capacity/Level of Service: To address the street capacity and Level of Service (LOS) evaluation factors, the applicant's traffic engineer conducted traffic observations at the intersections of NE Holman Street at NE 17th Avenue and NE Ainsworth Street at NE 17th Avenue. during the morning and evening peak periods of Wednesday, October 2, 2019 from 7:50 am to 8:30 am and Thursday, October 3, 2019 4:55 pm to 5:35 pm respectively. At the NE Holman/NE 17th intersection, no vehicles were observed to enter the intersection from the minor approach, although one vehicle conceivably could within the observation time, therefore the intersection was estimated to operate at LOS A. For the NE Ainsworth/NE 17th intersection, one vehicle was observed entering the

intersection from the highest minor street approach during the morning peak period and four during the evening peak period. Gaps were also observed within the average control delay of approximately 10 to 15 seconds. Therefore, the intersection was estimated to operate at LOS B during the morning, and LOS C in the evening. Therefore, the nearby intersections are capable of handling the nominal increase in traffic and the proposal will not negatively affect City of Portland's operational standards.

Safety for All Modes: For vehicle safety, the applicant's traffic engineer evaluated safety for all modes in conjunction with the proposed ASTR use, utilizing Oregon Department of Transportation's (ODOT) Crash Analysis and Reporting data for the most recent five years (January 2013 to December 2017). At the NE Holman/ NE 17th intersection, there were no reported crashes. At the NE Ainsworth/NE 17th intersection, only one turning-movement collision had been reported. Therefore, based upon available crash data, no significant safety hazards were identified at either of the study intersections. Additionally, no design deficiencies which would impact the safety of the area roadways were noted based upon field observations.

For bicycle safety, the site is close to five identified bicycle routes which generally serve low to moderate vehicular volumes. NE Dekum Street is a shared roadway; NE Holman and NE Durham are Neighborhood Greenways that are signed and marked; NE Jarrett and NE 17th are shared roadways which are designed to provide a safe and comfortable traveling environment for cyclists. For pedestrians, the sidewalk network is complete in the study area, with marked crosswalks placed at the high classified streets in the area. For those intersections which do not provide marked crossings, the streets serve low-volume neighborhood streets. For transit use, the complete sidewalk network allows for safe travel to and from the nearby transit stops. Therefore, the proposed use will have no significant safety concerns for any mode.

Pedestrian, Cycling, and Transit Availability: The subject site is located near three TriMet bus lines - 8-Jackson Park/NE 15th, 17-Holgate/Broadway, and 75-Cesar Chavez/Lombard - all within half mile from the site and have complete sidewalks and adequate crossings between the site and transit stop. For bicycles, as noted above, the site is close to five identified bicycle routes which generally serve low to moderate vehicular volumes. NE Dekum is a shared roadway; NE Holman and NE Durham are Neighborhood Greenways that are signed and marked; NE Jarrett and NE 17th Ave are shared roadways which are designed to provide a safe and comfortable traveling environment for cyclists. The established pedestrian network is complete in the area and allows for safe walking conditions for pedestrians to connect nearby bus stops or other areas of interest. Given the availability of a variety of multi-modal options near the site, a condition is needed that requires the applicant to provide information regarding transit schedules, multi-modal information, bike rentals, maps, and car share options in order to mitigate the reliance on vehicle trips associated with the proposed use.

Connectivity: The subject site is located on a corner, in a well-established typical grid network of right-of-way connections, which the system provides multiple routes to and from the site for all modes. Therefore, the property is adequately accessed by all modes, providing connectivity and access to support existing uses as well as the proposed ASTR at the subject property.

On-Street Parking Impacts: The parking demand generated from the proposed development was estimated using parking demand rates from *Parking Generation, 4th Edition*, published by the Institute of Transportation Engineers (ITE). The data utilized to determine the parking demand for the proposed conditional use were for land use #320, *Motel* as it represents the closest use to the proposed ASTR for which data is available. In accordance with Zoning code 33.266.110.B.1, for sites located within 1500 feet from a transit station or 500 feet from a transit street with 20-min. peak hour service, on-site parking for the

primary use, which in this case is the single-family home, is not required. However, the applicant would like to retain the existing parking space in the driveway located in front of the converted garage ADU, which will be reserved for the long-term tenant of the site. Under the maximum rental scenario based upon ITE data, the proposed ASTR would generate three additional parking spaces.

To determine the demand and availability of on-street parking in the vicinity of the site, the applicant's traffic engineer conducted observations within 1 or 2 blocks from the site, during the overnight period corresponding to the expected peak period for residential parking demand, beginning at 11:35 pm to 12:05 am, on Tuesday, October 1, 2019. Within the study area, the parking study estimated that there was an on-street parking supply of 222 spaces, in which 80 spaces were occupied at time of observation, which is an on-street parking occupancy rate of 36 percent. PBOT does not consider an area to be heavily parked until occupancy rates reach approximately 85 percent. Therefore, based upon the observational data, the expected on-street parking demand will increase by 3 vehicles, raising the occupancy rate to 37.4 percent. Accordingly, based on the observations and analysis, the available on-street parking in the site vicinity is adequate to safely support the proposed use in addition to the existing uses in the site vicinity.

Access Restrictions: There are no access restrictions to, from, or nearby the site. Therefore, PBOT has no access restriction concerns.

Neighborhood Impacts: The transportation-related neighborhood impacts associated with the proposed use typically involve impacts to on-street parking and potential increases in traffic at area intersections. As documented by the applicant's analysis, there is an adequate supply of on-street parking within the study area to accommodate the proposed use. Services for the ASTR such as landscaping, regular maintenance, and/or cleaning will be consistent with a typical single-family home. Additionally, the minimal number of vehicle trips that will be added during the peak hours as a result of this use will not impact area intersections. Therefore, transportation-related impacts as a result of the proposed ASTR will be negligible.

In conclusion, based on the evidence included in the record, and primarily, the applicant has demonstrated to PBOT's satisfaction that "the transportation system is capable of supporting the proposed use in addition to the existing uses in the area". With the condition requiring that the ASTR Operator provide guests with information regarding transit schedules, multi-modal information, bike rentals, maps, car share options, etc., in order to reduce vehicle trips associated with the proposed use, this criterion is met.

3. Public services for water supply, police and fire protection are capable of serving the proposed use and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Finding: The Portland Bureaus of Water, Police, Fire, Environmental Services and Police have provided written comments and note no concerns regarding the proposed use and services are available for the proposed ASTR use (the relevant Bureau comments are found in Exhibits E-1, E-3, E-4 and E-5). 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.

Finding: The site is within the Woodlawn Neighborhood Plan boundary. The applicant has addressed the proposal's impact on the Plan's policies (Exhibit A-4).

Staff has identified policies relevant to the proposal and finds that the proposal to maintain the existing house, built in 1971, on the site is consistent with these policies. Additionally, the proposal will maintain the existing household living use within the existing ADU on the site while adding the accessory short-term rental use (ASTR). This is consistent with and supports the following policies:

Policy 2: Economic Development: Support existing businesses and promote the creation of new business ventures in Woodlawn.

Policy 3: Community Appearance: Enhance the livability of the Woodlawn Neighborhood by improving its housing, commercial areas, streets and park.

Policy 4: Housing: Promote the development and maintenance of affordable housing in the neighborhood.

In consideration of the above findings, this criterion is met.

ADJUSTMENT

33.805.040 Adjustment Approval Criteria

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

- A.** Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The purpose of the parking locational standards for houses is:

The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.(Section 33.266.120)

The parking location standard requires that a driveway be at least 28 feet in length to accommodate a standard parking space, measuring 9 feet in width and 18 feet in length, and be located outside the 10-foot front setback area. The on-site existing driveway measures 10 feet in width and nearly 24 feet in length. Therefore, the Adjustment request would result in 4 feet of the 18-foot parking space being within the 10-foot front setback. Though a parked car will be closer to the sidewalk than allowed by this standard (6 feet compared to 10 feet required by the standard), the 24-foot-long driveway will accommodate a parking space on the site without blocking the sidewalk. The visual impacts will be minimal because the driveway is wide enough for only one car and no increase or change to the existing paved area is proposed, which has previously been used for vehicle access to the attached garage.

PBOT reviewed the Adjustment request and has no objections because the proposal does not modify or expand the driveway access to the site and has no effect on the public right-of-way or transportation system (Exhibit E.2).

This criterion is met.

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The subject site is in the R5 zone, a residential zone. The existing house is relatively small in footprint and height and is in a neighborhood comprised of single houses on individual lots. The visual impact of allowing a parked car to be within 6 feet of the front property line will not significantly detract from the appearance or livability of the residential area. Further, the driveway can accommodate only one parked car, which ensures that the front yard will not be dominated by parked vehicles. The existing driveway has previously been used for access to the attached garage, and likely was used

occasionally for parking. Therefore, the proposal will not detract from the livability or appearance of the residential area.

This criterion is met.

- C.** If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: One Adjustment is requested; therefore, this criterion does not apply to the proposal.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City designated scenic resources are identified on the Official Zoning Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion does not apply.

- E.** Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: As noted above, the Adjustment would not create impacts and therefore, mitigation measures are not required. *This criterion is met.*

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the site; therefore, this criterion does not apply.

Oregon Statewide Planning Goals

Because one or more of the criteria listed above is an “unacknowledged” land use regulation, this proposal must comply with applicable Statewide Planning Goals. The applicant has provided findings on the statewide goals (Exhibit A-1).

Goal 1: Citizen Involvement

Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Findings: The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type IIx land use decisions if appealed. For this application, a written notice seeking comments on the proposal was mailed to property owners and tenants within 150 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 400 feet of the site. There is also an opportunity to appeal the administrative decision at a local hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City’s ongoing compliance with Goal 1. Therefore, the proposal is consistent with this goal.

Goal 2: Land Use Planning

Goal 2 outlines the basic procedures of Oregon’s statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable

“implementation ordinances” to put the plan’s policies into effect must be adopted. It requires that plans be based on “factual information”; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

Findings: Compliance with Goal 2 is achieved, in part, through the City’s comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations with conditions of approval, as supported by substantial evidence in the record. As a result, the proposal meets Goal 2.

Goal 3: Agricultural Lands

Goal 3 defines “agricultural lands,” and requires counties to inventory such lands and to “preserve and maintain” them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

Goal 4: Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will “conserve forest lands for forest uses.”

Findings for Goals 3 and 4: In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid, and Goal 3 and Goal 4 do not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

Findings: The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City’s Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection (“p”), Environmental Conservation (“c”), and Scenic (“s”) overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. This site is not within any environmental or scenic overlay zones and is not part of any designated historic resource. Therefore, Goal 5 is not applicable.

Goal 6: Air, Water and Land Resources Quality

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings: Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and has no objection to approval of the application (Exhibit E-1). Staff finds the proposal is consistent with Goal 6.

Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments

adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

Findings: The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City's MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.

Goal 8: Recreation Needs

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

Findings: The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. Therefore, the proposal is consistent with Goal 8.

Goal 9: Economy of the State

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings: Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City's Zoning Map and Zoning Code. Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.

Goal 10: Housing

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Findings: The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. Since the attached accessory dwelling unit (ADU) is part of the house subject to this proposal, and the ADU serves as a full-time residence for a long-term tenant, the house will remain part of the City's existing housing stock. The proposal will enable continuing investment in the City's housing stock and is therefore consistent with Goal 10.

Goal 11: Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Findings: The City of Portland maintains an adopted and acknowledged public facilities

plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report (Service Bureau responses are found in "E" Exhibits).

Goal 12: Transportation

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

Findings: The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). As discussed earlier in this report, PBOT staff evaluated this proposal and found the proposal to be consistent with the street designations of the TSP and found that the transportation system is capable of supporting the proposed use in addition to the existing uses in the area, with the condition requiring that the ASTR Operator implement Transportation Demand Management (TDM) measures. With the additional condition recommended by PBOT staff (Exhibit E-2), the proposal is consistent with Goal 12.

Goal 13: Energy

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Findings: With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City implemented energy efficiency requirements for the house on this site as required by the current building code. For these reasons, staff finds the proposal to be consistent with Goal 13.

Goal 14: Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Findings: In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional 2040 Growth Concept is carried out by Metro's Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code's compliance with Metro's Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.

Goal 15: Willamette Greenway

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

Findings: The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.

Goal 16: Estuarine Resources

This goal requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

Goal 17: Coastal Shorelands

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water-related" uses.

Goal 18: Beaches and Dunes

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

Goal 19: Ocean Resources

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Findings for Goals 16 through 19: Since Portland is not within Oregon's coastal zone, Goals 16-19 do not apply.

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 proposes to operate a Type B ASTR facility with four guest rooms within the one-level house. The long-term resident will reside in the ADU, which is attached to the primary house, for at least 270 days per year. Conditions of approval are needed to ensure the intensity of the ASTR use is kept to an acceptable level. No parties or commercial meetings will be held. Further, conditions are needed to limit late-night impacts and noise, including a requirement that the House Rules (including the internet advertisement listings) must note that the outdoor areas be off limits from 10 pm to 7 am. Nearby neighbors will be provided with current contact information for the long-term resident/ASTR Operator and management company. To fully satisfy transportation-related approval criteria and to help reduce the number of vehicle trips to the site, the ASTR Operator must employ Transportation Demand Management programs.

The Adjustment request to allow a vehicle space to be partially located within the front setback is reasonable, given the prior conversion of the attached garage to the ADU. Because the

existing driveway is 24 feet in length, it provides enough space to ensure a parked car will not overhang the sidewalk area. Also, the driveway width accommodates only one car on the site, which will ensure that the front yard remains residential in character.

With conditions of approval, the proposed Type B ASTR facility meets all the applicable approval criteria and therefore should be approved.

ADMINISTRATIVE DECISION

Approval of the following Land Use Reviews:

- Conditional Use approval for a Type B Accessory Short-Term Rental (ASTR) consisting of four (4) bedrooms and a maximum of eight (8) guests.
- Adjustment approval to allow an on-site parking space to be located within the front setback on the existing 10-foot-wide driveway (Section 33.266.120.C)

These approvals are based upon the approved site, building and floor plans, Exhibits C.1, C.2 and C.3, signed and dated March 12, 2020, subject to the following conditions:

A) **Prior to the start of operation of the Type B ASTR**, the ASTR Operator must satisfy the following condition:

1. Purchase from BDS a fee-paid inspection to confirm that the requirements of Zoning Code Section 33.207.050.B.4 are met for the four ASTR bedrooms.

B) **For the duration of operation of the Type B ASTR facility**, the ASTR operator will meet the following conditions:

1. Provide rental arrangements to ASTR groups guests only, with a maximum of 2 guests per legal bedroom at any one time, regardless of age. Renting of individual rooms to unrelated or unassociated individuals shall not be permitted.
2. The ASTR use is limited to four (4) bedrooms and eight (8) guests.
3. At the start of the Type B ASTR use and on an annual basis thereafter, the ASTR Operator shall provide to residents of properties adjacent to and across the street from the site the name and phone contact information for the following people:
 - the long-term resident/ASTR Operator;
 - the property owner; and
 - the management company.

The addresses of the residents to be notified as required by this condition are:

- 6235 NE 17th Avenue
- 6254 NE 17th Avenue
- 1606 NE Holman Street
- 1619 NE Holman Street
- 1705 NE Holman Street

The ASTR Operator must maintain paper copies of these notifications, including the list of who was notified and when, for inspection by City staff upon request.

4. All advertisements for the ASTR must display prominently in the title of the advertisement the maximum number of 4 bedrooms and the maximum number of 8 people allowed per nightly rental.
5. Use of all outdoor spaces by ASTR guests is prohibited between the hours of 10 p.m. and 7 a.m. all days, except when entering or exiting the house. The hours of outdoor space use must be listed in the House Rules and may be more but not less restrictive.

6. The ASTR use must comply with City Title 18, Noise Control. Among other regulations, Title 18 sets limits on sound levels that impact residential properties. Section 18.12.020.B addresses permissible levels of sound producing or reproducing equipment. The following activities are in violation of Title 18:

Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the operating or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of sound.

7. Commercial meetings are prohibited. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation.
8. The House Rules must be consistent with this approval and conditions. The ASTR operator must email or mail copies of the House Rules (Exhibit A-5) to guests in advance of their visits. The ASTR Operator must ensure that at least one paper copy of these House Rules and Narrative be displayed prominently within a common area of the house. The ASTR Operator must include the House Rules in all advertisements for the ASTR facility.
9. The existing 6-foot-tall fully-sight-obscuring perimeter fence must be maintained in locations shown in Exhibit C-1.
10. To reduce vehicle trips associated with the proposed use the ASTR Operator must provide to all ASTR guests information regarding transit schedules, multi-modal information, bicycle rental information, maps, and car-share options.
11. The ASTR Operation must provide confirmation data from the authorized rental organization (such as Airbnb and VRBO) shall be provided to City staff upon request. Confirmation data must include the name, home address and phone number of the ASTR guests, and the dates of stay.
12. The ASTR Operator will maintain a Guest Log Book. The Guest Log Book must include the names and home addresses of each guest, guest's 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.
13. If City staff obtains evidence that one or more of the situations described in 33.700.040.B exist for this proposal or site, the Bureau of Development Services may initiate a *Reconsideration of this Land Use Approval* per 33.700.040.

Staff Planner: Marguerite Feuersanger

Decision rendered by:  **on March 12, 2020.**

By authority of the Director of the Bureau of Development Services

Decision mailed: March 16, 2020

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 November 20, 2019 and was determined to be complete on January 29, 2020.

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 November 20, 2019.

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 further extended by the applicant, **the 120 days will expire on: May 28, 2020.**

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 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 March 30, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th 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.

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 after **March 30, 2020** 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.

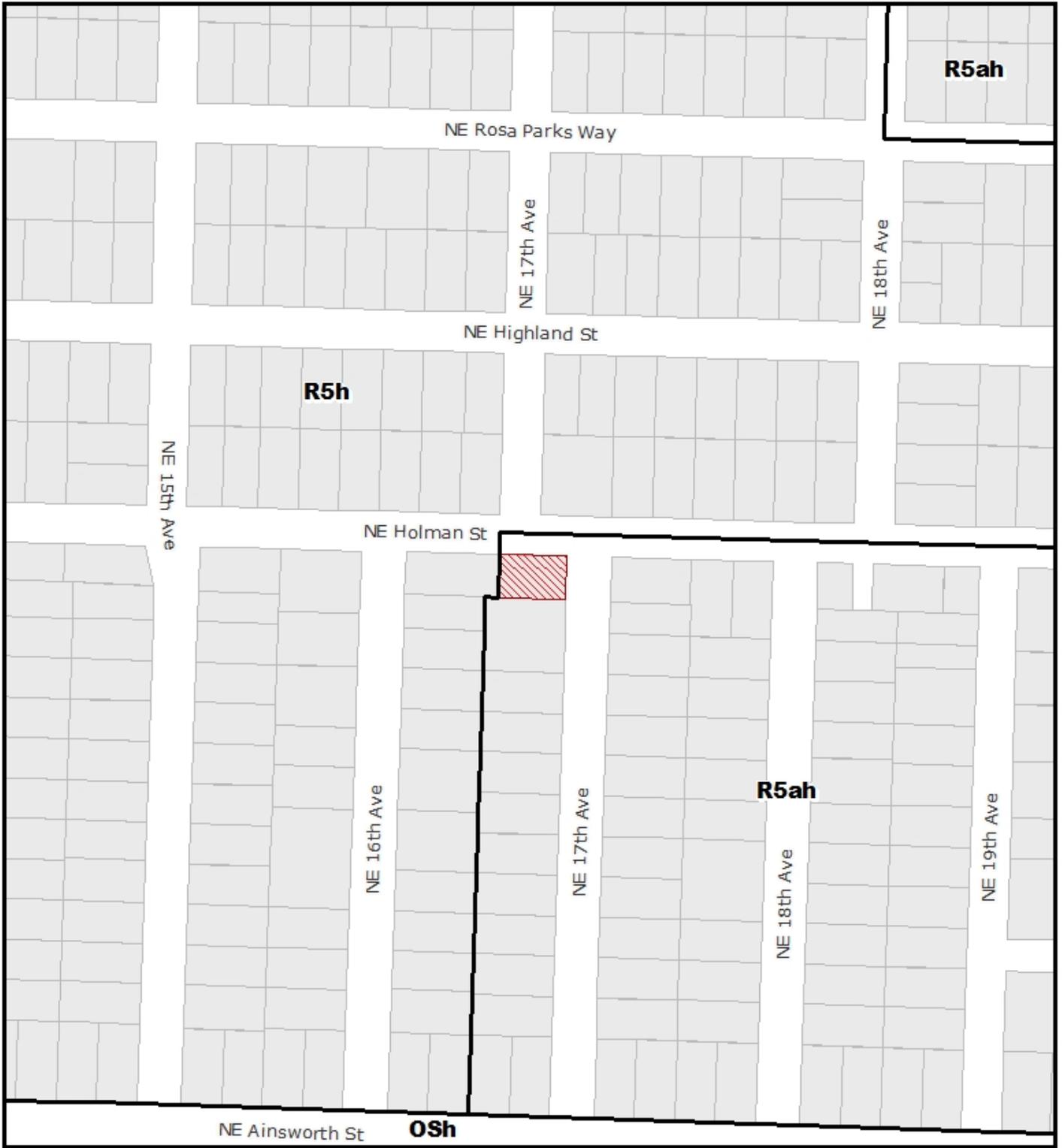
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Original Submittal, November 20, 2019
 2. Transportation Analysis, Lancaster Engineering, November 20, 2019
 3. Long-Term Resident Supplemental Information, December 5, 2019
 4. Updated Submittal, January 13, 2020
 5. House Rules
 6. Updated Submittal via email, January 29, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Existing House Elevations
 3. Floor Plan
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Environmental Services
 2. Bureau of Transportation, Development Review
 3. Water Bureau
 4. Fire Bureau
 5. Police Bureau
 6. Site Development Review Section of BDS
 7. Life Safety Residential Plan Review of BDS
 8. Urban Forestry Division of the Bureau of Parks and Recreation
- F. Correspondence:

None.
- G. Other:
 1. Original LU Application

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.	<u>LU 19 - 255448 CU AD</u>
1/4 Section	<u>2432</u>
Scale	<u>1 inch = 163 feet</u>
State ID	<u>1N1E14DB 14200</u>
Exhibit	<u>B Jan 10, 2020</u>

CURB

NE HOLMAN ST.

PLANTER STRIP

SIDEWALK

EXISTING 6' H. GATE

50.0'

Approved
 City of Portland - Bureau of Development Services
 Planner *[Signature]* Date 3/12/20
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXISTING HOUSE
 6255 NE 17th AVE
 Portland, OR 97211

PROPOSED ACCESSORY SHOOT-TERM RENTAL - 4 BEDROOMS

ADU RESIDENT OUT DOOR AREA

1 Site Plan
 1" = 10'-0"

ADDRESS: 6255 NE 17th AVE.
 PORTLAND, OR 97211
 ZONING: R-5



SITE PLAN

34.32"

23'-9"

RIGHT-OF-WAY

EXISTING SCENCE

EXISTING WALK

22'-3"

53.85'

18' x 9' PARKING SPACE

23'-9"

5'

34.32"

EXISTING 6' H. GATE

EXISTING 23'-9" X 10'-0" CONC. DRIVE

EXISTING 6' H. FENCE

EXISTING ARBORVITAE PLANTINGS

REC. 11/3/20

EXHIBIT C-1
19.255448 CU AD