



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

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**Date:** December 22, 2022  
**To:** Interested Person  
**From:** David Besley, 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 22-189817 CU**

**GENERAL INFORMATION**

**Applicant/Owner:** Alexander Assaf  
5265 NE 15th Ave  
Portland, OR 97211

**Representative:** Melissa Wright  
Short Term Rental Permits  
22355 SW Dejong Rd  
Sheridan, OR 97378  
Email: [melissa@strpermit.com](mailto:melissa@strpermit.com)  
Phone: (503) 407-1052

**Site Address:** 5265 NE 15TH AVE

**Site Address:** FIFTEENTH AVENUE CONDOMINIUM, UNIT 2

**Tax Account No.:** R278270030  
**State ID No.:** 1N1E23AB 50002  
**Quarter Section:** 2532

**Neighborhood:** Vernon, contact at [vnaboard@gmail.com](mailto:vnaboard@gmail.com)  
**Business District:** Soul District Business Association, contact at [Info@nnebaportland.org](mailto:Info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact at [info@necoalition.org](mailto:info@necoalition.org)

**Plan District:** None

**Zoning:** R2.5h (Single Dwelling Residential 2,500 and Aircraft Landing Overlay Zone)

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

**Proposal:**

The building on the subject site is a duplex and the owner is proposing to establish a Type B Accessory Short-Term Rentals (ASTRs) in the southern unit\*. This unit includes 5 bedrooms, one of which would be occupied by the resident/owner at least 270 days per calendar year. The other 4 bedrooms are proposed to be rented out to a maximum of 8 guests (two guests per bedroom). No exterior alterations to the house are proposed. No outside employees, food or beverage service, or commercial events are proposed. Proposed house rules would require quiet hours from 10 pm to 8 am.

Type B Accessory Short-Term Rentals are allowed in residential zones when the proposal meets the approval criteria and applicable standards. The regulations are intended to allow for efficient use of houses in residential areas if the neighborhood character is maintained. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

\*Note: The northern unit of the duplex is under different ownership and not part of this review.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are in Zoning Code Section 33.815.105: Conditional Use Approval Criteria for Institutional and Other Uses in a Residential Zone.

**ANALYSIS**

**Site and Vicinity:** The 5,000 square foot site is located on the west side of NE 15<sup>th</sup> Avenue, about 50 feet south of the intersection of NE 15<sup>th</sup> Avenue and NE Emerson Street. The relatively flat site is currently developed with a 3-story duplex with attached garages. Neighboring properties are developed primarily with 1.5-to-3-story single-dwelling houses. About one block to the north is NE Killingsworth Street, and about 2 blocks to the south is NE Alberta Street, which are busy commercial/mixed-use corridors.

**Zoning:** The R2.5 zone is a single-dwelling zone that is intended to preserve land for housing, and to provide housing opportunities for individual households. Development standards are intended to allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. Type-A ASTRs (allowing the rental of up to 2 bedrooms for 4 short-term guests) are allowed outright in the single-dwelling zones. Type-B ASTRs (allowing up to 5 bedrooms for rental to short-term guests) are allowed in the R2.5 zone when the proposal meets the Conditional Use approval criteria and applicable standards.

The "h" (Aircraft Landing) zone overlay will not be impacted by the Adjustment proposal for loading space requirements.

**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 **November 4, 2022**. The following Bureaus have responded as follows:

- The Portland Bureau of Transportation responded with information concerning how the proposal meets transportation-related approval criteria. Details of this response are included below under "Zoning Code Approval Criteria" (Exhibit E.1);
- The Life Safety Review Section of the Bureau of Development Services (BDS) expressed no objections to the Conditional Use proposal and included information about building code requirements (Exhibit E.2); and
- Urban Forestry responded with no concerns regarding the requested Conditional Use review (Exhibit E.3).

The following Bureaus have responded with no concerns (Exhibit E-4):

- The Bureau of Environmental Services;
- The Site Development Review Section of BDS;
- The Fire Bureau; and
- The Water Bureau.

**Neighborhood Review:** One written response was submitted by a notified property owners in response to the proposal (Exh. F.1). The neighbor expressed concerns that there is limited vehicle parking availability in the area and the proposal will result in additional parking needs and congestion on a busy street.

**Staff Response:** Vehicle parking is discussed in the Zoning Code Approval Criteria section below.

## ZONING CODE APPROVAL CRITERIA

### Conditional Uses

#### 33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

#### 33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone that maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
1. The number, size, and location of other uses not in the Household Living category in the residential area; and
  2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

**Findings:** For Criteria A.1 and A.2, the terms “area” and “residential area” are the same and are defined herein as an approximate distance of 600 feet from the site. This distance is reasonable as it considers all residentially-zoned properties within a few blocks of the site and expands on the 150-foot notification distance for this Type II land use review. Within the residentially-zoned portions of this area, all uses appear to be in the Household Living category. There are 8 Type A ASTR sites and one Type B ASTR site within the defined residential area.

Given that there are approximately 170 residentially zoned properties in this defined area, this proposed Type-B ASTR makes up less than 1 percent of all the residential properties, and the residential appearance and function of the area is thereby maintained.

The full-time resident of the site will occupy the fifth bedroom (on the third floor), and the other 4 bedrooms in the house will be used for short-term rentals (Exhibit C.1). The applicant/full-time resident of the site will need to reside on site for a minimum of 270 days during each calendar year, per Zoning Code Section 33.207.050.A.1, and a condition of approval is included with this decision to highlight this limitation. Staff notes the applicant's proposal (4 rental bedrooms for part of the year) is less intense than the maximum 5 rental bedrooms allowed for Type B ASTRs (Zoning Code Section 33.207.050.B.1).

To limit the intensity of the use, a condition of approval will require the ASTR to be rented to a single group at a time. This is intended to limit the potential number of vehicles coming to the site.

Additionally, since the applicant has not proposed to host commercial meetings on the site, and the approval criteria for this review have been evaluated without consideration of commercial meetings (such as luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation), a condition of approval will prohibit commercial meetings at the ASTR facility without approval of a new Type II Conditional Use Review. The house rules must be amended to reflect this requirement.

There are no alterations proposed to the house on this site, and the house will retain the appearance of a long-term residence for a household. Staff finds the Type B ASTR facility will not noticeably impact the appearance of the residential area.

For these reasons, and with conditions of approval to ensure that the 4 ASTR guest rooms be rented to a single party having a maximum of 2 guests per bedroom to limit the intensity of the use and a restriction on commercial meetings, staff finds this criterion is met.

## **B. Physical compatibility.**

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

**Findings:** City-designated scenic resources are identified on the official zoning maps with a lower case "s." There are no City-designated scenic resources on the site or in the surrounding neighborhood. Therefore, this criterion is not applicable.

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or

**Findings:** The 3-story house is in character with other houses in the area, which are comprised primarily of 1.5-to-3-story single-dwelling houses in a variety of styles. The neighborhood is in an area with minimal topographical changes. Lot sizes for these residential properties range from about 1,700 square feet to 18,000 square feet with the typical area being about 5,000 square feet. The site's lot size (5,000 square feet) and front setbacks (about 20 feet from the front property line) are consistent with the R2.5 zoned sites in the surrounding area. The proposed ASTR facility will operate inside the existing house, and no physical changes to the house or to the landscaping on the site are proposed with this application. This criterion is met.

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

**Findings:** The applicant is not proposing any physical changes to the lot or the exterior of the house to accommodate the ASTR facility. Existing development on the

site meets the setbacks, height, building coverage, and tree requirements of the applicable codes. Therefore, the proposed Conditional Use will not create any differences in appearance or scale between the subject property and neighboring properties that require mitigation. This criterion is not applicable.

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

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

**Findings:**

Late-night operations and noise

The house rules require indoor and outdoor quiet hours between 10 pm and 8 am every day (Exhibit A.3, page 3). A primary livability concern of many ASTRs is late-night activities and noise resulting from guests' use of both indoor and outdoor spaces. Given that this proposal seeks up to 4 bedrooms for ASTR use, the adjacent properties may be subject to greater impacts when compared with other properties in the residential area. ASTRs are typically required to have quiet hours starting at 10 pm (consistent with Section 18.12.020.B, described below). In order to minimize adverse impacts due to noise and late-night operations, a condition will require the house rules to state that the patios and outdoor areas may not be used by ASTR guests from 10 pm to 7 am.

The ASTR use must be in compliance 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.*

To alert guests of existing noise regulations and to help ensure that the house rules are understood by all parties and are followed, the house rules must include the above stated limitations on use of outdoor spaces and use of sound producing or reproducing equipment. The House Rules must be included in all advertising for the ASTR and must be posted in a visible location within the ASTR.

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 the Vernon Neighborhood Association and residents of properties adjacent to and across the street from the site with contact information for the onsite manager, the property owner, and (if applicable) the management company. This information must be provided annually by the ASTR Operator.

Lights, Odor, and Litter

No physical changes such as new exterior lighting are proposed. The proposed house rules (Exhibit A.3) must include instructions for dealing with guests' garbage, including proper use of recycling and compost, as well as garbage pick-up days, that will help prevent litter. No aspect of the ASTR operation is likely to produce odors that are different from a standard residential use, or that would adversely impact neighbors.

Summary

With the above conditions regarding enforcement of house rules, limitation on use of the outdoor areas/patios, listing requirements stating the maximum number of

bedrooms and guests for each stay, adding house rules to address guests' garbage to prevent litter, and provision of contact information to neighbors, this criterion is met.

2. Privacy and safety issues.

**Findings:** The Fire Bureau stated no concerns about the proposal (Exhibit E.4). Additionally, all bedrooms to be rented for ASTR purposes must receive a fee paid BDS inspection to ensure these rooms met the building code requirements for sleeping rooms at the time they were created, and that each room has a functioning smoke and carbon monoxide detector. There are no inherent safety issues associated with the proposed ASTR use. The applicant will provide current contact information for the operator and onsite resident to help address impacts quickly. While an outdoor patio at the back of the house presents a potential privacy issue for adjacent properties, particularly to the other unit of the duplex, a limitation on the hours of the patio use will minimize the privacy impact on adjacent neighbors.

With the above-cited conditions, the proposal meets Criterion C.

**D. Public services.**

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

2. Transportation system:

- a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

**Findings:** The Portland Bureau of Transportation (PBOT) submitted the following response (Exhibit E.1):

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.

**Institutional and Other Uses in Residential and Campus Institutional Zones (33.815.105)**

To support the transportation-related approval criteria, the applicant submitted a professional Transportation Impact Study (TIS) prepared by Lancaster Mobley, dated

September 22, 2022. The Portland Bureau of Transportation (PBOT) Development Review has performed a review of the submitted professionally prepared TIS and agrees with the methodologies, analyses, and conclusions to confirm that the transportation-related approval criteria are satisfied.

At this location, the City's Transportation System Plan (TSP) classifies NE 15th Ave as a Neighborhood Collector, Major Transit Priority, Major City Walkway, City Bikeway, Major Emergency Response, and Community Corridor for Design. The street is improved with a 30-ft wide paved roadway with a 10-ft wide pedestrian corridor within a 50-ft Right-of-Way (ROW). The proposed Accessory Short-Term Rental (ASTR) is supportive of the Transportation System Plan (TSP) classifications.

Trip Generation and Distribution: To estimate vehicle trips generated by the proposed ASTR, information from the Trip Generation Manual, 11th Edition, published by the Institute of Transportation Engineers (ITE) was utilized. ITE does not have specific code for ASTRs, therefore ITE land use code 320, Motel to calculate trip rates for the proposed use. Utilizing this data, that applicant has shown in Table 3 of the submitted traffic study, that under the maximum rental scenario, that the proposed ASTR is expected to generate 14 additional average weekday trips. However, the applicant has proposed to rent no more than two individual groups at a time. Data indicates these groups typically travel together and consolidate vehicles to minimize travel expenses. Therefore, the anticipated additional trips are expected to be much less than the maximum rental scenario as analyzed. These additional trips will likely use a combination of NE 15th Ave as the main north/south connection and NE Killingsworth as the main east/west connections. Therefore, development of the site with an ASTR will not impact the distribution of local traffic throughout the area.

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 study intersections during the morning and evening peak periods of Wednesday, August 24th, 2022, from approximately 7:30 AM to 8:05 AM and 5:05 PM to 5:40 PM.

The results of the field observations indicate that all study intersections are currently operating acceptably during the peak hour periods. Based these observations, the applicant concludes that Short-term rental of the home will have a negligible impact on existing vehicle delays, and intersections will continue to maintain acceptable operations. Therefore, the existing intersections are able to manage the nominal increase in traffic and will not negatively affect City of Portland's operational standards.

Safety for All Modes: For vehicle safety, the applicant's traffic engineer obtained from the Oregon Department of Transportation's (ODOT) Crash Data System, a review of approximately five years of the most recent available crash history (January 2016 through December 2020) was performed at the study intersections as demonstrated in Table 4 of the TIS. Based on the review of historical crash data and field observations at the intersections, the applicant's traffic engineer concluded that no significant safety hazards were identified at the study intersections.

For bicycles, there are four identified bicycle routes in close proximity to the site detailed on page 8 of the applicant's TIS. All of which are shared streets with low-speed vehicle traffic. The remainder of neighborhood streets not listed as bicycle routes in the immediate site vicinity are typically low-volume roadways that provide alternative routes to these and other nearby bicycle paths. Accordingly, the surrounding bicycle infrastructure provides a safe and comfortable traveling environment for bicyclists.

For pedestrians, sidewalks are generally complete along both sides of nearby area roadways, including NE 15th Avenue. At the intersection of NE Killingsworth Street at NE 15th Avenue, there are marked crossings across the southern and eastern legs of the intersection. At the intersection of NE Alberta Street at NE 15th Avenue, there are marked crossings across all intersection legs. For area intersections/roadways that don't provide marked crossings, these transportation facilities typically serve low volumes of traffic with posted/statutory speeds of 20 mph. The proposed short-term rental will not remove or block any existing walkways within the area, whereby pedestrian safety and connectivity in the immediate vicinity will be maintained.

Pedestrian, Cycling, and Transit Availability: The project site is located near two TriMet bus lines that have stops located within an approximate half-mile or less walking/biking distance of the project site. Complete sidewalks and adequate crossing measures are available between the site and the nearest stops which serve each transit line. A summarized description of each transit line is shown in Table 6.

For pedestrians, as noted above, the sidewalk conditions in the area are generally complete along both sides of nearby area roadways, including marked crosswalks and some locations. The neighborhood street grid provides abundant pedestrian routing options to a variety of local destinations, and sidewalks are generally provided on both sides of each street. Also as noted above, there are four identified bicycle routes in close proximity to the site. The remainder of area streets are low-volume roadways which connect to other identified routes.

Connectivity: The subject site is located in a well-established typical grid network of ROW 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.

Access Restrictions: There are no access restrictions affecting the property.

On-Street Parking Impacts: To determine the availability of parking as well as the existing parking demand in the study area, parking observations were conducted during the late evening hours from approximately 11:15 PM to 11:30 PM on Tuesday, August 30th, 2022. Observations were conducted along the vicinity roadways of NE Emerson Street, NE Sumner Street, NE 14th Place, NE 15th Avenue, and NE 16th Avenue, within an approximate one-to-two block distance from the site. The total observed on-street parking demand within the site vicinity was 199 passenger cars during the late evening hours with an estimated available on-street parking supply of 260 spaces. As detailed in Table 9 of the applicant's parking analysis, the proposed ASTR will increase the available parking demand from 77% occupied to 78%, or a net increase of approximately 3 spaces. Therefore, the proposed use is not found to represent a significant increase in on-street demand.

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 a sufficient supply of on-street parking within the study area to accommodate the 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. Further, the applicant self-imposed that rentals will be to no more than two groups at a time. 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".

#### **RECOMMENDATION**

PBOT has no objections to the proposed Accessory Short-Term Rental (ASTR), subject to the following conditions:

- That rentals will be to no more than one group at a time.
- The applicant provides 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.

As noted in Section A above, the rooms must be rented to a single group, which will minimize parking impacts. Additionally, the ASTR Operator must provide to all ASTR guests information regarding transit schedules, multi-modal information and maps, and additional measures consistent with the Transportation Demand Management Strategies listed in the submitted Transportation Impact Study. As conditioned, 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.

**Findings:** As noted above, the Bureau of Environmental Services, Water Bureau, and Fire Bureau reviewed the proposal and responded that they have no concerns with the proposed ASTR (Exhibit E.4).

Based on the responses from the relevant City service bureaus, this criterion is met.

- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

**Findings:** The site is within the boundaries of the Albina Neighborhood. The Albina Neighborhood Plan includes the following relevant objective:

- Strengthen the markets for local goods and services by encouraging business growth, tourism development, residential rehabilitation, and new housing construction (Objective 14, Page 40).

The proposed ASTR will strengthen the market for local services by encouraging tourism because it will provide lodging at a local, homeowner-run level. The proposal will therefore be consistent with the neighborhood plan.

### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

### **CONCLUSIONS**

The applicant proposes to operate a Type B ASTR facility with 4 guest rooms to be rented to a maximum of 8 guests. No parties or commercial meetings will be held. A third floor bedroom will be occupied by the site's resident/owner, who will live at the site at least 270 days per

year. To further limit the intensity of the use, a condition of approval will require the ASTR to be rented to a single group at a time. This is intended to limit the potential number of vehicles coming to the site, and the number of parking spaces required.

Quiet hours are required between 10 pm and 7 am. Nearby neighbors will be provided with current contact information for the long-term resident/ASTR Operator and management company. With conditions of approval, the proposed Type B ASTR facility meets all of the applicable approval criteria and therefore should be approved.

## ADMINISTRATIVE DECISION

Approval of a Conditional Use to allow a Type B Accessory Short-Term Rental facility within the existing single-dwelling with up to a maximum of four bedrooms available for rent at a time, as shown on the plans, Exhibits C.1-C2, subject to the following conditions:

A) **Prior to the start of operation of the Type B ASTR**, the Property Owner/ASTR Operator must meet the following conditions:

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 up to three ASTR bedrooms.
2. Provide the Vernon Neighborhood Association (<https://www.vernonpdx.org/>), and residents of properties adjacent to the site and across the street with phone contact information (name and phone number) for the ASTR operator / property owner, and the management company if applicable. The properties to be included in this notification are:
  - 5275 NE 15TH AVE;
  - 5266 NE 15TH AVE;
  - 5255 NE 15TH AVE; and
  - 5266 NE 14TH PL.

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

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

1. Provide rental arrangements limited to single ASTR group only, with a maximum of 2 guests per legal bedroom at any one time, regardless of age. If the maximum number of four (4) bedrooms are rented, ASTR group size is limited to eight (8) people.
2. Use of all outdoor spaces are prohibited between the hours of 10 p.m. and 7 a.m. all days by ASTR guests.
3. ASTR use on the site must not create noise impacts in violation of Portland City Title 18, Noise Control, which prohibits the following:
  - 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. to be plainly audible within any dwelling unit which is not the source of sound.
4. Commercial meetings, including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other

gatherings for direct or indirect compensation, are not allowed and house rules must be amended to reflect this.

5. The ASTR operator must amend the House Rules in Exhibit A.3 to include Conditions B.1 through B.4 of this approval. The amended House Rules must be included in all advertisements for the ASTR facility.
6. The ASTR operator must maintain the House Rules, as required to be amended by this decision and conditions, for the duration of the operation of the ASTR facility. The ASTR Operator must email or mail copies of these House Rules 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.
7. All advertisements for the ASTR shall display prominently in the title of the advertisement the maximum number of bedrooms and the maximum number of people allowed per nightly rental.
8. 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.
9. The ASTR Operator must provide to all ASTR guests information regarding transit schedules, multi-modal information and maps, and additional measures consistent with the Transportation Demand Management Strategies listed in the submitted Transportation Impact Study.
10. The ASTR Operator will maintain a Guest Log Book. The Guest Log Book must include the names and home addresses of guests, 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.
11. On an annual basis, the ASTR operator must provide the Vernon Neighborhood Association, and residents of properties adjacent to the site and across the street with phone contact information (name and phone number) for the ASTR Operator / property owner, and the management company if applicable. The properties to be included in this notification are:
  - 5275 NE 15TH AVE;
  - 5266 NE 15TH AVE;
  - 5255 NE 15TH AVE; and
  - 5266 NE 14TH PL.

The ASTR Operator shall maintain paper copies of these notifications, including the list of who was notified and when, for inspection by City staff upon request. The ASTR Operator is responsible to ensure that phone contact information remains current and neighbors are provided with updates.

**Staff Planner: David Besley**



**Decision rendered by:** \_\_\_\_\_ **on December 20, 2022.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: December 22, 2022**

**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 October 3, 2022, and was determined to be complete on October 31, 2022.

*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 October 3, 2022.

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: February 28, 2023.**

**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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on January 5, 2023. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto:LandUseIntake@portlandoregon.gov) and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that only digital copies of material in the file are available for viewing. Additional information

about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at <https://www.portlandoregon.gov/citycode/28197>.

**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 **January 5, 2023** 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.

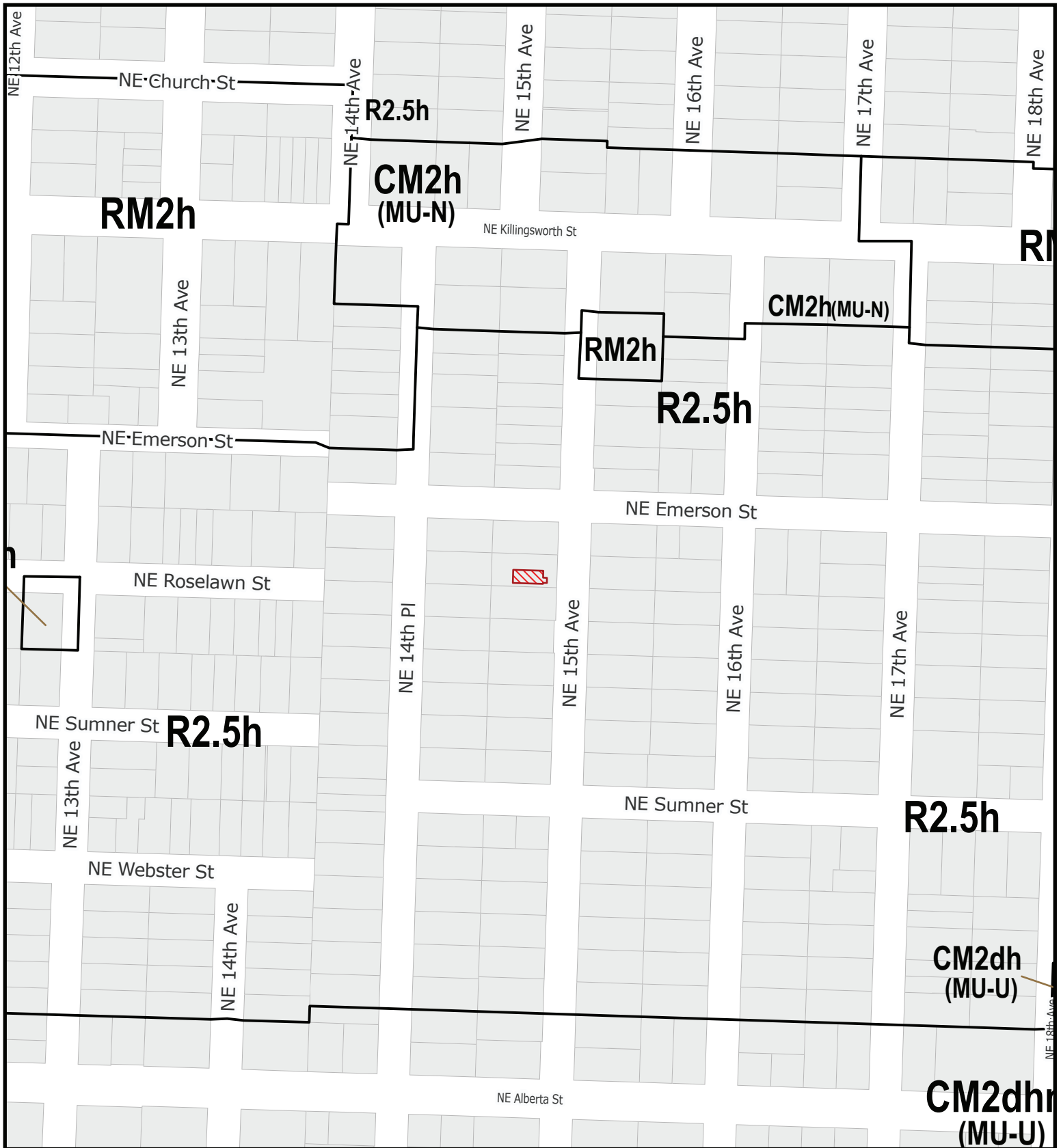
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Submittal
  - 1. Applicant's Narrative
  - 2. Resident ID
  - 3. House Rules
  - 4. Traffic Analysis
  - 5. Sample Listing
  - 6. Deed demonstrating ownership
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Floor Plans (attached)
  - 2. Site Plan
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Transportation Engineering and Development Review
  - 2. Life Safety Section of BDS
  - 3. Urban Forestry
  - 4. Bureaus responding with no concerns (Bureau of Environmental Services, Site Development, Fire, and Water)
- F. Correspondence:
  - 1. Susana Emberg, November 9, 2022, comment letter
- G. Other:
  - 1. Original LU Application and Receipt
  - 2. Incompleteness determination letter, dated October 20, 2022

**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).**



For Zoning Code in effect October 1, 2022

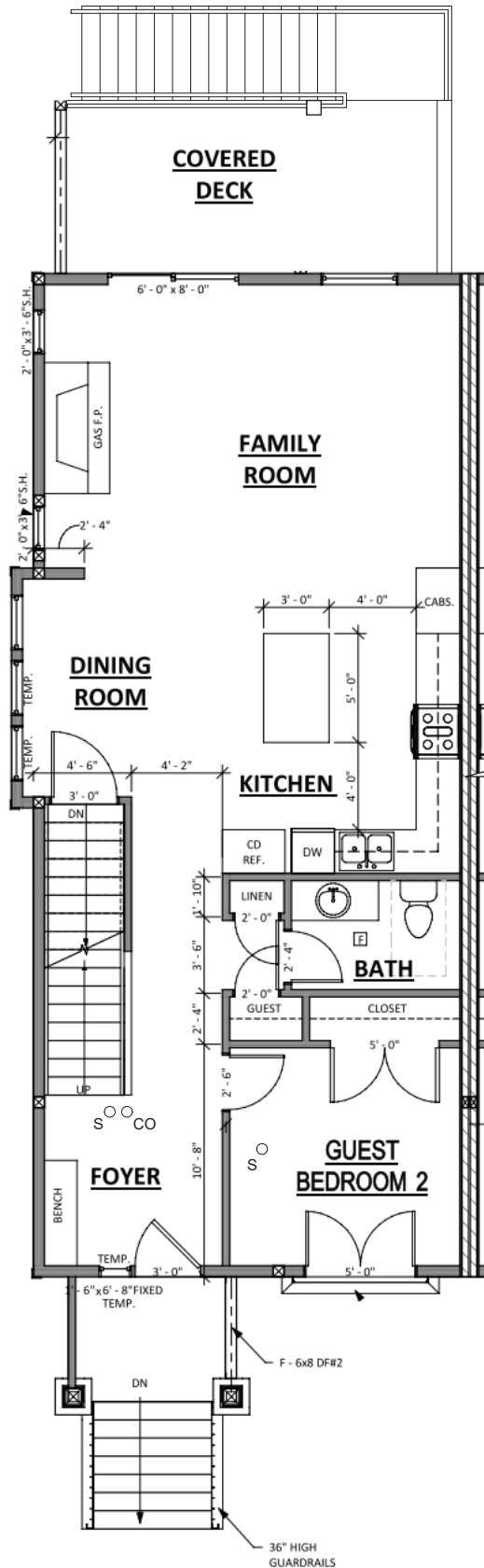
**ZONING** 

 Site

File No.	<u>LU 22 - 189817 CU</u>
1/4 Section	<u>2532</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E23AB 50002</u>
Exhibit	<u>B Oct 07, 2022</u>







AJDACENT DUPLEX  
(NOT PART OF PERMIT)

**NOTE:**  
'S' REFERS TO SMOKE DETECTOR  
'CO' REFERS TO CARBON  
MONOXIDE DETECTOR

① Second Level Floor Plan  
3/16" = 1'-0"



LU 22-189817 CU Exh. C.1

1.2

NE 15th ASTR  
5265 NE 15th Ave.  
Portland, OR 97211

Second Floor Plan

Aligned Design, LLC  
Lindsey Jones, LEED AP  
www.aligneddesignpdx.com  
(503) 606-6100  
hello@aligneddesignpdx.com



Issue Date: 9/12/2022

